SENATE—*Tuesday, March 28, 1995*

(Legislative day of Monday, March 27, 1995)

The Senate met at 9 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 John Lloyd Ogilvie, D.D., offered the following prayer:

Let us pray:

Trust in the Lord with all your heart, and lean not on your own understanding; in all your ways acknowledge Him, and He shall direct your paths—Proverbs 3:5–6.

Lord, what You desire from us You inspire in us. You use whom You choose; You provide for what You guide; You are working Your purposes out and know what You are about. We trust You with all our hearts. Infuse us with Your spirit and use us.

We praise You for the challenges of this day that will force us to depend more on You. Knowing that You never forget us, help us never to forget to ask for Your help. Set us free of any worries that would break our concentration on the work You have given us to do today. We entrust to Your care our loved ones and friends, those who are ill or confronting difficulties. And Lord, help us to be sensitive to the needs of people with whom we work today. Let us take no one for granted assuming that a polished exterior is the result of a peaceful interior. So enable us to be to others what You have been to us. Help us to live this day as if it were the only day we had left. So if there is any kindness we can show, and affirmation we can give, any care we can impart, Lord, help us to express it today. May we be a boost and not a burden; a source of courage and not of cynicism. Lord, this is the day You have made and we plan to rejoice and be glad in it. In Your holy name.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. DOMENICI. Mr. President, this morning the leader time has been reserved and there will be a period for morning business until the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each, with the exception of the following: Senators DOMENICI and BIDEN, 5 minutes each, Senator COVERDELL for up to 15 minutes, and Senator THOMAS for up to 35 minutes.

At the hour of 10 a.m., the Senate will begin consideration of S. 219, the moratorium bill. Amendments are expected to the bill. Therefore, Senators should be aware that rollcall votes are possible throughout today's session. Also, the Senate will stand in recess between the hours of 12:30 and 2:15 for the weekly party luncheons to occur.

MORNING BUSINESS

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

The Senator from New Mexico [Mr. DOMENICI] is recognized to speak for up to 5 minutes.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI and Mr. WELLSTONE pertaining to the introduction of S. 632 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE STATE OF AMERICA'S CHILDREN

Mr. WELLSTONE. Mr. President, today, the Children's Defense Fund, a wonderful organization—and thank God there is such an organization with a strong voice for children—has issued a report, "The State of America's Children."

I would, for my State of Minnesota, like to release some statistics from this report on the floor of the Senate and then I would like to talk about what these statistics mean in personal terms for my State and for the politics of the country for this Congress.

Minnesota's children at risk—this report was issued today by the Children's Defense Fund: 60,615 children lacked health insurance in the years 1989 to 1991—over 60,000 children lacking health insurance; 27,462 reported cases of child abuse and neglect, 1992—27,462 reported cases; 116 young men died by violence, 1991; 48 children were killed by guns, 1992.

Only 71.4 percent of 2-year-olds were fully immunized, 1990—30 percent of children not fully immunized. This is my State of Minnesota and, in my humble opinion, that is the greatest State in the country; 35 percent of 4th grade public school students lacked basic reading proficiency, 1992.

Those are Minnesota's children at risk.

Mr. President, on the back of this report released today by the Children's Defense Fund, there are the following statistics, which I have read on the floor of the Senate before, but this is a new report, new data:

Every day in America, three children die from child abuse.

Every day in America, 15 children die from guns.

Every day in America, 27 children—a classroomful—die from poverty.

Every day in America, 95 babies die before their first birthday.

Every day in America, 564 babies are born to women who had late or no prenatal care.

Every day in America, 788 babies are born at low birthweight, less than 5 pounds 8 ounces.

Every day in America, 1,340 teenagers give birth.

Every day in America, 2,217 teenagers drop out of school—each day.

Every day in America, 2,350 children are in adult jails.

Every day in America, 2,699 infants are born into poverty.

Every day in America, 3,356 babies are born to unmarried women.

Every day in America, 8,189 children are reported abused or neglected.

Every day in America, 100,000 children are homeless.

Every day in America 135,000 children bring guns to school.

Every day in America, 1.2 million latchkey children come home to a house in which there is a gun.

Mr. President, I would like to, from this Children's Defense Fund report that came out today on the state of America's children, talk about what this means with Minnesota children at risk.

> A Nation that would rather send someone else's child to prison for $15,496 a year, or to an orphanage for over $36,000 a year, then invest in $300,000 worth of immunization and $100,000 worth of prenatal care to give a child a healthy start, $1,800 to give that child a summer job to learn a work ethic, lacks both family values and common and economic sense.

Mr. President, let me just add that as long as we are going to be talking about a budget deficit and addressing that budget deficit, I think it is time that we also address a spiritual deficit in our Nation. I have brought an amendment to the floor of the U.S. Senate four times which has been defeated. I will bring it back on the floor this week, especially with the rescissions bill over here.

I commend Senator HATFIELD, and others, for their fine work in at least

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

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restoring some of the cuts for some programs that are so important. I know that I met with citizens back in Minnesota about cuts to the Low Energy Assistance Program. In my State of Minnesota, over 100,000 households, 300,000 individuals, I say to my colleagues, 30 percent elderly, members of household, 40 percent child, over 50 percent someone working; this was a grant of about $350 that enabled somebody to get over a tough time, with 40 percent using it only 1 year. People were terrified. I will thank Senator HATFIELD and others for not zeroing out that program.

As I look at these cuts that are before us, Mr. President, I would like to raise some questions not about the budget deficit but about the spiritual deficit. Minnesota children at risk. I will have this amendment on the floor and I will ask one more time for my colleagues to go on record that we will not pass any legislation, take any action that would increase the number of hungry or homeless children in America. That amendment has failed in four separate votes, though the support for the amendment is going up; the last time it received 47 votes.

Mr. President, I want to ask the following question: Who decides that we are going to cut child nutrition programs but not subsidies for oil companies? Who decides that we are going to cut the Headstart Program but not subsidies for insurance companies? Who decides that we are going to cut child care programs but not tobacco company subsidies? Who decides, Mr. President, that we are going to cut educational programs for children, but not military contractors?

Mr. President, some people are very generous with the suffering of others. And it is time that we understand that we should not be making budget cuts based on the path of least political resistance, making cuts that affect citizens with the least amount of clout that are not the heavy hitters and do not have the lobbyists.

There needs to be a standard of fairness. I will insist on that during this debate. Mr. President, if you will allow me 15 seconds for a conclusion, over and over again on the floor of the U.S. Senate, I will, if you will, shout it from the mountain top. There will not be any real national security for our Nation until we invest in the health and the skills and the intellect and the character of our children. That is what this debate is about.

I thank the Chair and I thank my colleagues for their generosity and graciousness.

The PRESIDING OFFICER. The Senator from Georgia is recognized to speak for up to 15 minutes.

OUR NATION'S STRIKING DILEMMA

Mr. COVERDELL. Mr. President, I want to begin by thanking the members of the bipartisan commission that concluded its work last year—the entitlement commission and the Congressional Budget Office and the Senate Budget Committee, and others, who have contributed to my purpose and reason for speaking to the Senate this morning.

In perusing their work—and we do get inundated with information in this Capital City—but as I was going through the material they had provided, I suddenly fell upon a page for which this chart is a near replica. It has been improved and modified with new information. But this single page riveted my attention, and I think if known, it would command the attention of every American, every American family, and every American business. It poses for our Nation a striking dilemma.

Mr. President, what it points to is this fact and this condition: Within 10 years—maybe 8, maybe 12—the entirety of all U.S. revenues—all U.S. revenues—are consumed but by five outlays, five expenditures. You just have to think for a moment of the thousands and thousands of Federal expenditures that we accrue each year. When you start saying that, within a decade, I suppose most everybody within the sound of my voice, with God's permission, expects to be here in 10 years. In 10 years, all of our Government's revenues are consumed by just five expenditures.

Mr. President, those expenditures are Social Security, Medicare, Medicaid, Federal retirement, and the interest on the United States of America's debt. Those five things will consume every dime the country has.

This chart shows those five expenditures and U.S. revenues meeting in the year 2006, but 10 years away. I believe it will occur sooner than that.

But, in any event, on or about this date, we are confronted with this calamity. We were just listening to the Senator from Minnesota talk about a program for children in which he has great interest. The point is that if we allow this to happen to ourselves, within 10 years, anything the U.S. Government wanted to do either could not be done because there would be no revenue to do it, or we would have to borrow it. In short, we would be saying that to run the U.S. Government, the Defense Department, to build a road, a canal, to widen a port, to take care of the program for children mentioned by the Senator from Minnesota, and the School Lunch Program which has been debated in the House, it would either have to be discontinued, or we would have to borrow to do it. Think of it—borrow to run the entirety of the U.S. Government, or not do it, because all the money will have been consumed but by five outlays.

Mr. President, from time to time, in America's history, Americans have been called upon to do extraordinary things—those that founded the Nation, those that fought to keep it a union, the Americans that went to Europe in the name of freedom in 1918, and again in 1940. Mr. President, my view is that no generation of Americans—none—will have ever been called upon to do more than the current generation of Americans as they face this staggering crisis.

I repeat that: I do not believe there is any generation of Americans other than those living today that will have been asked to do more in the name of saving this Union.

Mr. President, this is not a message of gloom. Mr. President, this is a message of challenge. Challenge. I have never known a generation of Americans that would flinch or cower from facing a crisis that had to do with the saving of the Union.

First, Americans have to know about this problem, which I do not believe they do. I think Americans understand that we have difficulties and problems. But they do not know that the problem is at their back door. They have heard policymakers for years talk about the growing crisis of our fiscal affairs.

What they do not realize is that there is not another generation to pass this problem to. We cannot pass the baton to someone else. It is our problem. We are going to have to confront it now. We are going to have to try to prevail. That means move to a balanced budget. That means it has to be done fairly and evenhandedly.

Mr. President, we are going to have to take steps in these Chambers to remove the burdens of business so that we can expand our economy.

I contend that when we look at this conversion of but five outlays that consume all of our revenues, we are going to have to confront what I would characterize as generational contracts. We are going to have to take these entitlements and honor our agreements to those who are at the end of their work careers. But for those coming into the work career, we are going to have to entertain and shape new agreements.

Mr. President, this generation of Americans has a choice. It can do those things I just talked about—tighten the belt, move to a balanced budget, expand the economy, move to generational contracts on entitlements. If we do that, the American dream, which has been a part of this country since its inception—that life would always be better for the new generation, that the new generation would have more opportunity, be better educated, it would be a stronger nation—is still possible. If we do the tightening of the belt, if we enter into generational contracts, if we do the things to expand the economy, we will create millions of new jobs for America's future. If we do these things, we

will create thousands of new businesses. And in forming the new businesses, we will generate new ideas and better ways to live, and we will elevate our standard of living in this country.

But what if we choose to flinch? What if we ignore what we have been told—that five expenditures will consume all of our revenues in but a decade. What if we ignore this, while history is full of nations in ruins because they failed to confront this kind of crisis?

If we let this happen, the future generations will have to bear an 82-percent tax rate to pay for our failure to confront this issue. Mr. President, 82 percent of earned wages would be consumed just in order to take care of our fiscal abuse.

We would be saying to the future that the present is all we are worried about. We do not care about those jobs in the future. We do not care about the burden of the working family in the future.

Mr. President, I began these remarks by saying that I believe that this generation of Americans will be called upon as no other. We are at a unique crossroads in the history of this Nation.

The other enemies were outside our borders. They were easier to identify—Hitler marching. Across America, the great divide in our Nation, this is a battle amongst ourselves. This is an insidious, creeping development that is much harder to recognize.

Just as sure as the Sun comes up in the morning and sets in the West, this generation of Americans will have to confront this crisis or we will undo our own Nation.

I want to add one other thing, Mr. President. There is only one world power today. We all acknowledge that we are still living in a very dangerous world. If we destabilize our currency, if we wound ourselves because we lack the discipline to manage our fiscal affairs, we will make the world a very dangerous place for the future families of America. It will not be difficult for our world adversaries to know that if we do not care for our financial health, we will be unable to defend our freedom here or anywhere else in the world.

I have but one request, Mr. President. I hope that every American family will take a look at this very simple chart that says within 10 years, we will consume all U.S. revenues with but five expenditures—Social Security, Medicare, Medicaid, Federal retirement, and the interest on debt—and put that chart on their kitchen table and contemplate what that means to the planned retirement of the parents, to the aspirations for education and jobs of the children, and the future of their country. I believe, from around that kitchen table, will come the will and the resolve to confront this great moral challenge for the United States.

I ask them to do this for themselves, Mr. President, and for their families, and for this Union.

Mr. President, I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. THOMAS] is recognized to speak for up to 35 minutes.

HOW TO PROCEED ON WELFARE REFORM

Mr. THOMAS. Mr. President, I am pleased today to join my freshman colleagues to discuss some of the solutions and some of the facts, the interest, that go into the Nation's welfare system.

Before the debate on welfare reform can proceed, however, it seems to me that we have to make some stipulations. We have to begin with the basic premise, the premise that everyone in this Chamber is compassionate about helping over 26 million people climb out of poverty. That is not the question.

I think if we are really seeking some solutions to our welfare problems, some solutions to help Americans advance themselves, we have to get away from this idea of saying that this group—because they have a different view—wants to throw everybody out in the cold.

I think we do all start with that notion that every day, each person has a responsibility to make this a better place to live. With that premise, we wanted to talk some about the fundamental question of how we proceed, and what is the role of the Federal Government; how can we make changes that will cause some changes in the results of the welfare program?

Mr. President, let me first recognize the Senator from Arizona.

Mr. KYL. Mr. President, I thank my colleague for yielding. The 11 freshman Republican Senators have made it a point to come to the Chamber and speak each week on an important topic because we have just gone through an election, have just spoken very directly with our constituents, with a large segment of the block of voters who called for change in this last election. The Presiding Officer experienced that as well, and knows the fervor with which our constituents approach the issues of reform and change.

No issue that they talked about in the last campaign had more emotional feeling to it, I think, than the issue of welfare reform. Because they not only recognized that welfare reform could result in huge savings of money to the Federal Government, but that we were destroying generations of people, creating a cycle of dependency from which too many people were finding it impossible to extricate themselves.

So it is a very personal challenge as well as a sound, prudent fiscal policy that causes us to look to the issue of welfare reform. We do that this week because we want to compliment our House colleagues for passing a meaningful fundamental welfare reform package, the first real effort to reform our failed welfare system in decades, and to say to our House colleagues: You got the ball rolling and now it is our opportunity in the Senate to take advantage of the momentum you have created, to take the legislation you have passed and to try to improve upon it if we can, and to get a bill to the President which he can sign, truly ending welfare as we know it.

The House bill, in most people's view, is not a perfect bill. But it is a very good start toward this issue of welfare reform. As I said, it is now our opportunity.

Let me just make four quick points about what I think our approach to this problem ought to be.

Our current system, I think almost everyone has now recognized, does not foster independence, and family, and responsibility—all values that we know are essential, but, instead, perpetuates both material and behavioral poverty. The most compassionate, responsible course of action that I think we can take is to find a way to free our Nation's children and families from dependency in this terribly flawed welfare system.

Toward that premise I think we should first admit that continued dramatic increases in Federal social welfare spending have failed to reduce the number of people in poverty in this country and that more money is simply not the answer. The Federal Government has spent more than $5 trillion on social welfare programs since President Johnson declared the war on poverty, yet, according to the Congressional Budget Office figures, total spending will rise to 6 percent of the gross national product by 1998. Since the mid-1960's, poverty has actually increased from 14.7 percent to 15.1 percent today. So after spending all this money we have not eradicated poverty. It is more in our land than before.

Second, the Federal Government does not know best how to spend our hard-earned dollars. One of our colleagues gave us a test. If you inherit $100,000 and because you are a good citizen you want to, in effect, tithe a tenth of that to solve the problem of social deconstruction in our country, to whom would you give that $10,000? What organization would you give it to, to best help eradicate poverty in your own community? I daresay none of us would invest that in the U.S. Government. None of us would say the Federal Government welfare programs are pretty good, let us give the $10,000 to them. We would pick the local homeless shelter or Salvation Army or some other local group that really knows how to stretch the dollars and make

the individual decisions in the community that we know work.

It is interesting, several Governors, including Tommy Thompson from Wisconsin, whose welfare roles have declined 25 percent over the past few years, have had to ask for literally hundreds of waivers from the U.S. Government in order to achieve welfare reform in their own States. So giving States more flexibility to quickly achieve welfare reform will help those in need.

Third is the point the Senator from Wyoming just made, and it is a very important point, we must end the damaging and incorrect rhetoric which suggests that somehow by reforming welfare we are going to be taking food out of the mouths of young children. This is rhetoric of the worst kind. The House bill, for example, has been criticized, but few point out that the House bill actually increases funding for school lunch programs by 4.5 percent each and every year for the next 5 years, an increase of $1 billion; and that the block grants to the States will save money and enable them to apply those funds to the children.

Fourth, the Federal Government and the States must continue to search for ways, whether they be difficult initial choices or not, which foster self-sufficiency, encourage marriage, and work. The House bill contains several such incentives. For example, we should eliminate the marriage penalty created in the Tax Code. Fathers should be required to live up to their financial responsibilities. Again, giving States the flexibility to design programs which will effectively reduce out-of-wedlock births and other similar conditions which create poverty are an important element of any welfare reform program.

There is more, but I think we make the point that there are several things that need to be done here. The House was on the right track and we in the Senate need to give our backing to that in the kind of bill we pass out of Senate and not let this momentum flag but be able to send a bill to the President.

I conclude with this point. There is a big difference between taking care of people and caring for people. Taking care of people was the philosophy of the Great Society programs. It has not worked. True compassion is caring for people in a way that provides them a hand up, not a handout. That should be the guiding philosophy to end the cycle of dependency that has been created by 40 years of misguided welfare policies. That should be the guiding philosophy of true welfare reform that comes out of the U.S. Senate.

Mr. President, I thank the Chair and the Senator from Wyoming for again getting the freshmen Members of the Senate here to talk about this important subject.

99-059 O—97 Vol. 141 (Pt. 7) 18

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. The Senator from Arizona, I think, has made one of the key points in this whole discussion, and that is this is a compassionate society. All of us are committed to the concept that we help people help themselves. Unfortunately, almost everyone agrees that the war on poverty has failed, and that we have more of a problem now than we did when it began. That is what this is about—how do we have a better system of helping the people help themselves.

One of the persons who has worked very hard and very diligently, and I think is most knowledgeable in this area, is the Senator from Pennsylvania, who last year in the House was basically the author and principal architect of the proposal put together by the Ways and Means Committee that would accomplish some of those things.

I yield to the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Wyoming for yielding the time. I appreciate the kind words in the introduction.

I, too, want to say the Senator from Wyoming and Senator from Arizona have hit the nail on the head. I think the reason, the impetus behind us being here this morning is really to start this debate out on welfare reform with a little different tone than it took in the House of Representatives. The fact of the matter is, the debate in the House, with ample support from the national media, turned into a really disgraceful event that turned so mean-spirited and accusatory that it focused very little on what actually was going to occur and what the underlying principles were in the reform effort that were underway. It focused just on name-calling and, I think, outrageous allegations about the mean-spiritedness of the Republican proposal.

We are here this morning as the freshman class to say we have examined and are examining this proposal, and we see it as a very positive move forward in helping people get out of poverty. That is what this is all about. You will hear some say, "The Republicans, they just want to cut people off." I would tell you that I would not be here today—and I do not think any of us would be here today—if we thought that was the motivation behind the welfare reform proposal, just to hurt people.

I am not in the business of hurting people. I do not like hurting people. I want to try to help folks. But I truly believe, as I think my colleagues will also state, that you do not help people, as Senator KYL said, by taking care of them, by making them dependent on you, by providing for them instead of giving them the opportunity to provide for themselves. That is not truly taking care of. That is not truly helping people.

So when you look at these proposals, look at it not as to how much are we doing for somebody, but how much are we helping them help themselves. How much opportunity are we creating; not how much are we taking care of. That is really the test here, because we know from our history that taking care of people destroys them, destroys communities, destroys families, destroys country. That is what is brewing in our communities that are heavily laden with welfare populations today. That destructive element of Government dependency is taking control and is not creating better communities, families, individuals, and neighborhoods.

I have been asked, because of my background in the House on this issue, what the prospects are here in the Senate. The general conventional wisdom is the Senate will water it down and we will get something that is just sort of tinkering with the system, that they will not be nearly as dramatic as the House. I say this: The more the Senate looks at the problem, the more we focus in and see the absolute destruction that is occurring in our neighborhoods today, the morality behind what we have to do—this is not an economic issue; providing for the poor in our society is a moral issue. We have to look at it in that context.

When you look at what we are doing to children, families, communities, and our Nation, I believe the U.S. Senate will follow the path very similar to the House of Representatives.

The chairman of the Finance Committee just yesterday said that the block grant idea has merit and that we should move forward on that track. It does have merit. Why? Because it takes all of the power and control out of this town that thinks it knows best for everybody, where we make sure that everything is taken care of from here and that all the decisions are made here, and puts them back into the States and, more particularly, into the communities and into the families of America. That is the right direction for us to take when it comes to taking responsibility for the poor in this country. That is the right direction. I believe that is the direction we all will take here in the U.S. Senate.

It will be a dramatic bill that comes out of this Senate. It will not be a watered down version that looks very much like the system today. I do not believe the Senate will stand for that. And I think we can get bipartisan support to do it. I am encouraged by that.

There will be some who stand up and defend the status quo. They will stand up because they were the creators of the status quo, and they will defend the system and accuse anybody who wants to change it as being cruel, inhumane, and mean spirited. And they will say in many cases, as happened in the House, outrageous things about our intent.

Let me clear the air one more time about our intent. Our intent is to help people help themselves. Our intent is to get people off the welfare rolls. I find it absolutely incredulous that when you have a program in place that actually gets people off the welfare rolls, that is bad. What? A good welfare program gets more people on the welfare rolls? Is that what we want? Is that our analysis? Is that our benchmark as to what is good? Getting more people on welfare, making more people dependent? That is good? No. What is good is solving poverty, not sustaining it. Moving people off the welfare rolls is good. Decreasing those rolls is good. That is a good objective. That is what we hope to accomplish here.

Those who stand up and say so many people are going to be cut off and all these people are going to be leaving. That is good. People leaving welfare and on to productive jobs in America is good. That is what this program is going to be all about. You will hear people say, "Well, you cannot change this. You are going to harm children." Folks, look at all the welfare payments, AFDC, SSI, on down the list. How many of those benefits get paid directly to the children? How many of them? The answer is none. A child in this country does not get any money paid directly to them. It all goes to parents. They all go to parents.

So when you hear this argument we are going to cut children off, we are going to hurt children, think of where the money goes and think of where that money is being spent and by whom it is being spent; not the children. I wish the money could be sent directly to those children so they could get the food and education that they need. But, unfortunately, in many cases it does not.

Let us focus in on the real problem. The people who are going to defend the status quo have put forward a plan for the past 30 or 40 years that has increased poverty, decreased hope and opportunity, has increased crime and decreased the sense of community safety and neighborhood, has increased illegitimacy from 5 percent in the midsixties—5 percent of children in this country were born out of wedlock—30 percent today and rising. As a result, we have seen a decrease in fathers taking responsibility for their children and a resulting increase in gang activity because fathers bond with other males instead of bonding with females to take care of children. It is a vicious cycle that is created by very good intentions of the people who created this system; very good intentions, but very wrong programs.

I challenge the national media to give us a break. Tell the truth. Quit printing that we are repealing the School Lunch Program when they know darned well we are increasing the money. We are cutting out, as was said in the House, the lunches, the free lunches, here in Washington by the bureaucrats who suck money from the system before it even gets to the kids. Tell the truth about what is going to go on here in the U.S. Senate with the welfare reform. Do not be afraid that your friends on the other side will not like you by telling the truth about helping people, that the Republicans can actually be kind, compassionate, and be for a more progressive and uplifting opportunity type of society for the poor. Do not be afraid of that. Stand up and tell the truth about what is going on here in the U.S. Senate.

Finally, the welfare system in this country has to change, and there are four principles we have to accomplish. First, work. The only true measure of success of a welfare program is how it gets people off welfare and into work. Work has to be a central component.

Second, there has to be a system that supports families and does not tear families apart, that supports marriage and does not foster fathers walking away from their children.

Third, it has to focus on flexibility to provide States and communities the opportunity to have programs that truly do tailor their needs to the individual families and communities and not be bureaucratic and regulatory from the Federal level.

Finally, we have to save money. We heard so much about the people program, cutting people off. The Republican program allows welfare to grow over the next 5 years 32 percent. If we did nothing, it would grow 39 percent. I do not think cutting the program that is scheduled to grow to 39 percent is mean spirited or draconian. In fact, a lot of people listening would probably say, "Why don't you do more?" We do not do more because we want to try to help and not just be handing out. That costs money, but it is a good investment. We are willing to make the investment of helping people get out of poverty, but we are going to stop throwing money at people who stay in poverty.

I thank the Senator from Wyoming for yielding the time. I appreciate his indulgence in my discourse. I look forward to the rest of the day.

Thank you.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Wyoming [Mr. THOMAS].

Mr. THOMAS. The Senator from Pennsylvania has obviously given a great deal of thought to this. I think it is interesting that almost everyone in this country, including President Clinton, says welfare is broken and needs to be fixed. Yet, when you begin to look at it and take the opportunity to seek to find a better way to deliver services, then we run into all of this criticism and, as the Senator says, untruths about what is really happening. But I think there is a real opportunity this time to do something.

One of the reasons is that there are people in this body who are new here and who are bringing to the body a brandnew idea, some of it having come from the campaign, some of it having come from living regular lives. And one of those is the Senator from Tennessee. I would like to yield time to him.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I thank the Senator from Wyoming for his leadership in this area and also the Senator from Pennsylvania for his eloquent remarks and for his leadership in this area, both in the House of Representatives and in the U.S. Senate. He, as usual, assesses the problem very precisely.

I would like to lend my remarks to my own assessment of the situation as we begin this debate because we are indeed addressing one of the most fundamental problems facing the Nation at this time. I think if one true thing can be said about the welfare system, it is that the American people have overwhelmingly concluded that we have a mess on our hands and an intractable problem that we must do something about for the preservation of our society as we know it.

Too often the program has been run by the wrong level of government, by the wrong people.

We have spent $5 trillion trying to address the welfare program in this Nation, and we have created more poverty, more out-of-wedlock births, a higher crime rate, more dependency than we ever thought would be possible. If the Federal Government had deliberately gone out and tried to wreak such havoc with $5 trillion, it would not have been able to do it, yet we have done by accident what could not be done by design.

Mr. President, I think it would be appropriate, as we address this problem, that we do so with a certain amount of humility. We are not the first people to address this problem. This is not the first time the Senate has addressed it. This is not the first time the House of Representatives has addressed this problem. It has been with us for many years. It has been growing and growing. Many people have come up with different ideas and different people of good faith can have different ideas about this.

So I think as we proceed into this debate, we ought to be openminded. We ought to be constructive. I think there is only one thing that we should not tolerate and that is the status quo. We have a miserable system now that is in large part participating in the decline of the United States of America; a country that we have all grown up in and has been the strongest, most powerful and most respected Nation not

only in the world but in the history of the world.

The time has come for change. It seems to me these problems fester and are debated for years on end, but finally there comes a time when we really have to face up to them. I think we are beginning to do that in the Senate, and in the Congress of the United States with regard to many areas for the first time. We are talking about changing the way we do business in the Congress of the United States, and there is no more clear example of that than our approach to the problems in our welfare system.

I think that going into it we can certainly conclude there are certain things that have been proven not to work. We know, for example, that merely throwing money into a failed system is not the answer. We could have taken all of the assets of all the Fortune 500 companies in America and given those assets to the poor and still have saved money. That alone gives us some indication of the amount of money we have poured into a system, and a rising poverty level indicates the results we have achieved from that money.

I think it is also clear that large Federal programs are not the answer. We are now talking about workfare. We are talking about job training as if this was the first time these ideas have come about. Some people think if you take a little more money out of this pot and put it in here or if we reduce a program a little bit and add it to another, if we fine tune it enough, we are smart enough that we can come up with the right solution to solve this problem from Washington, DC.

We have been trying this for 30 years to no avail. We are dealing with a single problem, and that is poverty. It is a problem that has many causes. We are trying with one set of overlay programs from Washington, DC, to cover situations where on the one hand we have a person who is trying to get off welfare and trying their best to get out of a temporary hardship; on the other hand we have people who have been on welfare for generations and have no interest in working until they are absolutely forced to do so. The same program from Washington, DC, cannot cover the myriad of conditions and circumstances that we face.

There are certain principles we can adhere to as we begin to address this problem, and one is that we must give the States more flexibility. We must get this problem down closer to the people who can see their neighbors, who know the person down the street or across the way, and who knows who is trying and who is not trying and who legitimately needs help and who should be told it is time to go to work. All of the innovation that has taken place in this country with regard to the welfare problem in the last decade has been at the State and local level.

We have to take advantage of those innovations and those remarkable Governors we see all across this Nation who are coming up with solutions and trying different things under heavy criticism and heavy barrages of acrimonious statements but are standing tall and standing strong and changing those programs and showing that certain basic programs and changes of motivation of people can really work and help the system.

We should not be embarrassed to ask local churches, local communities, private organizations to step up to the plate and do more. That is the way it used to be in this country. It is not turning back the clock. It is a way of moving forward. I still believe that this country is full of well-meaning, caring, big-hearted people who, if they knew the nature of the problem, they knew someone down the way who really was having a hard time, would be willing to jump in and lend a hand. If it were brought to our attention and we had the responsibility and felt the responsibility to do something about it, there are millions of people out there who would be willing to step forward and do something about it. They cannot take care of the whole problem, and we cannot turn over the whole problem to them overnight, but they have to be brought back into the system. People have to feel a sense of responsibility for their neighbors the way they used to in this country.

We have to have a system that pays more to work than it does not to work. As I travel around the State of Tennessee and go into these little restaurants and coffee shops and see these young women working hard, many hours a day, some of them with a child or maybe two children at home, never been on welfare, you talk to them, working at low-wage jobs trying their best, working hard, and they see someone down the street from them or across the road who does not work, who has never worked and are netting out more than they are in terms of take-home pay, they see that, Mr. President. People see that. It has a debilitating effect on them and our country. It has a debilitating effect on these people, young people especially, who are not into the welfare mentality, who have worked all their lives and want to work, and we are delivering a message to them that really it pays more sometimes not to work.

We have to change a system like that. As the Senator from Pennsylvania pointed out, there will be those against reform. There will be those who want to stay with the status quo. A lot of people have done very well on the system that we have. A lot of people in Washington, DC, elected representatives over the years by sending out more money and getting more votes have done very well for themselves under the current system. Certainly the bureaucracies that run the tremendous system that we have now, that siphon off most of the money before it ever gets to anybody that it can help, have done very well under the system. They will come up with every horror story known to man to keep from having to do without a little more money for their agency or a few less jobs as we try to move this down to the State and local level where the problem is and where people know what to do better to solve that problem.

So, Mr. President, these are my observations as we go into this debate. We have a problem on which we all agree. We all know that we have been trying for years to do something about it, essentially nibbling around the edges. I think we have all concluded now that the time has come for action; that we must take bold action; we must change. We are better than this. We cannot go down the road to destruction of this Nation. The people who genuinely need help in this country deserve a better system, and the people who work hard for a living and pay for this system deserve better.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming has 5 minutes and 24 seconds remaining.

Mr. THOMAS. Mr. President, we got started a little late. We would like to have about 15 more minutes, if there is no objection.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. THOMAS. Mr. President, I think it is exciting; I think it is exciting that Senators like the Senator from Tennessee and others are willing to take a look at this program. It has been a long time since we have said: Does this program work? What are the results? How do we measure the results? What is the measurement of success?

Instead of that, over the years, we have simply said: We have a program. It is not working. Let us put some more money in to make it bigger.

Now we have an exciting opportunity, and that opportunity is to evaluate it, to change it, to find better systems, to look for duplications, and to eliminate some of the things that do not work.

One of our colleagues who has had an opportunity to work with this very closely at the local level as Lieutenant Governor is the Senator from Ohio. I yield to the Senator.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, let me first thank the Senator from Wyoming for putting this group together this morning. His comments are certainly well taken, as are the comments of my colleagues from Arizona, Pennsylvania, and Tennessee.

I think it is fitting and appropriate that the new Members of the Senate,

who just finished the campaign, just finished talking directly to the American people, should be the ones who are on the floor this morning talking about welfare reform, because I am sure that the experience my friend from Wyoming, or my friends from Tennessee, Pennsylvania, and Arizona, had was the same experience that I had.

I could not find one person—not one person—in the State of Ohio who thought welfare worked. And that included people who were on welfare. It included taxpayers. It included the average citizens, whom I see day after day after day. I could not find anybody who thought welfare works. So it is appropriate that we, really, in this country engage in this national debate.

Mr. President, the House has just concluded this debate and the Senate will take up this debate in a few weeks. In this debate, we seem to be focusing on adults, on money, on jobs. But, Mr. President, underlying all these considerations is really the future of our children, because that is really what this debate is all about. It is about our children. It is about breaking the cycle of poverty. It is about breaking the cycle of despair.

We are, it is true, Mr. President, trying to rescue the adults who are trapped in the welfare system. But if we are brutally frank and honest with ourselves, I think most of us will admit that it is our concern for the children that really underlies this debate and makes it so imperative that we do something, that we do something different.

Fixing welfare will not be easy, and it will not be done overnight. And fixing welfare, frankly, is not all we have to do. We also have to tackle the broader problems of violence, poverty, and lack of education that is posing such a threat to the well-being of our country's children.

Mr. President, the fact is that America's children are in crisis, and welfare dependency is part of the cause of that crisis.

The statistics in regard to our young people today are absolutely staggering and frightening. In 1960, about 5 percent of the children born in America were illegitimate. Today, almost one-third are. In some major cities, that figure is now at two-thirds, and in some cities, even higher than that.

Since 1972, the rate of children having children has doubled. What happens to these children, Mr. President? According to the Congressional Budget Office, half of all teenage unwed mothers are on public assistance within 1 year of having their first child, and within 5 years, 77 percent are on public assistance. This takes a huge toll on the children. The poverty rate among children is the highest of any age group in the country.

Our young people today are the only age group in America—listen to this—the only age group in America that does not have a longer life expectancy than their parents did at the same age. A recent study revealed that of the children born to a married adult with a high school education, only 8 percent live in poverty. But of the children born to unmarried minors without a high school diploma, 80 percent live in poverty.

The children born out of wedlock are three times more likely than the children of married parents to become welfare clients when they grow up.

What kind of a life are these children being prepared for? What kind of values are they learning in a family where many times no one works, and bare subsistence income is given by, frankly, a distant and grudging Federal Government?

Mr. President, what do we do? That is what we are going to be talking about in the weeks and months ahead.

I think it might be tempting, particularly for those of us on this side of the aisle, now that Republicans control the Senate and Republicans control the House, to once again do what we have done in this country time and time and time again, and that is to impose a Washington solution on this problem. I think, however, Mr. President, that would be a mistake. I think it is very tempting to do this now that we are in control, but I believe it would be a grave mistake because history has simply taught us that Washington does not have all the answers.

I do believe that there will be times, as we debate this bill and this reform, when I will vote for some uniformity. I think, for example, that it makes eminent sense in the area of child support enforcement, an area that has been a problem for many, many years, to have more uniformity, to have more cooperation between the States. I saw this 20 years ago as a young assistant county prosecuting attorney when we tried to enforce child support. I saw the problems we had in going from State to State to State. I think uniformity in that area does make sense.

But I think, in most cases, we are going to be much better off in allowing the Governors, the legislators, and the people of the States to design their own programs.

Too often, Mr. President, we think, here in Washington, we have all the answers. Indeed, the crisis of welfare dependency in today's America is, I believe, in large measure a consequence of Federal policies written right here in this Capitol.

Mr. President, to be very blunt, I do not believe we should replace the Democratic Party's version of Federal micromanagement with the Republican version of Federal micromanagement of our welfare system. I think it would be a mistake. The answers are not here in Washington, not even on this side of the aisle.

If we are going to find answers, we need to be looking to the States and the local communities.

My colleague from Tennessee, Mr. THOMPSON, said it very, very well. Who better knows their neighbors, their friends, their communities? Who better knows the solution to this problem than the people of the local community?

I believe, Mr. President, that welfare reform experiments in Ohio, Wisconsin, Michigan, and other States do in fact show a great deal of promise. But we should not try to force all States into a single mold. We still have a great deal to learn about what works in welfare, and we certainly know already what does not work.

We should not standardize the Federal solution to which all States and communities have to conform. We need the States to continue to experiment, to be the laboratories of democracy, and to lead the way toward a 21st century welfare system in this country that does, in fact, work.

Finally, Mr. President, we, I believe, as we approach this welfare debate, must always remember that welfare is not, first and foremost, a money problem. Over the last few weeks, we have heard a great deal about the money side of welfare, and that is quite natural. Some say we are taking money away from the needy. Others say we are saving money for the taxpayers.

But beyond the welfare debate in regard to money is something much more important, and that is human beings, and that is young children.

The problem, frankly, Mr. President, is the kind of culture we are building in this country and the kind of lives America's children will inherit.

As we begin this debate, I propose a very radical solution. It is particularly radical for this town and this city, this Capitol Building, this Chamber. And the radical solution is to say, "We don't have all the wisdom here. We don't know all the answers."

Let us trust the States to be the laboratories of democracy. Let us turn back power to the States and let them try things, and let them find out what will work and what will not work.

They cannot do a worse job than the Federal Government has done. That may be a radical solution. It may be something that is foreign to Congress in the past. Quite frankly, Mr. President, we have tried everything else. I think it is time for a radical solution, a radical change, and I think, quite frankly, that it will work. Thank you very much.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to wrap up our focus, our effort this morning.

Let me just say, again, that I congratulate the House on what they have

done. I think they moved forward. I think they have examined and have come up with new ideas. Do I support all of it? Probably not. Is it a perfect bill? Of course not. But it gives us an opportunity to take a new look at something that needs a new look.

What we are seeking is the best way to deliver services, the best way to help people help themselves, to find a way to help people who need help back into the workplace. That is what it is all about. That is the purpose of this program.

I went into our welfare office in Casper, WY. I expected to find a staff that was very defensive when we talked about change. That is not true. They felt frustrated with the program that they now have to administer. The director showed me this whole shelf full of regulations. He said, "God, I spend half my time working on regulations." They come from different Departments. They come from Agriculture, they come from Housing, they come from the welfare program. We need to put them together so that they do work.

We try to do something to encourage people to work, and if a mother on AFDC does not have a job or does not look for one or does not do what is required, they seek to reduce the payments. They reduce the payments here and they go up in food stamps, they go up in housing. They are very frustrated that they are not being able to accomplish what they want to accomplish.

There is a perception that more Government is needed by some, that more money is needed. Since the war on poverty, the Federal Government has spent nearly $5 trillion on social welfare programs. Federal, State and local governments combined now spend $350 billion a year, 20 percent more than the Government spends on national defense.

Separate Medicaid from food stamps and aid to families with dependent children and you find a program that costs taxpayers approximately $90 billion a year, more than five times what it was in 1981.

Specifically, the Federal share for Medicaid spending in the State of Wyoming has grown from $42 million to over $107 million from 1990 to 1994. The State's share for that program has grown from $24 to $61 million in that same period of time. And we all know what the results have been.

We have heard a great deal of criticism from the administration regarding the Republicans' efforts to reform welfare. On the other hand, that is what the President talked about when he came here. He said, "We're going to change welfare as we know it." Unfortunately, we have not heard much lately from the administration. The proposal introduced by the President in 1994 exempted all welfare mothers born before 1972 and proposed $9.3 billion in additional spending. Exempting 80 percent of the current caseload is not an answer, nor is the infusion of more money without change.

So what we are talking about is a great opportunity to provide real help, to provide a system that delivers the help to the people who need the help, not take it off on the way there.

I hope that we can start, as we said in the beginning, with a stipulation that everyone in this place is compassionate about children, everyone in this place wants to find a system that works and that we do not polarize ourselves by saying, "These folks want to throw everybody out; these folks want to help everybody." That is not the case.

Like the Senator from Pennsylvania, I call on the media to help, to help really say what the facts are, to really lay out that cuts are not cuts, reductions in spending proposals are not cuts, that consolidation of programs can end up with more benefit to recipients, and that is where we are.

Mr. President, we appreciate this opportunity in the morning time, and we look forward to participating in developing a program of assistance to Americans that will bring them out of poverty and into the workplace.

I yield the floor.

GREEK INDEPENDENCE DAY

Mr. PRESSLER. Mr. President, last Saturday the people of Greece celebrated 172 years of Greek independence from the Ottoman Empire. The Greek emancipation from the reins of tyranny brings to mind our own ancestors' struggle for freedom. Greece and the United States share a common struggle rooted in a common philosophy of liberty and self-governance put forth by the ancient Greeks.

Thomas Jefferson looked to the ancient Greeks when he made the case for representative democracy. Jefferson once said, " * * * to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness." The Declaration of Independence closely mirrors the ideals of ancient Greek philosophers. Greek Independence Day not only commemorates Greece's victory over oppression, but also celebrates deeply rooted philosophical symmetry—one honed by great statesmen from Aristotle to Thomas Jefferson.

America's relationship with the Greeks came full circle when, on the eve of their revolution for independence, the Greek commander in chief, Petros Mavomichalis implored Americans for assistance:

> Having formed the resolution to live or die for freedom, we are drawn toward you by a just sympathy since it is in your land that liberty has fixed her abode, and by you that she is prized as by our fathers. Hence, honoring her name, we invoke yours at the same time, trusting that in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you * * * it is for you, citizens of America, to crown this glory.

Cognizant of the familiar ideals upon which the United States was founded, Greeks emigrated to the United States en masse during the early 1900's. Thus, generations of Greek-Americans have been able to contribute to the reaffirmation of their ancestors' political philosophies.

Greek immigrants emulated their ancestors' drive for knowledge. By 1970, Greek-Americans already topped other ethnic groups in median educational achievement. Combined with this intellectual drive, Greeks brought with them a diligent work ethic. Greek Independence Day also gives us an opportunity to pay special tribute to the industrious traditions of Greek-Americans and their outstanding contribution to our society.

I take this opportunity to wish all Greeks, whether they be in Greece or my home State of South Dakota, the very best during this 172d year of Greek independence.

TRIBUTE TO JENNIE BLAIR

Mr. HEFLIN. Mr. President, the Democratic Party of Alabama lost one of its most ardent supporters and activists on March 12, when Madison County Chairwoman Jennie Blair passed away. She was a strong, dedicated woman who contributed greatly to her State and community over the years.

Jennie was a very eloquent spokesperson for the causes and programs that help the people who are least able to help themselves. She was a positive force for good. Activists on the other side felt a kindred spirit with her, and also felt the loss.

She was a retired South Central Bell employee and labor activist who had long been involved in local Democratic Party politics. Just last month, Jennie was elected to a 4-year term as Madison County chairwoman. Huntsville, Alabama's third-largest city, is located in Madison.

A native of Lincoln County, TN, she was a member of the Communications Workers of America and a delegate to the Democratic National Convention. She held many other leadership positions in the State and national party, and played a pivotal role in the 1992 convention.

Jennie Blair's determination, energy, enthusiasm, and drive will be sorely missed by those who knew and worked with and against her. She took her politics seriously, and truly believed in the principles of the Democratic Party. She believed that Government can be a positive force in people's lives and was never shy about expressing that view. She was a dynamic example of the best

things about politics and public service.

RECOGNITION OF INAH MAE ABRAMSON

Mr. HEFLIN. Mr. President, we all know those special people who just seem to epitomize selfless devotion and service to others. They cheerfully go about helping others in numerous ways that help to brighten countless lives, asking for nothing in return.

One such woman is Inah Mae Abramson, of Florence, AL, who was the subject of a recent article in her local newspaper. I ask unanimous consent that a copy of the article, which appeared in the Florence TimesDaily, be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it so ordered.

(See exhibit 1.)

Mr. HEFLIN. I want to commend and congratulate Inah Mae Abramson for the hard work, love of people, generous spirit, and genuine concern she always displays through service to those around her. She truly is a living example of civility, dedication, affection, and love.

EXHIBIT 1

[From the Florence (AL) TimesDaily]

WORK THAT'S NEVER DONE: ABRAMSON BELIEVES IN PUTTING HERSELF LAST, DOING GOOD DEEDS FOR OTHERS

(By Lucille Prince)

The old saying "Man may work from sun to sun, but women's work is never done" still applies to Inah Mae Abramson, even though she retired 28 years ago.

When she is not busy in her office at home, she's out visiting the sick, the elderly or people in nursing homes working at the community center or attending a church meeting.

One of her pet projects is sending "sunshine cards," and she keeps an assortment of cards on hand. She has special cards that are sold by the United Methodist Women of Wesley Chapel, with proceeds going to missions. She is the secretary-treasurer of the historic cemetery located at Wesley Chapel.

A charter member of the Florence Business and Professional Women's club, she has served the club as president, secretary, treasurer, district director and member of the state board. For six years, she was chairman of the BPW Santa Claus, securing gifts for mental hospitals.

Abramson was once head of a BPW fund to secure a piano, stereo and speaker stand for Mitchell-Hollingsworth Annex. This was accomplished when Dr. C.F. Lucky made a memorial for his mother toward purchase of a piano. The club simply completed this project.

During World War II, she wrote regularly to all men from her church and places of employment who were in service, and she sent them small gifts.

"I love to do things for people," Abramson said. "My parents, James Emmett and Annie B. Darby Young, were Christians. Mama said that if you do other people good and put yourself last, you'll come out on top."

The various awards Abramson has received indicate that she listened to her mother.

In 1960, the Florence Business and Professional Women's Club named her Women of the Year.

In 1967, she received the first Special Citizen Award presented by the Muscle Shoals Chamber of Commerce. The award was given on Nov. 14, 1967, just 10 days before her marriage to Henry Benhart Abramson. The chamber president at that time was the late Dick Biddle.

In presenting the award, Biddle said, "Miss Young, soon to be Mrs. Abramson, gives unselfishly to others each day of her life. She lives and appreciates people. Her family and friends know they can call on her anytime, and she is never too busy to help anyone in need. Realizing this, Gov. (George) Wallace chose her to serve as chairman of the Women's Division of Lauderdale County on the State Traffic Commission." (The purpose of the commission was to make motorists more aware of traffic rules.)

In 1987, she was named Alumnus of the Year by the Central High Alumni Association.

Abramson was once given the title "Miss Methodism" by a district Methodist newspaper. This honor came because she was volunteer secretary for three district superintendents before the Florence District opened a full-time office.

A history enthusiast, Abramson has been a student of history all of her life. She likes to keep up with the current events, which, she reminds everyone, will soon become history.

She attended Beulah Elementary School, and was salutatorian when she finished Central High School in 1936.

"I decided on a business career and attended Bob Jones University, then located at Cleveland, Tenn.," she said. "My first job was with my cousins, Murphy Brothers Store in Central Heights. I later worked for one year at the county agent's office, then worked another year for W.D. Peeler, registrar at the courthouse."

In 1939, she accepted a job at First National Bank and worked there until 1945, the year that many men returned from World War II. She left the bank to operate Blue Bird Ice Cream and Sandwich Shop for one year.

"In November 1947, I was employed by Florence Clinic as secretary to a group of 11 physicians and remained there until October 1967," she said.

She vividly remembers that when the Sabine Vaccine Program was begun in Lauderdale County, Dr. J.G. Middleton was chairman. As an employee of the Florence Clinic, she became his assistant in setting up and promoting the vaccine program.

"My job was to help him set up places and times to give out the vaccine and to let people know that it was free," she said. "Since I was a member of the BPW Club, I solicited the club's help in promoting this cause."

She recalled that during the years she was with the bank and clinic, there were few electrical machines.

"There were no electric typewriters, and computers were unknown," she said.

"About that time, Florence was just emerging into growth," she added. "Working in the bank, I knew all the attorneys in Florence at that time. Being in the customer-service department gave me a chance to know most of the patrons of the bank. In the 1940s, bank statements had not caught on, and patrons brought their passbooks in to get employees to balance their bank books for them."

When she married at age 49, she gave up her professional career.

"I just started another career," she said.

Her husband was also an ardent church and community worker. As a couple, they spent much time and effort serving both the church and their community. He was one of the planners and board members of the Central Volunteer Fire Department, and she served as secretary.

Abramson said that she and her husband had 19 happy years before his death Oct. 24, 1986. She still lives in their home at Central, and she says that she is blessed with wonderful neighbors and family who are constantly with her.

Wesley Chapel and Central will always have special meaning to Abramson. She was born in the Central Heights community Feb. 16, 1918. She became a part of the church when her parents took her to a service there at age three weeks. She became a member in 1929, when the church was a part of the Cloverdale Charge of three churches and another added later. She was the charge recorder for many years. When she returned from college, she became active as a teacher, youth counselor, treasurer and a member of the United Methodist Women, then called the Woman's Missionary Society. She was district counselor of youth subdistrict events and secretary of the district Christian Workers School.

One of her former employers once introduced Inah Mae Abramson as "a person who not only performs her work efficiently, with cheerfulness and zeal, but she always has a smile on her face and exemplifies a truly dedicated Christian woman whose work is never done."

BIRMINGHAM-SOUTHERN COLLEGE: NAIA NATIONAL CHAMPIONS

Mr. HEFLIN. Mr. President, I want to congratulate and commend the men's basketball team of my undergraduate alma mater, Birmingham-Southern College. Birmingham-Southern won its second national title in 6 years on the night of March 20 when it defeated Pfeiffer College of North Carolina 92 to 76 in the NAIA national tournament championship game.

The Panthers of Birmingham-Southern rolled through the tournament just as they did the season, winning five games here. They ended their magnificent season with 32 straight wins and a 35–2 season overall, a school record.

I ask unanimous consent that an article from the Birmingham Post-Herald on the Panthers' basketball championship game be printed in the RECORD. I heartily congratulate Birmingham-Southern Coach Duane Reboul and all his players for their hard work, team spirit, winning attitude, and overall class. They are the epitome of champions.

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

[From the Birmingham Post-Herald, Mar. 21, 1995]

PANTHERS HIT PEAK: NAIA TITLE CROWNS SEASON

(By Richard Scott)

TULSA, OK.—It started with the lowest preseason expectations in six seasons under Coach Duane Reboul.

It ended at the highest point in six years, with a national championship adding the perfect ending to a season of highs for the Birmingham-Southern Panthers.

The fifth-seeded Panthers continued their climb toward their peak performance last night by reaching the pinnacle of NAIA basketball, beating 11th-seeded Pfeiffer 92–76 for the title.

"It's hard to put into words just how we feel after what we've accomplished this year and what we've overcome," senior point guard Tommy Dalley said. "If you ever want to see what the word 'team' means, this is it. we've stepped up to meet every challenge."

Despite being picked to finish fourth in the Southern States Conference preseason poll, the Panthers (35–2) added their second James A. Naismith national championship trophy in six years to a season that saw the Panthers extend the nation's longest winning streak to 32 games, set a school record for victories in a single season and go undefeated in 14 conference games.

But last night, the Panthers completed their seasonlong ride toward their peak by opening up a tight game with a 19–9 run the final four minutes, 45 seconds of the game.

The Panthers also did it with a depth and versatility that has been at the foundation of their success. While forward James Cason had 27 points and 10 rebounds and earned the tournament most valuable player award, the Panthers also got 16 points and eight rebounds from forward Paul Fleming, 14 points off the bench from forward Eddie Walter (who sank six-of-seven shots), 10 each from reserve guard Chris Armstrong and Dalley, and seven points and 10 rebounds from Nigel Coates.

"Eddie Walter was everywhere with big plays, Fleming was slashing to the basket and Nigel to the boards," Raboul said. "It was everybody. It wasn't just one player."

The combination of eight quality players seeing at least 11 minutes each proved to be too much for Pfeiffer (25–8), especially down the stretch.

BSC opened the game with its most uncertain half of the tournament and trailed by four, 36–32, with 3:46 left in the half.

Despite 10 first-half turnovers, the Panthers still managed to take a 45–43 lead into halftime when Walter scored on a three-point play with 48.1 seconds left and hit Cason with a lob for a layup with 5.4 seconds to go.

Walter also helped BSC get off to a good start in the second half with a three-point shot that put BSC up 50–45 at 17:28.

Then the Panthers finally hit their first spurt. After a Pfeiffer basket, Dalley got BSC going with two strong assists, hitting Armstrong cutting to the basket for a layup and then feeding Fleming under the basket for another layup. When Marvin Graves' three-pointer rolled in and out for Pfeiffer, Armstrong nailed a 24-footer from the top of the key for a 57–47 lead and a Pfeiffer timeout at 13:28.

When the Falcons cut BSC's lead to 65–60, Walter came through with another big play. This time, he out-leaped a taller opponent for what seemed to be an impossible rebound and fed Damon Wilcox for a layup on the way down. Then he rebounded a Dalley miss and put it back to put the lead back at 10, 71–61, at 7:24.

But with 5:05 left, the Falcons still trailed by just six, 73–67, and the Panthers needed one of those knockout punches they have used to put opponents away all season.

"The first half was a war," Reboul said, "but we had a few more players than they did and I think that took its toll."

Fleming drew the first blood, with a drive for a three-point play and a 75–67 lead at 4:21. Then another drive by Fleming led to a 78–67 lead at 4:21.

On Pfeiffer's next trip down the floor, Dalley came upon with a loose ball and hit Walter downcourt with a long bomb. Walter could have taken it in himself but he gave up to Cason for an uncontested dunk and BSC's largest lead, 80–67, at 3:49.

"I thought they played with great effort, great energy and great enthusiasm," Reboul said. "The game was tight and we realized it, but one thing we've had all year long is competitors."

The way the Panthers played during the final five minutes brought back something Reboul said just minutes before the game.

"The saddest part of all this is that it ends tonight, no matter what," he sad. "It's been a great season."

A great season that ended at the top of the peak.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID "YES"

Mr. HELMS. Mr. President, the enormous Federal debt, which has already soared into the stratosphere, is in about the same category as the weather: Everybody talks about it but almost nobody had undertaken to do anything about it—until, that is, immediately following the November elections.

When the 104th Congress convened in January, the U.S. House of Representatives promptly approved a balanced budget amendment to the U.S. Constitution. And in the Senate, while all but one of the 54 Republicans supported the balanced budget amendment, only 13 Democrats supported it. Thus, the balanced budget amendment failed by one vote—but there'll be another vote on it later this year or next year.

This episode—the one-vote loss in the Senate—emphasizes the fact that too many politicians talk a good game, when they are back home, about bringing Federal deficits and the Federal debt under control. But then they come back to Washington and vote in support of bloated spending bills rolling through the Senate.

As of the close of business yesterday, Monday, March 27, the Federal debt stood, down to the penny, at exactly $4,847,680,358,682.01. This debt, remember, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government must never be able to spend even a dime unless and until authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every schoolboy is supposed to know.

So, don't be misled by politicians who falsely declare that the Federal debt was run up by some previous President. These passing-the-buck declarations are false because, as I said earlier, the Congress of the United States is the culprit. The Senate and the House of Representatives have been the big spenders for the better part of 50 years.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, the Cuban missile crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occurred a few years previously.

Which sort of puts it in perspective—does it not?—that it was Congress that ran up this incredible Federal debt totaling 4,847 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at 4 trillion, 847 billion, 680 million, 358 thousand, 682 dollars, and 1 cent. It'll be even greater at closing time today.

SELF-EMPLOYED HEALTH INSURANCE COSTS DEDUCTION

Mr. HATCH. Mr. President, I rise today to express my support for H.R. 831, a bill that will finally provide long-promised relief for farmers and other self-employed taxpayers who must pay for their own health insurance expenses. I am very pleased that this measure passed the Senate on Friday. And, I congratulate my colleagues on both sides of the aisle for acting promptly on this legislation.

The 25-percent deduction for the health insurance costs for the self-employed and farmers expired on December 31, 1993. All during the long debate on health care reform last year, both Congress and the Clinton administration in effect promised these taxpayers that, as part of the final bill, their deductions for health insurance costs would be reinstated and made permanent. When our efforts to forge a workable health care reform package broke down last year, so did our promise to extend the health insurance deduction.

Unfortunately, this congressional inaction has left over 3 million taxpayers in a tight spot with respect to their 1994 tax returns. Over 60,000 of these taxpayers are in my home State of Utah. Because of our repeated promises to extend the deduction to cover 1994, many of these taxpayers have held off the filing of their 1994 tax returns. This is because if the extension is enacted, they can deduct a portion of their 1994 health insurance costs and thus lower their tax bill for the year. However, if the bill is not enacted until after the due date for filing 1994 tax returns, April 17, 1995, all of these taxpayers will have to file amended tax returns.

Each day that passes without final action on this bill means thousands of taxpayers will be subject to the extra time, expense, and bother of filing an amended return. This is because many self-employed taxpayers do not want to wait for the last minute to file their tax return. Sometimes it seems that

only Congress waits until the last minute to do important things.

Many taxpayers have already had to file their returns. We have already missed the deadline for those taxpayers who are engaged in the business of farming or ranching. Because of the estimated payment rules, those taxpayers face a practical deadline of March 1 for their tax returns. Therefore, many thousands of taxpayers are already facing the prospect of filing an amended tax return, because of slow congressional action.

In case some of our colleagues mistakenly believe that filing an amended tax return is merely a minor inconvenience, Mr. President, let me mention a couple of facts that may clarify this. First off, we need to recognize that filing an amended tax return is no simple affair for the those who are intimidated by IRS tax forms, and who is not? There is a special form, called Form 1040X, which comes with its own special instructions, that is used for making corrections to a previously filed tax return. Getting one of these forms usually requires a trip to the post office or library. This form is much different than the normal Form 1040. Filling it out requires time and effort in reading and understanding the instructions. In essence, the taxpayer must recompute his or her tax after including the deduction for the health care insurance. This can be complicated and confusing.

As all of my colleagues know, many taxpayers do not even bother to fill out their own tax returns. They have concluded that our tax system is so complex and intimidating that they pay professionals to prepare their returns for them. These taxpayers face an additional burden beyond the hassle of having to go find a Form 1040X and learning how to fill it in. They must go back to their tax preparer and have him or her file the amended return. This means additional cost.

And, frankly, the processing of amended returns is not free for the IRS either. It just seems sensible to me that Congress get this legislation passed in a timely fashion.

Not only does H.R. 831 take care of the deduction for 1994, it also makes the deduction permanent at 30 percent. This is an important feature of the bill and positive move toward better tax policy. I have long been troubled by Congress' tendency toward making certain tax provisions temporary. Temporary tax provisions make for poor tax policy, plain and simple. They also increase taxpayer cynicism for Congress. By making the deduction permanent, H.R. 831 will increase taxpayers' confidence in our tax system and assist them in planning.

I am also glad to see that the Finance Committee was able to increase the percentage of the deduction from 25 to 30 percent. However, we must not forget that our ultimate goal for this deduction should be to increase it to 100 percent. This is a matter of fairness, Mr. President. The fact of the matter is that our tax system discriminates against the self-employed, in that individuals who work for corporations as employees are allowed to totally exclude 100 percent of their employer-provided health insurance. This is equivalent to a 100-percent deduction. Why should a worker who takes risks by creating a business and working for himself or herself be penalized by only being able to deduct a portion of his or her health care expenses? Our tax code should encourage entrepreneurship, not discourage it. So, I hope we can increase the percentage of deductibility up to 100 percent later this year.

Mr. President, I am most pleased that the majority leader was able to gain a unanimous-consent agreement to consider this bill in an expedited manner and to keep it clean of all amendments. This shows that my colleagues agree that, in the midst of many important issues, enacting this bill as soon as possible to avoid extra time, hassle, and expense for these taxpayers, stands out as the most important priority today. I congratulate Senator DOLE for his leadership and all of my colleagues for their bipartisanship and forbearance in attempting to amend this bill.

I especially want to thank those Senators who have expressed major reservations with the revenue offsets contained in the bill for agreeing to the unanimous-consent agreement. Like most bills considered by Congress, this one is far from perfect. H.R. 831 includes some particularly interesting, though controversial, provisions that have been included to offset the revenue loss associated with extending and making permanent the deduction for health insurance expenses.

Indeed, I have my own concerns about two of these provisions. First, I am not pleased with the portion of the bill that retroactively repeals section 1071 of the Internal Revenue Code, dealing with minority tax certificates for the sale of broadcast or cable facilities. I recognize that many of our colleagues believe that this provision represented an unwarranted tax benefit, or even a huge loophole, that needed to be retroactively closed. However, by setting the effective date of the repeal of section 1071 to a date prior to the date of enactment of this bill, we will cause a handful of taxpayers who had consummated or nearly consummated transactions in full reliance on the law to suffer financial setbacks. I do not believe that this is fair. Nevertheless, Mr. President, because the greater need of immediately taking care of the long-promised health insurance deduction for millions of self-employed taxpayers outweighs the fairness concern for a handful of taxpayers, I did not attempt to change this bill in the Finance Committee.

I am also less than satisfied that the provisions dealing with taxing those who renounce their U.S. citizenship are the best that we could do. The Finance Subcommittee on Taxation held a hearing on this issue this week, and we heard a great deal of concern from the witnesses that this provision should be changed to ensure fairness and consistency with sound tax policy. Again, because of the necessity of moving this bill toward final passage in the fastest possible manner, I have withheld from offering any amendments to improve this provision. As this bill goes to conference with the House, I would urge the conferees to see if improvements can be made, so long as those improvements do not delay enactment of the bill.

In conclusion, Mr. President, I again want to thank the leaders and our colleagues for showing a great deal of leadership and restraint in bringing this matter to the floor under an agreement that lets us move this bill quickly. This is what our constituents want and this is what makes the most sense from a tax policy point of view.

INDIAN SOCIAL SERVICES BLOCK GRANTS

Mr. BAUCUS. Mr. President, S. 285 would bring some fairness to our Federal social services program by setting aside 3 percent of the Federal title 20 social services block grant funds to be used solely by native American tribes and tribal organizations. This change would provide tribes with a badly needed $84 million annually for social services; including special education, rehabilitation, aid to disadvantaged children, legal support, and developmental disabilities.

Mr. President, this change must be made. There is ample evidence that many States are not treating native Americans fairly when allocating title 20 funds. A recent report by the inspector general of the Department of Health and Human Services found unfair treatment of native Americans by the States to be pervasive, with 15 of the 24 States with large native American populations allocating no title 20 funds to tribes from 1989 to 1993.

Why have native Americans been denied funds that we have appropriated? In part, this is because the Federal Government gives all title 20 funds directly to State governments instead of awarding part of the funds to tribes. Moreover, States are neither required nor encouraged to share funds with tribes as a condition of receiving title 20 funding. This is one case where "giving money to the States" adds another step of bureaucracy.

There are few places in America where the need for social services is

greater then in Indian country. Yet these needs are obviously not being met. The tribal counsels of the Crow, Northern Cheyenne, Fort Peck, Fort Belknap, Rocky Boy, Blackfeet, and Flathead Indian Reservations in Montana have expressed their frustrations to me. We have a trust responsibility to see that the needs of our first Americans are met; that the men, women, and children living too often in poverty on Indian reservations are given an opportunity to help themselves.

In recent years, Federal funding for tribes has fallen significantly. In 1993, 471 of the 542 federally recognized tribes received no child welfare funding under title IV-B because the eligibility criteria and award formulas effectively exclude many tribes. Furthermore, although the Bureau of Indian Affairs in the Department of the Interior provides the largest amount of Federal funding for tribal child welfare services, the Indian Child Welfare Act, for example, does not assign to any Federal agency the responsibility for assuring State compliance with its requirements.

It is time to change our policy and provide direct funding to tribes under title 20.

RECOGNITION OF GLENN T. CARBERRY, NORWICH CITIZEN OF THE YEAR

Mr. DODD. Mr. President, I rise to extend my warm congratulations to attorney Glenn T. Carberry, of Norwich, CT, who was recently named Citizen of the Year by the Eastern Connecticut Chamber of Commerce.

A long-time community and political activist in Norwich, Glenn has served as vice chairman and economic development chairman of the chamber, fundraising chairman of the American Cancer Society, and director of the Norwich Lion's Club. Glenn, managing partner of the New London law firm Tobin, Levin, Carberry & O'Malley, has also served on numerous civic committees and boards, including the Mohegan Park Advisory Committee, the Eastern Connecticut Housing Opportunities Commission, and the United Community Services Commission.

The best example of Glenn's commitment to the community was his leadership of a successful community-wide effort to bring the minor league Albany Yankees to Norwich. As an avid baseball fan, Glenn studied the history of minor league baseball and envisioned enormous potential for a new Connecticut team. For months, he worked tirelessly to turn his dream into reality. Securing permits and garnering financial support from State and community leaders, Glenn was the key to the project's success. The team, now known as the Norwich Navigators, will officially open its first season in Connecticut on April 17 at the Thomas Dodd Memorial Stadium.

As a result of Glenn's efforts, thousands of families will have the opportunity to see the Norwich Navigators in action. In addition to its entertainment value, the Navigators and the team's new stadium have already had a tremendous and long-lasting impact on the regional economy. Hundreds of construction jobs have been filled, and hundreds more service-related positions will be created in the coming months. Eastern Connecticut also expects the tourism industry and local small businesses to expand and prosper because of the team.

In keeping with the tradition of the Eastern Connecticut Chamber of Commerce, Glenn has wholeheartedly championed the economic interests of eastern Connecticut. Through his advocacy of economic growth and commerce, he has provided a wonderful example of citizenship and community responsibility. He is a tremendous asset to Norwich and the entire State of Connecticut. Without question, Glenn Carberry is the Citizen of the Year.

I ask unanimous consent that an editorial from the New London Day on Glenn Carberry be printed at this point in the RECORD.

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

GLENN CARBERRY'S TALENTS—THIS NORWICH ATTORNEY HAS DEVELOPED A CLEAR VISION OF HOW SOCIAL, ECONOMIC PROGRESS DEPEND ON REGIONAL COOPERATION

The Eastern Connecticut Chamber of Commerce recognized a real go-getter in choosing attorney Glenn Carberry as citizen of the year. The award speaks most directly to his championing the successful effort to attract the Norwich Navigators' Yankee baseball team, but Mr. Carberry deserves the award for more important reasons.

He has committed his considerable talents as a lawyer, politician and economic-development specialist to shape a regional sense of community.

He understood early on what others only recently have learned and what still others have yet to understand; that economic development is regional. More than that point, however, Mr. Carberry knows that the benefits of an orderly society that prospers and offers opportunity to a broad range of citizens happen only when people understate their differences and recognize their similarities.

Mr. Carberry, who ran unsuccessfully for Congress in the 2nd District, has served as an adviser to the Rowland campaign and administration, on the Otis Library Board, in efforts to provide housing through several agencies, and as an active member of the chamber in Norwich.

The Eastern Connecticut Chamber will honor him at a dinner April 7 at the Ramada Hotel in Norwich. Perhaps the most fitting tribute to this impressive young man, however, would be continued efforts to form a regional organization that merges the Eastern Chamber with the Southeastern Connecticut Chamber of Commerce in New London.

Such a chamber would exemplify the progressive thinking and regional outlook that has made Mr. Carberry a leader for progress in this area.

CONGRATULATING RICO TYLER AND CYNTHIA HILL-LAWSON

Mr. FORD. Mr. President, I am pleased to have this opportunity today to recognize Rico Tyler and Cynthia Hill-Lawson, two secondary school teachers from the Commonwealth of Kentucky who were recently presented with Presidential Awards for Excellence in Science and Mathematics Teaching.

As you may know, the Presidential Awards for Excellence in Science and Mathematics Teaching Program was established over a decade ago to recognize and reward outstanding teachers and to encourage high-quality educators to enter and remain in the teaching field. Both Rico, in his work with the astronomy program at Franklin-Simpson High School, and Cynthia, who teaches math at Beaumont Middle School in Lexington, have demonstrated that they are committed to providing a quality education to their students. I am very proud of them—as I am sure their friends, colleagues and family are—for they represent the triumphs in our educational system that often go unheralded.

Again, Mr. President, I congratulate Rico and Cynthia for this tremendous achievement and wish them many more years of success in the classroom.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REGULATORY TRANSITION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 219, the Regulatory Transition Act of 1995, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 219) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Transition Act of 1995".

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on certain significant regulatory actions is imposed and an inventory of such actions is conducted.

SEC. 3. MORATORIUM ON REGULATIONS.

(a) MORATORIUM.—During the moratorium period, a Federal agency may not take any significant regulatory action, unless permitted under section 5. Beginning 30 days after the date of enactment of this Act, the

effectiveness of any significant regulatory action taken during the moratorium period but before the date of the enactment shall be suspended until the end of the moratorium, unless an exception is provided under section 5.

(b) INVENTORY OF RULEMAKING.—Not later than 30 days after the date of enactment of this Act, and on a monthly basis thereafter, the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget shall conduct an inventory and publish in the Federal Register a list of all significant regulatory actions covered by subsection (a), identifying those which have been granted an exception as provided under section 5.

SEC. 4. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—Any deadline for, relating to, or involving any action dependent upon, any significant regulatory action prohibited or suspended under section 3 is extended for 5 months or until the date occurring 5 months after the end of the moratorium period, whichever is later.

(b) DEADLINE DEFINED.—The term "deadline" means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

(c) IDENTIFICATION OF POSTPONED DEADLINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget shall identify and publish in the Federal Register a list of deadlines covered by subsection (a).

SEC. 5. EXCEPTIONS.

(a) IN GENERAL.—Except as provided in subsection (b), section 3(a) or 4(a), or both, shall not apply to a significant regulatory action if—

(1) the head of a Federal agency otherwise authorized to take the action submits a written request to the President, and a copy thereof to the appropriate committees of each house of the Congress;

(2) the President finds, in writing, the action is—

(A) necessary because of an imminent threat to human health or safety or other emergency;

(B) necessary for the enforcement of criminal laws;

(C) related to a regulation that has as its principal effect fostering economic growth, repealing, narrowing, or streamlining a rule, regulation, administrative process, or otherwise reducing regulatory burdens;

(D) issued with respect to matters relating to military or foreign affairs or international trade;

(E) principally related to agency organization, management, or personnel;

(F) a routine administrative action, or principally related to public property, loans, grants, benefits, or contracts;

(G) limited to matters relating to negotiated rulemaking carried out between Indian tribes and the applicable agency under the Indian Self-Determination Act Amendments of 1994 (Public Law 103-413; 108 Stat. 4250); or

(H) limited to interpreting, implementing, or administering the internal revenue laws of the United States; and

(3) the Federal agency head publishes the finding in the Federal Register.

(b) INAPPLICABILITY OF EXCEPTIONS.—The authority provided under subsection (a) shall not apply to any action described under section 6(B)(ii).

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL AGENCY.—The term "Federal agency" means any "agency" as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) MORATORIUM PERIOD.—The term "moratorium period" means that period of time beginning November 9, 1994, and ending on December 31, 1995, unless an Act of Congress provides an earlier termination date for such period.

(3) SIGNIFICANT REGULATORY ACTION.—The term "significant regulatory action" means any action that—

(A)(i) consists of the issuance of any substantive rule, interpretative rule, statement of agency policy, guidance, guidelines, or notice of proposed rulemaking; and

(ii) the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(I) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(II) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(III) materially alters the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(IV) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866; or

(B)(i) 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) (K) and (L); or

(ii) is taken to carry out—

(I) the Interagency Memorandum of Agreement Concerning Wetlands Determinations for Purposes of Section 404 of the Clean Water Act and Subtitle B of the Food Security Act (59 Fed. Reg. 2920) (referred to in this clause as the "Memorandum of Agreement"); or

(II) any method of delineating wetlands based on the Memorandum of Agreement for purposes of carrying out subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

(4) RULE; GUIDANCE; OR GUIDELINES.—The terms "rule", "guidance", or "guideline" mean the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy. Such term shall not include—

(A) the approval or prescription, including on a case-by-case or consolidated case basis, for the future of rates, wages, corporate or financial structures or reorganization thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing;

(B) any action taken in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an institution, credit unions, the Federal Home Loan Banks, or Government sponsored housing enterprises, or to protect the Federal deposit insurance funds;

(C) any action taken to ensure the safety and soundness of a Farm Credit System institution or to protect the Farm Credit Insurance Fund;

(D) any action taken in connection with the reintroduction of non-essential experimental populations of wolves before the date of the enactment of this Act;

(E) any action by the Environmental Protection Agency that would protect the public from exposure to lead from house paint, soil, or drinking water;

(F) any action to provide compensation to Persian Gulf War veterans for disability from undiagnosed illnesses, as provided under the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103-446; 108 Stat. 4647) and the amendments made by that Act;

(G) any action to improve aircraft safety, including such an action to improve the airworthiness of aircraft engines;

(H) any action that would upgrade safety and training standards for commuter airlines to the standards of major airlines;

(I) the promulgation of any rule or regulation relating to aircraft overflights on national parks by the Secretary of Transportation or the Secretary of the Interior pursuant to the procedures specified in the advanced notice of proposed rulemaking published on March 17, 1994, at 59 Fed. Reg. 12740 et seq., except that this subparagraph shall not apply to any such overflight in the State of Alaska;

(J) any clarification of existing responsibilities regarding highway safety warning devices;

(K) any action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping, if a Federal law prohibits such activity in the absence of agency action; or

(L) the granting of an application for or issuance of a license, registration, or similar authority, granting or recognizing an exemption, granting a variance or petition for relief from a regulatory requirement, or other action relieving a restriction, or taking any action necessary to permit new or improved applications of technology or allow manufacture, distribution, sale, or use of a substance or product.

(5) LICENSE.—The term "license" means the whole or part of an agency permit, lease, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission, including any such form of permission relating to hunting and fishing.

(6) PUBLIC PROPERTY.—The term "public property" means all property under the control of a Federal agency, other than land.

SEC. 7. EXCLUSIONS.

This Act shall not apply to any significant regulatory action that establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, sex, age, national origin, handicap, or disability status.

SEC. 8. CIVIL ACTION.

No determination under this Act or agency interpretation under section 6(4) shall be subject to adjudicative review before an administrative tribunal or court of law.

SEC. 9. SEVERABILITY.

(a) APPLICABILITY.—This Act shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is

held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 410

(Purpose: To ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes)

Mr. NICKLES. Mr. President, on behalf of myself and Senators REID, BOND, and HUTCHISON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. REID, Mr. BOND and Mrs. HUTCHISON, proposes an amendment numbered 410.

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

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

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Transition Act of 1995".

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the effectiveness of certain significant final rules is imposed in order to provide Congress an opportunity for review.

SEC. 3. MORATORIUM ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) REPORTING AND REVIEW OF REGULATIONS.—

(1) REPORTING TO CONGRESS.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) the proposed effective date of the rule; and

(iv) a complete copy of the cost-benefit analysis of the rule, if any.

(B) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) EFFECTIVE DATE OF SIGNIFICANT RULES.—A significant rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

(A) the later of the date occurring 45 days after the date on which—

(i) the Congress receives the report submitted under paragraph (1); or

(ii) the rule is published in the Federal Register;

(B) if the Congress passes a joint resolution of disapproval described under section 4 relating to the rule, and the President signs a veto of such resolution, the earlier date—

(i) on which either House of Congress votes and fails to override the veto of the President; or

(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 4 is enacted).

(3) EFFECTIVE DATE FOR OTHER RULES.—Except for a significant rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

(b) TERMINATION OF DISAPPROVED RULEMAKING.—A rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 4.

(c) PRESIDENTIAL WAIVER AUTHORITY.—

(1) PRESIDENTIAL DETERMINATIONS.—Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this Act may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) GROUNDS FOR DETERMINATIONS.—Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(3) WAIVER NOT TO AFFECT CONGRESSIONAL DISAPPROVALS.—An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 4 or the effect of a joint resolution of disapproval under this section. —

(d) TREATMENT OF RULES ISSUED AT END OF CONGRESS.—

(1) ADDITIONAL OPPORTUNITY FOR REVIEW.—In addition to the opportunity for review otherwise provided under this Act, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns sine die through the date on which the succeeding Congress first convenes, section 4 shall apply to such rule in the succeeding Congress.

(2) TREATMENT UNDER SECTION 4.—

(A) In applying section 4 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report must be submitted to Congress before a final rule can take effect.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

(e) TREATMENT OF RULES ISSUED BEFORE THIS ACT.—

(1) OPPORTUNITY FOR CONGRESSIONAL REVIEW.—The provisions of section 4 shall apply to any significant rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on November 20, 1994, through the date on which this Act takes effect.

(2) TREATMENT UNDER SECTION 4.—In applying section 4 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of the enactment of this Act; and

(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 4.

(f) NULLIFICATION OF RULES DISAPPROVED BY CONGRESS.—Any rule that takes effect and later is made of no force or effect by the enactment of a joint resolution under section 4 shall be treated as though such rule had never taken effect.

(g) NO INFERENCE TO BE DRAWN WHERE RULES NOT DISAPPROVED.—If the Congress does not enact a joint resolution of disapproval under section 4, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

SEC. 4. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term "joint resolution" means only a joint resolution introduced after the date on which the report referred to in section 3(a) is received by Congress the matter after the resolving clause of which is as follows: "That Congress disapproves the rule submitted by the ___ relating to ___, and such rule shall have no force or effect." (The blank spaces being appropriately filled in.)

(b) REFERRAL.—

(1) IN GENERAL.—A resolution described in paragraph (1) shall be referred to the committees in each House of Congress with jurisdiction. Such a resolution may not be reported before the eighth day after its submission or publication date.

(2) SUBMISSION DATE.—For purposes of this subsection the term "submission or publication date" means the later of the date on which—

(A) the Congress receives the report submitted under section 3(a)(1); or

(B) the rule is published in the Federal Register.

(c) DISCHARGE.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged by the Majority Leader of the Senate or the Majority Leader of the House of Representatives, as the case may be, from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(d) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a

motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) TREATMENT IF OTHER HOUSE HAS ACTED.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(1) NONREFERRAL.—The resolution of the other House shall not be referred to a committee.

(2) FINAL PASSAGE.—With respect to a resolution described in subsection (a) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 5. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—In the case of any deadline for, relating to, or involving any significant rule which does not take effect (or the effectiveness of which is terminated) because of the enactment of a joint resolution under section 4, that deadline is extended until the date 12 months after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 3(a).

(b) DEADLINE DEFINED.—The term "deadline" means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL AGENCY.—The term "Federal agency" means any "agency" as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) SIGNIFICANT RULE.—The term "significant rule" means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(A) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(C) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(3) FINAL RULE.—The term "final rule" means any final rule or interim final rule. As used in this paragraph, "rule" has the meaning given such term by section 551 of title 5, United States Code.

SEC. 7. CIVIL ACTION.

An Executive order issued by the President under section 3(c), and any determination under section 3(a)(2), shall not be subject to judicial review by a court of the United States.

SEC. 8. APPLICABILITY; SEVERABILITY.

(a) APPLICABILITY.—This Act shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 9. EXEMPTION FOR MONETARY POLICY.

Nothing in this Act shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act and shall apply to any significant rule that takes effect as a final rule on or after such effective date.

Mr. NICKLES. Mr. President, this is an amendment that Senator REID and myself and several other Senators discussed at length yesterday, so I do not think I have to go into too much detail.

But just to summarize what this amendment would do, this amendment would provide for a 45-day congressional review of regulations—all regulations. Significant regulation would have a moratorium. They would be suspended for 45 days.

This would give Congress an expedited procedure to where we could repeal or reject those regulations if we deem it necessary. We could reject any of the regulations, whether they be significant or whether they be smaller regulations.

We also have a look back. We can look back at the significant regulations that were enacted since November 20, 1994, and have a chance to reject or repeal those. Those regulations would not be suspended. They would still be in effect, but if Congress so desired, if we were successful in passing a resolution of disapproval through both Houses and if that resolution is signed by the President, then those regulations would be repealed.

Likewise, on any of the prospective regulations that might come out, we would have 45 days for an expedited procedure, and if Congress passed a resolution of disapproval, then those regulations would be stopped. Of course, again, the President would have the opportunity to veto that resolution and we would have the opportunity to override that veto.

Mr. President, I think this is good reform. It is a substitute to the bill as reported out of the Governmental Affairs Committee. I think, frankly, in my opinion, it is a significant improvement. I was a sponsor of the bill that came out of the Governmental Affairs Committee. We had 36 cosponsors. That is the so-called reg moratorium.

Some of my colleagues have labeled that bill draconian, they say it will be a disaster, so on. My final analysis was that bill would not do very much because the bill, as reported to the House, pertained to all regulations with lots of exceptions. When it was reported out of the Governmental Affairs Committee, it applied to significant regulations.

To put this in a framework, the administration on November 14 published in the Federal Register that they were reviewing and working on 4,500 rules and regulations that would be effective for the years 1995, 1996, and 1997—4,500. Many of those had significant economic impact. I thought we should have a review of those or stop those. But the bill that passed out of the Governmental Affairs Committee applied only to significant. That would be several hundred, maybe 800 or 900 out of the 4,500, and then the Governmental Affairs Committee had several exceptions.

We had several exceptions when we introduced the bill. I believe we had eight exceptions: For imminent public health and safety; exceptions for actions that would streamline the process and make Government work more efficiently and effectively; exceptions dealing with criminal statutes.

The Governmental Affairs Committee had a lot more exceptions. The net result was, in my opinion, the bill passed out of the Governmental Affairs Committee was a temporary moratorium. It would only last until Congress

passed a comprehensive reform bill. My guess is we will probably do that in 2 or 3 months. So instead of having a year moratorium as people anticipated, the bill said it would last until the end of the year or until Congress passed a comprehensive regulatory reform bill. I think we will do that in a couple of months. I hope we do. I think it is important to do with cost-benefit analysis and risk assessment. So my guess is the temporary moratorium would only last a couple months. And then, like I said, it would apply not only to significant regulations. The bill before us gives Congress an expedited procedure to reject all regulations, whether significant or not. I think it is more permanent, because we are talking about permanent statutory change. So not only this Congress—not just for the next 100 days or for this year—but this Congress and future Congresses will have the right and the responsibility, in my opinion, to not only review, but to analyze these regulations and to reject those that we find are too expensive, reject those we find do not make sense. Again, it applies to all regulations, not just to the significant ones.

I think it is an improvement on the bill as reported out of the Governmental Affairs Committee. I thank Senator ROTH and other colleagues for their work on that. I know it was not an easy markup in conference.

I think the substitute we have today, which is supported by Senators DOLE, ROTH, and several others, is a better substitute for another reason. It is bipartisan. I want to compliment Senator REID for his cosponsoring this approach, as well as several other colleagues on the other side of the aisle that have mentioned to me they think this is a good approach. This should actually pass regardless of whether you have a Republican-controlled Congress or a Democrat-controlled Congress. This says Congress should be making the decision. Congress should use their oversight and should have the responsibility to make sure the bureaucrats, the regulators, actually follow through with our intentions and desires on legislation. This will give us that responsibility.

I am optimistic. I think this is a good substitute, one that deserves very strong bipartisan support. I hope we have a very strong vote in the Senate later today and one that I hope my colleagues in the House would concur is an improvement over the House-passed bill and, hopefully, they will recede to the Senate when we go to conference.

Mr. President, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, might I inquire, what is the parliamentary procedure now?

The PRESIDING OFFICER. The Senator from Oklahoma offered an amendment to the committee substitute for S. 219.

Mr. HARKIN. The substitute is the pending business?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 411 TO AMENDMENT NO. 410

(Purpose: To condemn the conviction and sentencing of American citizens held in Iraq)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 411 to amendment No. 410.

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE REGARDING AMERICAN CITIZENS HELD IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) On Saturday, March 25, 1995, an Iraqi court sentenced two Americans, William Barloon and David Daliberti, to eight years imprisonment for allegedly entering Iraq without permission.

(2) The two men were tried, convicted, and sentenced in what was reported to be a very brief period during that day with no other Americans present and with their only legal counsel having been appointed by the Government of Iraq.

(3) The Department of State has stated that the two Americans have committed no offense justifying imprisonment and has demanded that they be released immediately.

(4) This injustice worsens already strained relations between the United States and Iraq and makes resolution of differences with Iraq more difficult.

(b) SENSE OF SENATE.—The Senate strongly condemns the unjustified actions taken by the Government of Iraq against American citizens William Barloon and David Daliberti and urges their immediate release from prison and safe exit from Iraq. Further, the Senate urges the President of the United States to take all appropriate action to assure their prompt release and safe exit from Iraq.

Mr. HARKIN. Mr. President, this amendment is a sense-of-the-Senate resolution and not really related to the bill at hand. But it responds to an urgent matter.

On Saturday morning, March 25, an Iraqi judge sentenced two American citizens, David Daliberti and William Barloon, to 8 years in prison for illegal entry into Iraq, under paragraph 24 of Iraq's residence law.

Apparently, the men had innocently and mistakenly entered Iraqi territory last March 13 while attempt to go visit friends at the U.N. observer mission in the demilitarized zone.

According to the State Department, no American official was present at the trial, which lasted about 1½ hours. Both Americans were represented by a court-appointed Iraqi attorney. The Polish authorities, who are representing us in Iraq, were given less than an hour's notification before the trial was to begin.

One of those Americans sentenced, William Barloon, is from New Hampton, IA. He is an engineer for the McDonnell Douglas Corp. He has lived, for the past 2 years, in Kuwait with his wife, Linda, and their three children. His family and friends are rightfully shocked, angered, and frustrated by the sentence. I share the concerns of Mr. Barloon's family and friends in Iowa and offer this amendment to publicly support them to do whatever I can to ensure the prompt and swift return of their loved one.

I have been, and my staff has been, closely monitoring the diplomatic efforts underway and have expressed my concern to the Secretary of State, Warren Christopher.

Mr. President, there is absolutely no justification for these sentences. These two Americans, who work for private contractors in Kuwait, inadvertently crossed over into Iraq when attempting to visit friends in the demilitarized zone between Iraq and Kuwait. They committed no offense justifying jail sentences. Allegations of espionage to the contrary, these men were not in Iraq for any nefarious purpose. They did not commit any criminal actions.

In addition, Mr. President, their stay in Iraq was very brief. They had then attempted to return back into Kuwait, probably when they discovered that they had crossed over. According to the State Department, they were merely charged with being in Iraq illegally, without proper documents, in violation of that country's residence law.

Mr. President, I have long been a defender of human rights throughout the world. And today I rise to speak out in defense of the human rights of two Americans unjustly sentenced to 8 years in prison for what essentially amounts to an honest mistake of not knowing where they were.

Imprisonment in this case is unconscionable. Both Mr. Daliberti and Mr. Barloon, on the basis of their fundamental human rights and humanitarian considerations, should be immediately and unconditionally released.

Finally, it has been suggested that Iraq may be seeking to take advantage of this incident as leverage in whatever real or perceived grievances Iraq has with the United States, or to gain some advantage internationally. I do not know if that is the case. I do not wish to comment on that. I just hope it is not the case. But if that is the case, then I urge them to reconsider using this incident in such a manner, because I can tell you one thing—any attempt to use this incident in such a manner can only be counterproductive, there is nothing for Iraq to gain by using this incident in the hopes of gaining leverage in bilateral or international relations.

I urge my colleagues to unanimously support this amendment. It will put the United States Senate on record as condemning Iraq's actions in this case

and urges the President to take all appropriate measures to secure the immediate release of Mr. Daliberti and Mr. Barloon so they may be reunited with their family and friends.

I ask unanimous consent to have printed at this point in the RECORD two articles from The New York Times of this morning.

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

IN HOMETOWNS, SPY CHARGES BY BAGHDAD ARE DISMISSED

(By Dirk Johnson)

NEW HAMPTON, IA, March 27.—This Iowa town was draped in yellow ribbons today in a gesture of support for its native son, William Barloon, who with another American, David Daliberti, has been sentenced to an eight-year prison term in Iraq after their puzzling foray into that country two weeks ago.

Nobody here could imagine any good reason for the two men to cross the Kuwaiti border, which is marked with a 10-foot-deep, 16-foot-wide trench. Even so, friends and family of the two men, civilian workers for American defense contractors in Kuwait, scoff at the accusation by Iraq that the men were involved in underhanded activity.

"From what I know of Billy, I don't think he'd make a very good spy," said Kevin Kennedy, a lawyer in this town of 4,000, adding that Mr. Barloon was "better at telling a story than keeping a secret."

Mr. Daliberti's father, Raymond Daliberti, said it was ridiculous to believe that his soon was a spy. "If he is, he must be the dumbest spy in the world," the elder Mr. Daliberti said in Jacksonville, Fla.

State Department officials, who have denounced the prison sentences, say the two men mistakenly crossed into Iraqi territory while trying to visit friends in the demilitarized zone between Kuwait and Iraq.

Mr. Barloon, 39, worked for the McDonnell Douglas Corporation in Kuwait on support crews for F-18 fighter jets. Mr. Daliberti, 41, worked for Kay and Associates, a subcontractor for McDonnell Douglas.

A spokesman for McDonnell Douglas, Tom Williams, said the men "wound up in Iraq by accident—an honest mistake." He said he had no details to add to the reports of officials in Washington.

Mr. Barloon, who moved away from here in 1973, grew up in a brick-and-frame house on Hamilton Street, where his mother, Mary Rethamel, still lives. His father, Ed Barloon, a tavern owner, drowned in a quarry here when the son was about 5. As a teen-ager, he worked summers at a truck stop, and joined the Navy after his junior year in high school.

The Rev. Carl Schmitt, pastor of St. Joseph's Roman Catholic Church, whose elementary school Mr. Barloon attended, said townspeople here were indignant over the severity of the punishment imposed by Iraq.

"We feel devastated and frustrated," Father Schmitt said. "People are trying to deal with the anger. I tell people we aren't going to gain anything by spreading more hatred in the world."

Mr. Daliberti was born in Tennessee, but spent most of his childhood in Jacksonville, where his father worked as an aviator machinist at Cecil Field Naval Air Station, and where he would develop a passion for jets. After four years in the Navy and a string of civilian jobs near Jacksonville, Mr. Daliberti took a job in Kuwait three years ago as a trainer of mechanics on F-18 jets.

"He loved the people over there and was getting along great," his father said.

UNITED STATES DENIES TWO AMERICANS ENTERED IRAQ AS SABOTEURS

(By Steven Greenhouse)

WASHINGTON, March 27.—The Clinton Administration today rejected assertions from Baghdad that two Americans being held prisoner there had crossed into Iraq as saboteurs or spies.

White House and State Department officials said again today that the two had strayed mistakenly and innocently into Iraq while trying to visit a friend south of the border in Kuwait and did not deserve the eight-year prison sentences an Iraqi court imposed on them on Saturday.

"It was an innocent mistake," said Michael D. McCurry, the White House spokesman. "These two crossed across the border and had no intention to conduct any kind of sabotage at all." He also denied their motive was espionage.

Saddi Mehdi Saleh, the Speaker of Iraq's Parliament, told The Associated Press today: "We have no aggressive intentions toward these two Americans. But we have just applied Iraqi law according to the manner we do to all the foreigners who are coming for sabotage or other political reasons."

He added: "Sending spies or saboteurs, we reject this equation and don't agree with it. The United States of America must understand this fact."

Mr. Saleh later denied that he had said the two Americans planned acts of sabotage. Instead, he asserted that their aim was to create an incident that would prolong United Nations sanctions against Iraq.

United States officials said today that the two men—David Daliberti, 41, of Jacksonville, Fla., and William Barloon, 39, of New Hampton, Iowa—had apparently made a wrong turn and strayed into Iraq when they were seeking to visit a Danish friend at a United Nations compound in Kuwait, a half-mile south of the Iraqi border.

According to interviews with American and United Nations officials, the two Americans drove north from Kuwait City on March 13 to visit their friend, who was in a Danish engineering unit that is part of the 1,142-member United Nations Iraq-Kuwait Observer Mission.

It is well known that many Westerners who live in Kuwait visit acquaintances who are part of the United Nations mission because alcoholic beverages are readily available in its compounds, unlike elsewhere in Kuwait.

The two, who worked on a McDonnell Douglas contract to maintain Kuwaiti military aircraft, were apparently allowed to pass into Iraq by both a United Nations border patrol and an Iraqi border patrol. Iraqi police arrested them a few minutes later when they sought to cross back into Kuwait.

One American official said "we're as baffled as everyone else" how they could have mistakenly entered Iraq.

Secretary of State Warren Christopher told reporters: "The sentences were unjustified. These men strayed into Iraq and we certainly think they should be promptly released. There's no basis for the kind of sentences that were imposed."

Mr. Christopher specifically denied suggestions that the two men were working for the Central Intelligence Agency, telling reporters, "There is no basis for those reports." He said such rumors would complicate efforts to win their release "only if" the Iraqis "let it complicate it."

Mr. HARKIN. I thank the Senator from Oklahoma for letting me speak and propose this amendment at this time.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Mr. President, I compliment my friend and colleague, Senator HARKIN from Iowa, for this amendment. I am sympathetic to it and I will support it.

I might tell my colleagues we do not expect to vote now, and probably we will ask for the vote. We will check and see on the Democrat side if it is OK to vote at 12 noon. If not, we will announce the vote shortly.

I am sympathetic for a lot of reasons. Certainly it is an injustice when we have two American citizens who are working for a company, McDonnell, to be taken hostage and be sentenced for 8 years for mistakenly crossing the border.

I am sympathetic for another reason, because I found out the hard way. We had an Oklahoman that also was taken captive and held in Iraq for some time in 1993, Ken Beaty, an Oklahoman from Mustang, OK. He worked for an oil company. He was jailed for 205 days, I tell my colleague, in April 1993 through November 1993. He is 45 years old. Eventually we were successful. My colleague, Senator BOREN, Members might recall, went to Iraq to obtain his release. I hope we will have even a speedier resolution for these two individuals. Certainly it is an outrage that this type of a sentence was given for an innocent trespass. Eight years is certainly outrageous.

I concur with my colleague. The Senate should speak out in this amendment. I have no objection, and I suspect we will be voting on it around 12 o'clock.

Mr. HARKIN. If the Senator will yield, I want to thank the Senator from Oklahoma.

I know the managers of the bill—we do not want to load the bill with amendments and resolutions, but this is important. I appreciate his willingness to go away and get this up and get the Senate to express itself on this amendment. Thank you.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent to speak as in morning business.

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

MALMSTROM AIR FORCE BASE

Mr. BAUCUS. Mr. President, this weekend, the Base Closure and Realignment Commission comes to Great Falls for a hearing on the future of Malmstrom Air Force Base. And as

both the Great Falls community and the BRAC Commissioners prepare for the hearing, I would like to recall a piece of history many have forgotten.

In 1942, as the United States entered the Second World War, President Roosevelt and Gen. George Marshall selected Malmstrom Air Force Base for a critically important mission. They chose this to be the main base for Lend-Lease supplies to the Soviet Army.

Over the next 3 years, 1942 to 1945, Malmstrom pilots made over 10,000 flights to the Soviet Union. They gave the Soviet Army trucks, tank parts, and other supplies crucial to the defense of Leningrad, the Battle of Kursk, and other watershed events in the European theater.

Now, you may ask, why Malmstrom?

The answer is simple. This air base is practically at the geographic center of North America. Thus it is the one place that is most secure military locations anywhere. At the same time, because flights to Europe and Northern Asia fly over the North Pole, there is no continental airbase closer to Japan and Russia than Malmstrom.

So, paradoxically, Malmstrom Air Force Base is among two very important groups: First, the bases most secure against foreign attack, and second, the bases most strategically important in wartime.

I am pleased to say that the Air Force recognizes this. In their report to the President last March 1, they said Malmstrom should remain a principal site for our land-based strategic nuclear forces.

But they also made a more puzzling recommendation. They asked the President to reverse two previous BRAC decisions, and move Malmstrom's squadron of KC-135 tanker aircraft to Florida.

Though I do not believe this would make much military sense. So I hope the BRAC Commissioners look closely at Malmstrom, listen to the community, and make the right decision to keep the tankers where they are now.

As the 1992 BRAC found, Malmstrom is a good place for the tanker squadron, and can support an expanded rather than a contracted flying mission.

That is no accident. Since the days of Roosevelt and Marshall, the Air Force has put a great deal of money into making Malmstrom a top-level base for our nuclear missiles and for the flying missile. They have done a good job; and they had good reasons to do it.

First of all, we may again need Malmstrom's service in wartime.

Everything human—whether it is technology, relations between governments, or anything else—is subject to change. But geography is not. We will never have a better location for a strategic airbase than Malmstrom, which is both invulnerable to naval attack and as close as a continental airbase can be to Eurasia.

Second, Malmstrom is ideal for peacetime operations. The Great Falls area is perfect for Air Force training missions, because they do not call Montana the Big Sky State for nothing.

The airspace around Malmstrom is wide open. Visibility is excellent. There are no big mountains or even buildings for that matter nearby. And the weather is almost always sunny and dry. In fact, Malmstrom has the best flying weather in the area, and is already an alternative landing site for the other bases in the region. And, as the prairie is thinly populated, there are very few big metropolitan areas where frequent training missions could annoy local residents.

Third, Malmstrom will remain an ideal location for the foreseeable future. The Cascade County and Great Falls municipal governments work closely with base commanders to keep plenty of open ground between Malmstrom and the town.

Because we are a thinly populated State, the Air Force can be confident that even if there is substantial local growth, no property developer will build right up to the wire.

So disruption to the local community will always be minimal. Complaints by local citizens will be few or nonexistent. And, perhaps most important, the open ground ensures that base security will always be protected much more effectively than it could be in a heavily urban area like MacDill.

Finally, of course, Malmstrom has top-quality facilities for flying.

It has an airstrip good enough to support 10,000 Lend-Lease flights. And it has first-class maintenance capability to protect today's high-performance aircraft. In fact, Malmstrom is the only airbase in the Pacific Northwest with an anticorrosion facility.

Mr. President, we are very confident, that a careful, unbiased review will show that Malmstrom Air Force Base is an unequalled national security resource. Its strategic location, excellent flying and maintenance facilities, and multiple-mission capability make it a perfect site for this tanker squadron.

So Great Falls welcomes Commissioners Cox, Davis and Kling to the community. They can expect a warm, hospitable Montana reception. And we look forward to the chance to make our case this weekend.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the vote on the HARKIN amendment numbered 411 occur today at 2:15.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending amendment is the Harkin amendment to the Nickles amendment to the substitute.

Mr. LEAHY. Mr. President, I am presently asking recognition, and I will speak briefly and ask permission to be able to do that as in morning business.

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

A CALAMITY IN AFRICA

Mr. LEAHY. Mr. President, I have listened to the recent proposals of several Republican Senators for deep cuts in our foreign assistance program. Some of these proposals do not mention cuts specifically, but that is the thinly veiled consequence of what they propose. We pride ourselves for our generosity, but our foreign assistance accounts for less than 1 percent of the total Federal budget. These proposals would cut that even further, with the deepest cuts in the funds that go to help the neediest people in the world.

I will speak at length on this subject in the coming weeks, but I wanted to talk briefly about what are talking about if these proposals gain support.

At the same time that Republicans are pushing for drastic reductions in aid to needy American children and families, they would have us turn our backs on people around the world who are even more desperate. Let me mention one example, that was described in the Washington Post on March 17.

Uganda, once a prosperous, peaceful country, was destroyed by Idi Amin in the 1970's. Today, the average yearly income is $170 per person, and as Uganda struggles to rebuild from civil war it is being destroyed from within again. One of every fifteen Ugandans is HIV positive. Half a million Ugandan children have lost a parent to AIDS. By 1998, 10,000 Ugandan children will have died from AIDS, and another 300,000 children will be infected.

In towns like Kakuuto with 70,000 residents, 30 percent of the people are

either infected with HIV or already suffering from AIDS. There are 17,000 orphans in that town alone.

The article describes a typical girl who became the head of her family at the age of 13, when her mother died from AIDS. AIDS had already killed her father. She now cares for her four younger brothers and sisters.

In 1990 I went to Uganda, and I saw the devastation caused by AIDS. I saw the heroic efforts of people there, everyday people, trying to fight the epidemic, a battle they could not possibly win without the help of countries like ours.

The article goes on to describe similar stories in Kenya, where Father Angelo D'Agostino, a Jesuit priest and a personal friend of mine, founded a home in Nairobi for AIDS orphans. He gets calls seeking a home for 100 AIDS babies every month. He has room for only 80 children, many of whom watched their parents die.

Mr. President, there are more rescissions coming from the House, and there are proposals to cut the foreign assistance program. Meanwhile, in Africa there are 10 million people infected with HIV, and the number continues to climb. Close to a million and a half are children. Many of the HIV infections were spread by sexually transmitted diseases that are common wherever there is poverty. These diseases are common in our own country, but here we have the vaccines or medicines to cure them. There they do not, and they become HIV positive, and they die.

There is no cure for AIDS. Would those who would cut the meager funds we spend to fight AIDS in places like Uganda, or India where it is spreading like wildfire among a population of a billion people, have us seal our borders? Tell future generations of Americans that if they leave our shores they cannot return?

Mr. President, this is one of a dozen examples I could mention of what will happen if we cut these foreign assistance programs. It makes a great press release today. We might just as well be sentencing our children and grandchildren to death.

I ask unanimous consent that the 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 Post, Mar. 17, 1995]

AFRICAN AIDS EPIDEMIC CREATING A SOCIETY OF ORPHANS—HUNDREDS OF THOUSANDS OF CHILDREN LEFT PARENTLESS AS SCOURGE SWEEPS THE CONTINENT

(By Stephen Buckley)

KAKUUTO, UGANDA.—Elizabeth Nakaweesi, 17, became head of her household at 13.

In 1989, her mother died of AIDS. In 1991, AIDS killed her father. That left Elizabeth to care for her four brothers and sisters, now aged 10 to 15.

Instead of spending her days in school, she spends them making straw mats and cultivating her family's half-acre of banana trees. She makes $40 a year.

"It is painful to have no parents," Elizabeth said recently, sitting in her family's battered clay hut. "If they were here, they would take care of us: we would have the things we do not have."

Nakaweesi's plight has become a familiar one in Africa, where AIDS has left millions of children without parents and has afflicted thousands of others who contracted the AIDS virus through their mothers.

Statistics on the impact of AIDS among African children are sketchy but nonetheless grim. UNICEF predicts that by 1999, up to 5 million African children will have lost their mothers to AIDS. Of the 9.5 million people in sub-Saharan Africa who either have the human immunodeficiency virus (HIV)—which causes AIDS—or the disease itself, an estimated 1.3 million are children.

AIDS has ravaged the continent in part because of cultural mores that assent to men having simultaneous sexual partnerships with more than one woman. Researchers also have found that a high rate of nonfatal sexually transmitted diseases among both genders has made Africans more vulnerable to HIV.

AIDS specialists fear that the impact of the disease on children will slash school enrollments, roll back gains in infant morality rates and further tax family structures already shattered by political and economic crises in many African countries.

Uganda's AIDS crisis is among the most urgent in Africa, as 1.5 million of the nation's population of 17 million are HIV-positive. An estimated 519,000 Ugandan children have lost at least one parent to AIDS, and the government reports that by 1998 about 150,000 children will have died of it and another 300,000 will be infected.

"What we have seen is staggering," said Omwony Ojwok, director of the Uganda AIDS Commission. "The families in particular are simply at a breaking point. You have some adults with 10 orphans in their house, plus their own children. Eventually, you run out of adults to take care of the children."

The town of Kakuuto, three hours west of Kampala, has been hit especially hard. An estimated 30 percent of its 70,000 residents are either HIV-positive or have AIDS. Relief workers estimate that there are 17,000 orphans. Some are left on their own, but many more live with grandparents who often are too old to provide the economic and emotional security of a mother and father.

Alandrena Nakabiito, 62, was left with six orphans, ages 5 to 13, when two relatives died of AIDS in the early 1990s. Nakabiito, who reared four of her own children, said that she never expected to be cast in this role.

"I never thought of it," she said, waving her arms in her dark, narrow, two-room hut. "I built this small house for myself." Now eight people, including Nakabiito's 72-year-old sister, live there.

Nakabiito said she makes about $60 a year, adding that she would work harder on her acre of land but age has drained her strength. She digs only in the morning, resting in the afternoon. The slight woman, whose hands bear scars of a hard farm life, said she is especially sad that she cannot help Lucky Nakkazi, the 13-year-old, with her studies. Lucy can go to school only because the World Vision relief organization pays fees for her and about 2,500 other orphans in Kakuuto.

"I would try to help, but I have poor sight at night," Nakabiito said, referring to Lucy's school work.

Lucy attends Kakuuto Central Primary School, where headmaster Kyeyune Gelazius said that 220 of his 450 students have lost parents to AIDS. he predicts that within five years, 75 percent of his students will be orphans. He said that generally their attendance is sporadic and their behavior disruptive and that they lag academically.

"They don't get the attention they need at home," said Gelazius, who has seen 11 relatives die of AIDS. "Their grandparents are usually too old, and the children don't respect them."

A study in neighboring Tanzania found that children who have lost their mothers to AIDS "have markedly lower enrollment rates and, once enrolled, spend fewer hours in school" than youngsters with two parents, the World Bank Research Observer reported. The same study concluded that by 2020 the AIDS death rate among children in Tanzania will have cut primary and secondary-school enrollments by 14 and 22 percent, respectively.

Doctors also fear that AIDS will wipe out improvements in infant mortality rates over the past decade. For now, the rate remains stable, but a 1994 World Bank report on AIDS in Uganda warned: "Because of the large numbers of women carrying the virus, there are increasing numbers of infants and children infected. This together with the loss of mothers due to AIDS will increase infant and child mortality significantly." At the Kakuuto offices of Doctors of the World, a medical relief group, AIDS program coordinator Fred Sekyewa said babies born to mothers with AIDS have a 25 to 50 percent chance of being infected and that one in three pregnant women examined here tests HIV-positive.

Sekyewa added that many women with AIDS have babies because of cultural pressures. "In African societies it is an abomination for a woman to die without a child," he said. "A woman in her twenties who has AIDS will say, 'I must have a child now because I may die before I get the opportunity.'"

In Nairobi, Kenya, hundreds of HIV-positive children die in hospitals annually after being abandoned by their mothers. Three years ago, the Rev. Angelo D'Agostino, a Jesuit priest, founded a home in Nairobi for such children. A surgeon and psychiatrist who taught at George Washington University for 14 years, D'Agostino said he gets calls from hospitals and social workers seeking homes for 100 AIDS babies every month.

D'Agostino, 69, has taken in about 80 children. He said that some have become healthy after receiving a steady diet of nutritious meals and attention.

"They were born with their mother's HIV antibodies, so they initially tested positive. But they never got infected," D'Agostino said. "So after a while, they're fine. But usually these kids die of malnutrition or something else in a hospital; because they once tested positive, everybody gives up on them."

The priest said that his children, most of whom are under 5, often show the strains of losing their parents. They cry for hours. They have nightmares. They stare into space.

"They talk about seeing their parents die," D'Agostino said. "They talk about being alone with their 10- or 12-year-old sibling."

Elizabeth Nakaweesi understands their pain. The teenager said she quit school in the sixth grade to care for her young siblings after her parents' deaths because "there was nobody else to do it."

Elizabeth's father, who died at 51, had collected taxes at the local market. Her mother, who was 39, had cultivated their plot of bananas, sweet potatoes and cassavas.

Sometimes, when crops are poor and her straw mats are not selling, Nakaweesi must beg neighbors for help. She said that without assistance from neighbors and World Vision—which pays school fees, bought her a bicycle and provides other necessities—she and brothers and sisters would not survive.

Elizabeth works hard to foster a spirit of family teamwork. After her siblings return from school, everyone works in the field before dinner. At supper time, one child fetches water. Another finds firewood. Another picks bananas. Another puts out bowls and eating utensils. Another does the cooking.

But the teenager knows that she cannot replace her parents. When she tries to speak of them, tears well in her eyes. She turns her face to the wall.

"They must be mother and father now," said Grace Mayanja, a staff worker with World Vision, referring to children in Kakuuto left to raise siblings. "But in their hearts, they're still little girls."

STOP HIDDEN KILLERS: THE GLOBAL LANDMINE CRISIS

Mr. LEAHY. Mr. President, over the years, I have spoken often about the problem of landmines. I have done so on this floor and as a member of the U.S. delegation to the United Nations, where I addressed the Disarmament Committee of the United Nations. I have been urging the U.S. Government and the United Nations to do whatever they can to stop the proliferation and use of antipersonnel landmines.

Sometimes when we think of landmines, we think of these huge floating mines in a shipping lane, but in fact, what we usually mean is a weapon about the size of a can of shoe polish. Antipersonnel landmines are tiny, and in some of them the only metal part is about the size of a thumb tack, so it is virtually impossible to detect. They cost about $2 or $3, and can be concealed beneath the surface of the ground. They are strewn by the thousands and they explode when somebody steps on them, no matter whether that person is a civilian or combatant. They kill an estimated 70 people each day. In the 2 hours since the Senate opened session this morning, at least eight people have been killed or maimed in the world from landmines. We are talking about 70 people each day, 26,000 people each year. There are an estimated 85 to 110 million landmines in 60 to 65 countries waiting to explode.

To give you some idea of this, parts of the Netherlands, and Denmark, are still too dangerous to go into, because of landmines left from World War II. But the vast majority of these hidden killers have been spread in just the past few years. In fact, even though the Russians followed our lead and declared that it would stop exporting antipersonnel landmines, that policy apparently does not apply to Chechnya. The Russians have been spreading landmines in Chechnya and doing it in such a way that nobody is ever going to know where they are—they are being dropped by the thousands out of airplanes—and there will be people, years from now, still dying and being maimed from them.

This January, at a press conference attended by representatives of some 40 countries, Secretary of State Christopher announced the release of the State Department's report "Hidden Killers: The Global Landmine Crisis." It tells the gruesome story of the carnage caused by landmines.

Last year alone, on top of that 100 million or so unexploded landmines, we now have another several million that were laid, mostly in the former Yugoslavia. Estimates of the cost to locate and remove them are in the tens of billions of dollars. That does not even count the millions of mines that will be laid in the future.

Three years ago, almost nobody was paying attention to what has aptly been called a "weapon of mass destruction in slow motion." Far more civilians have died and been injured by landmines than by nuclear weapons.

They are a weapon of mass destruction, they just claim their victims slowly. Then the Senate passed, by 100–0, an amendment I sponsored to halt U.S. exports of antipersonnel landmines. That is the only time I know of when the U.S. Senate acted with unanimity on an issue of this kind.

The purpose of that amendment was to focus attention of the landmine crisis and to urge other countries to join us in trying to solve it. Because the Senate acted with such unanimity—Republicans and Democrats, across the political spectrum—and spurred on by the President of the United States, Secretary of State Christopher, and U.N. Ambassador Madeleine Albright, 18 other countries have declared export moratoria. Last September, at the United Nations, President Clinton announced a U.S. goal of the eventual elimination of antipersonnel landmines. On December 15, 1994, the U.N. General Assembly adopted a U.S. resolution calling on all countries to stop exports, and for further efforts toward the goal of the eventual elimination of antipersonnel landmines.

This is the first time, Mr. President, in recent history, since the banning of chemical weapons, that the world community has singled out a type of weapon for total elimination. It reflects a growing consensus that these weapons are unacceptable because they are indiscriminate, and because they are used routinely to terrorize civilian populations.

Imagine if the area from the Capitol Building to the Washington Monument were seeded with antipersonnel landmines, each one buried in the ground and waiting to explode. Who is going to go there? What if all of New England, or all of California, were strewn with mines? That is the reality for dozens of countries where millions of people go about their daily lives in fear of losing a leg or an arm, or their children's lives, from landmines.

I remember being in Uganda several years ago. From legislation of mine, we started a program to make artificial arms and legs for people who have lost limbs from landmines. My wife, who is a registered nurse, was with me and she saw a young boy, 10 or 12 years old, hopelessly crippled from polio. She could not believe that there was someone who was crippled from polio, when there are such low-cost vaccines.

It turned out that UNICEF had sent polio vaccine to Uganda, but that little boy had not got the vaccine. The medical personnel could not go to his part of Uganda, to his village, because of the landmines strewn around there. So in a country where to survive it is necessary to be able bodied, this little boy is hopelessly crippled.

Here is a photograph of a young boy in Mozambique, Mr. President. Look at him from the waist down. There is nothing there. Those are two wooden legs. Artificial legs in a very poor country, a growing boy who will outgrow them and probably did outgrow them months after this picture was taken.

Look at this Kurdish boy. Can anyone, as human beings, as parents, look at this and not be horrified? I think of my children, when they were this age. One badly damaged leg. An arm missing at the shoulder. The other leg torn off at the knee. And these children are considered the lucky ones because they were close enough to medical care to get help. They did not die, as many do, just from the loss of blood.

These are not combatants, but these are typical of what I have seen every place I have gone in the world where they have landmines. I am told that you cannot walk down the street of Phnom-Penh without seeing people an arm or leg gone. They say that in Cambodia they are clearing the landmines an arm and a leg at a time.

Not only do these weapons endanger civilians most of all—and that is why they are terrorist weapons—but they kill and maim American soldiers, whether in combat or peacekeeping missions. They threaten our Peace Corps volunteers and other Americans who are involved in humanitarian work.

Ken Rutherford of Colorado testified here last year. He told about being in Somalia driving in his jeep, while he was working for the International Rescue Committee. He heard the blast and the bang, and the next thing he knew he was sitting in shock, holding his foot in his hand trying to reattach it to his shattered leg. Of course, that could never be. Ken has courageously gone through painful surgery after surgery, to be able to walk again.

Hidden killers is an indictment of a weapon that even Civil War General Sherman, who is not remembered as a great humanitarian, called a violation of civilized warfare over a century ago. A violation of civilized warfare. That is when a tiny number of them were used. Now there are millions.

During the month of January, officials of governments, including the United States, met in Geneva to discuss proposals for strengthening the Conventional Weapons Convention, the one existing international agreement covering the use of landmines. Signed in 1980, the Senate finally ratified it last Friday.

I want to praise the distinguished majority leader, Senator DOLE, the distinguished Democratic leader, Senator DASCHLE, and others, Senator HELMS, Senator PELL, and Senator LUGAR, for bringing the convention before the Senate for ratification.

The fact that the talks are going on in preparation for a U.N. conference next September to strengthen the 1980 convention is important by itself. The convention is universally regarded as woefully inadequate, and John Molander, the Swedish chairman of the talks, deserves credit for his efforts.

But these negotiations have shown how reluctant governments are to turn rhetoric into reality. I mentioned that Russia had said it had stopped exports of landmines. I praise President Yeltsin for that. I had talked to him about it personally, as I did Foreign Minister Kozyrev. Russia is obviously a country that has one of the largest stockpiles of landmines and they have the ability to manufacture them.

But now we see that they have no reluctance to sow them from airplanes over Chechnya. What army is being deterred by that? What army? It is the armies of old women and old men going out to find firewood to make a fire so they do not die from the cold. What army? It is an army of little children trying to go to school. Those are the armies that are terrified and maimed and killed by the indiscriminate use of landmines.

It is a blight, Mr. President, it is a blight. It is a moral blight. It is an evil blight. They should be treated the same way as we treat poison gas and chemical warfare. They do not distinguish between civilians and combatants. And yet we there are some who would have us give a Good Housekeeping seal of approval to a certain types of landmines.

Balderdash. What difference does it make? A landmine is a landmine. Cheap, deadly, long-life mines can blow the leg off the best trained, best equipped America soldier. If we treat some antipersonnel mines as acceptable, we run the risk of making the goal of eliminating them more elusive. Thousands of innocent people will continue to die. Every 15 minutes of every day of every year someone—usually an innocent civilian, often a child, or civilian—loses a leg or an arm.

Large areas of countries like Bosnia, Angola, and Cambodia have been contaminated with mines. The people cannot return to their fields to grow food, collect water, or firewood without risking their lives. Their children are being blown to pieces when they play outside or walk to school.

Refugees cannot go home. The Pakistani Ambassador to the United Nations tells me that over 1 million Afghan refugees are stranded in his country. Why? They cannot go home to Afghanistan; it is littered with landmines. And so they are in an area where they are devastating the forest, causing all kinds of problems and they are an enormous drain on Pakistan because they cannot go back to Afghanistan.

It is a global catastrophe. People everywhere are calling for an end to this madness. Three weeks ago the Belgium Parliament voted a 5-year total ban on antipersonnel mines. Mexico, Sweden, Ireland, Estonia, Colombia, and Cambodia have already announced a total ban.

Only a year or two ago that seemed inconceivable. The United States has led the way, and we should continue to lead. We are the only superpower, and we can afford to set an example. We do not need these weapons for our security. What army is going to march against the United States? We have the most secure borders in the world.

Mr. President, we are blessed as no democracy in history has been blessed, not only with the resources of our own land and the resource of our own people, but with the security we have as a nation. But let us think what happens when we set foot outside of our country, when we send humanitarian missions, or send the men and women from our military to help in peacekeeping. We find this terrorist weapon used against us. And we are only the tip of the iceberg, because it is a terrorist weapon used most often against those who are most defenseless.

We should treat antipersonnel landmines with the same stigma as poison gas and other indiscriminate, inhumane weapons. Only when the price of using them is to be branded a war criminal and am international pariah will this mayhem stop. There are always going to be Saddam Husseins, who would commit any outrage against their own people. But they will become more and more the exception.

Last week we did take the next step. We ratified the Conventional Weapons Convention, including the landmine protocol. The United States can now participate fully in the conference to amend the convention this September. I intend to go to that conference. I think it is an important opportunity to try to give the convention the teeth it currently lacks. Between now and then I will be speaking with the President of the United States, the Secretary of State, and others, about ways to strengthen it.

Mr. President, there are some weapons that are so inhumane that they do not belong on this Earth. They do not fit in our natural law right of self-preservation and defense. Even within that natural law, and even with our right of self-defense, we do not have the right to use any kind of weapon under any circumstances. Antipersonnel landmines are so inhumane that they fall into that category. They have ruined far too many innocent lives already.

Anyone who doubts that need only look at these photographs. See what happens. I started speaking 15 minutes ago. During that time this has happened to at least one person on this Earth since I started speaking, possibly another child like these. When the Senate recesses this noon—and we all in the security of our caucuses and the security of this beautiful building, the symbol of democracy, eat our lunches—a half-dozen more people will be killed and maimed somewhere in the world. And for what? Do these children threaten anybody? These children had a life hard enough already. Now they have one leg or one arm, or, as in this case, no legs. Can you imagine what their lives are like?

I am going to speak again as I have, many, many times before, Mr. President, about this subject. I will continue to speak about it. I applaud and compliment those of my colleagues, Republicans and Democrats alike, who have joined me in this crusade.

We should tell the world that we will treat the use of antipersonnel landmines the same way that we treat poison gas and other indiscriminate, inhumane weapons, and ban them altogether.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I understand the pending business is the amendment offered by the Senator from Iowa, is that correct?

The PRESIDING OFFICER. That is correct; the Harkin amendment numbered 411.

Mr. GRAHAM. Mr. President, on Saturday, March 25, an Iraqi court sentenced two Americans, David Daliberti of Jacksonville, FL, and William Barloon of Iowa, to 8 years in prison. Their crime was an innocent and inadvertent crossing into Iraq from Kuwait.

These two men, both of whom were employed by United States contractors working in Kuwait, have been converted from free citizens working in an important area of national responsibility for Kuwait on behalf of United States contractors to prisoners in an Iraqi cell.

David Daliberti and his partner have done nothing to deserve this sentence. As the observers at the trial last Saturday stated, these men are innocent of the charges levied against them. The crossing was an honest mistake. This mistake has been admitted, but it is not a criminal offense.

The Iraqis must understand several things. First, that we will not allow them to utilize this inadvertent crossing of the border for political purposes. They must understand that their outrageous action toward these two men is the equal of the outrageous action that they have taken when they refuse to abide by the international standards that would be necessary for a lifting of the economic embargo against their country; that their use of these two men for political purposes will in no way lead to a lifting of the embargo or a modification of the U.N. resolutions regarding sanctions.

Mr. President, President Clinton should be commended for the action that he has taken in this regard. He has been steadfast, he has been personally involved and committed to see that the United States takes all efforts within its power and by organizing international forces in order to accomplish the objective of the release of these two men.

I would also like to thank the representatives of the Polish Government who represent United States interests in Baghdad. They have, as they have done in previous cases, performed a great service for this country. They have represented our interests well in the past, and I am confident that they will do so on behalf of these two Americans.

I have written to the United Nations and received assurance from Mr. Boutros Boutros-Ghali that the United Nations will do everything within its power to ensure the release of these individuals.

Mr. President, I ask unanimous consent to print in the RECORD a letter dated March 24, from the Secretary General, relative to the commitment of the United Nations, at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, there have been a variety of voices raised on this matter. The most compelling have been those of the voices of the families directly involved. The family of Mr. David Daliberti live in Jacksonville, FL. I have had the opportunity to talk with his mother, father, and last Friday with his wife, Kathy. They are, obviously, extremely distressed and anxious about the future of their son and husband.

We must convey to them that it is the commitment of the United States of America to do everything within its power to gain the safe and expeditious release of their loved ones. The same commitment will be made to the Barloon family who, I am certain, is experiencing the same level of anxiety.

The Iraqis must understand that we will hold them fully responsible for the treatment that they are according these two innocent men; that they will be held accountable in the court of international opinion and law for any adverse actions taken against these two Americans.

There have been a variety of proposals made, Mr. President, as to what we should do, ranging from diplomatic to economic to military. I personally believe that we should not take any option off the table. We should not give to Saddam Hussein the confidence that would come by his knowing what we will not do.

However, affirmatively, I believe that we should place our confidence and place our faith in the individual who has the constitutional responsibility to lead United States efforts in a matter of this type, and that is the President of the United States.

On Friday, I met with the President at the White House, and I was impressed with the degree to which he was personally knowledgeable of the minute details of this issue; that he had been in personal contact with key figures who have the capability of bringing maximum pressure upon the Iraqis, and his commitment to see that these two men are released as expeditiously and in the best possible circumstances.

So, Mr. President, I support the resolution that is before us today. I think it is important that the United States Senate send a strong signal to Baghdad as to our outrage at their action and that their action will not secure any steps which will be beneficial to the country of Iraq.

The irony is that the control of the future of Iraq and its people, the ability to lift the economic sanctions and to begin a process of restoring Iraq to a membership in an international community of law-abiding nations lies totally within the Government of Iraq itself and particularly its leader, Saddam Hussein.

For months, that regime has rejected its opportunity and responsibility to take those actions. Now they are potentially attempting to use these two innocent Americans as a lever to achieve that result.

They shall not succeed. The United States, with our international allies and with the coalition that is being organized by President Clinton, will bring both maximum force, maximum diplomatic, economic and, if necessary, other initiatives in order to achieve the release of these men, while at the same time standing firm behind the sanctions which Iraq imposed upon itself by its lawless activities.

So, Mr. President, I urge my colleagues to adopt this resolution and send the signals that have the best opportunity to achieve the release of these two men to the regime in Baghdad and to reinforce the leadership which is being provided by our President in Washington.

Thank you, Mr. President.

EXHIBIT 1

MARCH 24, 1995.

Senator BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: Thank you for your letter of 23 March 1995 expressing your grave concern for the two United States citizens who have been detained by the Government of Iraq since 13 March after accidentally crossing the border between Kuwait and Iraq. Please be assured that I share your concern.

Since the incident occurred, General Krishna Thapa, the Force Commander of the United Nations Iraq-Kuwait Observation Mission (UNIKOM), which is situated along the international border between the two countries, has been repeatedly in contact with Iraqi authorities to ascertain the whereabouts of the two individuals, obtain assurances of their well-being, and urge the Government to release them immediately.

Mr. Kofi Annan, Under-Secretary-General for Peace-keeping, has also been in touch with the Permanent Representative of Iraq to the United Nations to protest the incident and to urge the Government of Iraq to take immediate steps to obtain release of the detainees. Mr. Annan is also keeping the Permanent Representative of the United States informed of any developments in this regard as they occur.

You may be assured that the United Nations will continue to do everything we can to bring about the rapid release of the detainees. Please convey to their families my deep concern, together with my personal wishes that their families will soon be reunited.

Please accept, Sir, the assurances of my highest consideration.

BOUTROS BOUTROS-GHALI.

Mr. FEINGOLD. Mr. President, I commend the Senator from Iowa, Senator HARKIN, for his leadership on this issue. The virtual kidnaping of two innocent American businessmen by Iraq is a very serious matter.

Obviously, I will vote for this amendment because it strongly condemns the Government of Iraq for its unjustified action. I also think it empowers the President as he strives to assure the prompt release and safe exit of our two citizens from Iraq.

At the same time, though, I want to explain for the RECORD that in voting for a resolution which urges the President to "take all appropriate action" in this matter, I do not believe that Congress is authorizing any broad use of military action. While the President

may initiate an emergency operation to rescue American citizens, any military action beyond that into Iraq would have to be specifically authorized by Congress.

I make this point, Mr. President, because I have seen in the past how sometimes we quickly and quite appropriately pass some foreign policy resolutions to express a sense of the Senate, only to have them reinterpreted as a broad authority for some unforeseen or even uncontemplated military action later. I hardly expect that to be the case with this amendment, but I wanted to set the record straight from the outset.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

UNANIMOUS-CONSENT AGREEMENT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to conduct morning business and request that the Senate stand in recess following my remarks.

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

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON and Mr. NUNN pertaining to the introduction of S. 635 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM. Mr. President, I ask unanimous consent, if I might, to be listed as an original cosponsor of the legislation just introduced by the Senator from Texas and extend my commendations to her for proposing this long-overdue reform in the treatment of our highest national military leadership.

Mrs. HUTCHISON. Mr. President, I am proud to have the Senator from Florida be an original cosponsor of the bill, and I look forward to working with him to correct this inequity that we have seen occur over the last few years.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2:15 p.m.

There being no objection, the Senate, at 12:31 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ASHCROFT).

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 411

The PRESIDING OFFICER. The question occurs on amendment No. 411 offered by the Senator from Iowa [Mr. HARKIN].

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. SMITH] is necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire [Mr. SMITH] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bennett	Glenn	McConnell
Biden	Gorton	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burns	Heflin	Pressler
Byrd	Helms	Pryor
Campbell	Hollings	Reid
Chafee	Hutchison	Robb
Coats	Inhofe	Rockefeller
Cochran	Inouye	Roth
Cohen	Jeffords	Santorum
Conrad	Johnston	Sarbanes
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simon
D'Amato	Kennedy	Simpson
Daschle	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	Stevens
Dole	Kyl	Thomas
Domenici	Lautenberg	Thompson
Dorgan	Leahy	Thurmond
Exon	Levin	Warner
Faircloth	Lieberman	Wellstone

NOT VOTING—1

Smith

So the amendment (No. 411) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the matter before this body?

AMENDMENT NO. 410

The PRESIDING OFFICER. The pending question is amendment No. 410, offered by the Senator from Oklahoma.

Mr. REID. Mr. President, the senior Senator from Oklahoma and I, among others, have offered this substitute to S. 219 because we believe it is a good solution to the problem of excessive bureaucratic regulation.

Mr. President, yesterday on the Senate floor, I outlined in some detail the merits of this substitute amendment. During that period of time, the Senator from Oklahoma and I, in a number of exchanges, laid the foundation for this legislation. What this is all about is the fact that we have too many regulations that, in effect, are given to us—and when I say "us," I mean the American public—without the Congress having any ability whatsoever to review these regulations.

In fact, Mr. President, since the Chadha decision, the bureaucrats have, in effect, laughed at the Congress. When we were concerned about an area in which they were going to promulgate regulations, there was not a thing we could do about it because they, in effect, said you tried once to put up a legislative framework to review regulations and you were told by the Supreme Court you could not do it. So, as a result of that, I believe personally that we have had a lot of regulations that were unnecessary and, in effect, the bureaucrats have told the Congress: We will do what we want.

It is estimated by the U.S. Chamber of Commerce that complying with Federal regulations costs over $500 billion a year. The amount of time filling out paperwork for these same procedures is about 7 billion hours—not million, but billion hours. Multiply that times the minimum wage, and it is a lot of money. But, of course, it is more than minimum wage.

Mr. President, we all know that regulations serve a valid purpose if they are implemented properly and they serve the intent, what the legislature intended, in allowing them to go forward with the regulations. We all know that the workplace is a lot safer today than it was 50 years ago. We know that there are people today who are not permanently disfigured as a result of the workplace rules that are in place.

We have an airline industry that has the finest safety record of any airline industry in the world. We know that we have problems that have developed, but, generally speaking, our food regulations allow the American public to clearly eat food that is given to them.

Some good things have happened. Twenty years ago, Mr. President, 80 percent of the rivers were polluted. Now it is 20 percent. It has just reversed. It used to be, 20 years ago, that 20 percent of the rivers were unpolluted; now 80 percent of the rivers are not polluted. So we have made progress and a lot of this is because of meaningful legislation and the meaningful implementation of regulations.

The problem is, though, that too often Congress passes a law with good intentions and sound policy, only to have the agencies turn these simple laws into complex regulations that even the regulators do not understand. And certainly they go beyond the intent of Congress.

There are a myriad of stories that each of us have in our offices of how businesses, large and small, have to

hire large legal departments. And if that is not enough, they have to have people who specialize in other areas, dealing with regulations that have been promulgated.

The reality is that Americans have become frustrated and skeptical about our Government. One reason, I believe, is because of the myriad of regulations over which they feel and we as a Congress feel we have no control.

As an example, a survey was conducted by Times Mirror, which found that since 1987, the number of Americans who believe regulations affecting business usually do more harm than good has jumped from 55 to 63 percent. In just these few short years, people feel worse about government rather than better. So we should get the message.

Mr. President, yesterday I pointed out to the Members of this body the number of regulations that have been placed in effect just since the last election. It is a large number of regulations, about 15 pages of very fine print that we have of new regulations.

I talked, Mr. President, about some of the—for lack of a better description—ridiculous things that have happened because of some regulations. I talked yesterday about a number of companies. One that I talked about was a New York company which was told to get benzene out of its water supply. They said, "Fine," because they knew how much benzene was in their water that they could remove. The manufacturer said, "But we will make you a better deal. We have other processes in this plant where we can get rid of significantly more benzene and it will only cost us a fraction more of the $31 million that it would take to remove the benzene in the water."

The regulators said, "No deal." So, in effect, they spent $31 million and removed a little bit of benzene, where they could have spent a few dollars more and removed a lot of benzene. But, no; that is how far into space some of these regulations go.

The Senator from Oklahoma and I believe that we need to eliminate many of the problems. To do that, we need to establish a safety mechanism that will enable Congress to look at the regulations that are being promulgated and decide whether they achieve the purpose they are supposed to achieve in a rational, economic, and less burdensome way. The substitute does just that.

The Senator from Oklahoma and I have worked for many years in a bipartisan fashion to do something about Government regulations. We approached this in the past. In fact, last year, this body passed legislation that we introduced which would have put a dollar number on regulations that were promulgated.

Well, I believe this is a more realistic way to approach the problem. The legislation that we introduced last year that passed was knocked out in a conference committee. So this is a bipartisan approach to accomplishing the goal of making Government more meaningful.

I would like to just mention briefly, Mr. President, that this bill provides a 45-day period where Congress can review new regulations. We can enact a joint resolution of disapproval and we would do it on a fast-track basis. If the rule would have an economic impact of over $100 million, it is deemed to be significant and the regulation will not go into effect until the 45-day period has expired. This 45-day review will allow Congress to hold Federal agencies accountable before the regulations become, in effect, law and start impacting the regulated community.

If the rule does not meet the $100 million threshold, the regulation will go into effect but will still be subjected to fast-track review.

Even significant regulations may go into effect immediately if the President, by Executive order, determines that the regulations are necessary for health, safety, national security or are necessary for the enforcement of criminal law. This is not subject to judicial review.

On issuing a rule, the Federal agency must forward a report to Congress containing a copy of the rule.

Mr. President, this 45-day review process will begin when the rule is sent to Congress or is published in the Federal Register, whichever is sooner.

I want to spend just a very brief time talking about the Chadha case. In that case, the Supreme Court ruled that Congress had no right to veto a regulation unless the President was involved in it; in effect, unless we treated this like regular legislation.

In the Chadha instance, the President had no power to do anything. It would just be the Congress would overturn the regulation.

No matter whether you agree with the reasoning of the Court or not, that is the rule of the land, and so to meet the problems that were encompassed in that decision, the Senator from Oklahoma and I drafted this substitute so that the President would have the right to veto our legislative veto.

If a regulation is submitted to us and we do not like it, both Houses turn it down, and the President does not like it, he can veto it. The only way we can override his veto is by a two-thirds vote. That is fair. I am sorry we have to take it to the President, but that is what the Supreme Court said we have to do.

I think this procedure meets all the constitutional requirements that people raised in the past.

Mr. President, I hope that we can have a strong bipartisan vote on this bill. It is time that we worked together on issues. There is not a Member of this body, on either side of the aisle, who does not recognize, I hope, that we have all kinds of problems with regulations. If one goes home to a townhall meeting and there is a businessman there, big or small, that is what they complain about more than anything else, the paperwork that is burying them. And in the process of burying them, people are losing jobs, and it is just not good for the American process.

So I hope that we will respond with a strong vote. This bill sets forth procedures that are designed to make sure the process of evaluating new regulations does not give an advantage to either the President or to the Congress. So I hope that we can move forward on this bill at the earliest possible date.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I, too, share the concerns about regulations that the Senator from Nevada just talked about. We all have heard from our people back home, our constituents, our businessmen, our industry, our farmers, our average citizens about the impact of Federal regulations. How we deal with that is something else again. That is what we are grappling with.

We have had a couple things happen here. One, over in the House there is H.R. 450, which we view as rather draconian. It would stop everything from just a few days after the election on for a year, stop all rules and regulations from going into effect.

That is draconian in that it throws out the good with the bad. We have a lot of rules. Many of them are final rules and some of them are proposed rules that have taken effect since the election last year. Many had been in preparation for a year, a year and a half, some of them maybe even a little bit longer than that.

But the rules on health and safety, for instance, would be thrown out by that House legislation. They would be held up. In other words, the protections against E. coli bacteria, which killed children, or cryptosporidium, which killed 100 people in Wisconsin and some 400,000 ill, were not in effect.

Airline safety is another one where we have rules and regulations that would be held up now even though they should be in there.

Those are some examples of things that would be held up if we passed that House bill. That is not what we are dealing with today. But the companion bill in the Senate is S. 219, which was introduced by the distinguished Senator from Oklahoma. S. 219 drew a lot of amendments, a lot of fire in committee, enough so that when it was finally voted out of committee, over our objections on the minority side, this substitute for it was brought forward.

This substitute is a legal veto or legal reconsideration which is a long

ways from the original S. 219 that it replaces.

If we then sent this legislative veto to the conference with approval today, and it is goes to conference with the original bill in the House, H.R. 450, they are poles apart in what they provide; what our concern has been all along is that if we go to conference with the House and then give in to the House, we could come back with something completely unacceptable, and it will not be amendable by our rules for consideration of conference reports.

There is another situation we have. In the Governmental Affairs Committee, we already considered and voted out a regulatory reform bill, of which a similar legislative veto like this is a part. I have wished, if things had been different, that we would be working on that bill on the floor instead of on this measure that only encompasses part of the regulatory reform problem.

That is not what we are voting on, though, today. I think most of us will probably vote for the legislative veto provision that the Senator from Oklahoma has proposed. We do have some perfecting amendments. Senator LEVIN, who is not on the floor at the moment but I understand will be here very shortly, has two or three amendments. I have one I may propose later this afternoon. I think there are a couple on the other side of the aisle to be proposed.

Regulatory reform is a very, very complex matter. It is not easy. I think we should be taking it up in its entirety and not just piecemeal with things like this where we drag out parts of it for consideration and do not consider the other parts of it.

Our regulatory reform that we voted out of committee, for instance, had provisions in it for risk assessment and cost-benefit analysis for rules above $100 million. It had a requirement that all the regulations be reviewed at least once every 10 years. If they were not reviewed, they would be sunset. We had the 45-day legislative veto in that legislation, which this substitute amendment to S. 219 provides, and we had judicial review only on the final rule.

That is a good, tough bill. Let me say that Senator ROTH, our committee chairman now on the majority side, moved that bill through committee, and I think it is an excellent bill.

We supported that bill. We voted it out of committee 15 to 0, our committee membership being a total of 15. All Democrats, all Republicans got together. It is a good, tough, workable regulatory reform bill. I hope that we could consider it shortly.

But meanwhile, just a part of that bill—in effect, the 45-day legislative veto—is what we are considering now as a substitute for S. 219. Yesterday we held the floor for several hours talking about our concerns and what could happen under the original moratorium bill, which is H.R. 450, or the S. 219 as voted on the floor. What we are doing today is substituting this legislative veto for S. 219.

I have gone through this a couple of times because it is a little bit complex, and in talking to some of our Members, they do not understand exactly where we stand with regard to the legislative veto or the moratorium bill.

So the legislative veto substitute, in effect, replaces the Senate version of the moratorium bill, S. 219. So the examples I gave on the floor for a couple of hours yesterday were things that would occur if we went to conference and came back basically with the House bill, which we think goes way, way, way too far.

So I think Senator LEVIN will be on the floor shortly with some amendments to be proposed first, and then I hope we can move along and complete action on this bill today.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

VISIT TO THE SENATE BY THE NEW ZEALAND PRIME MINISTER

RECESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes for the Members to come to the floor and pay their respects to the distinguished Prime Minister of New Zealand, Mr. James Bolger.

There being no objection, the Senate, at 3:16 p.m., recessed until 3:23 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ABRAHAM].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Michigan, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RETIREMENT OF CHICK REYNOLDS

Mr. BYRD. Mr. President, Chick Reynolds, chief reporter of the Official Reporters of Debates, will retire from the Senate effective July 7, 1995.

Mr. Reynolds' career in stenotype reporting began in 1949, when he was employed by the Department of Defense. In 1950, he went to work for the Alderson Reporting Co. in Washington, DC, where he stayed until 1971, at which time he opened his own stenographic reporting firm. In 1974, he was appointed an official reporter with the Senate Official Reporters of Debates and became chief reporter in 1988.

During his working career as a stenotype reporter, Chick was considered one of the fastest and most accurate writers in the country.

His assignments covered every aspect of his profession, some of which put him in the center of the headlines of the day. He reported Federal agency hearings and various committees in both the House and the Senate. He reported the Joseph McCarthy and Jimmy Hoffa hearings on Capitol Hill. He was assigned to cover the White House during the Kennedy, Johnson, and Nixon administrations. During his assignment with the Kennedy administration, he reported President Kennedy's famous Berlin speech and was also in the Presidential motorcade on that tragic day in Dallas, TX, when President Kennedy was assassinated.

Mr. Reynolds has served the Senate and the Nation with distinction and loyalty for the past 21 years.

I know all Senators will join me in thanking Chick for his long and dedicated service, and extending our prayerful wishes to him and his wife, Lucille, in the coming days.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Mr. President, this is the first chapter of one of the most significant debates that will occur during the 104th Congress: the debate about regulatory reform.

If we take the right approach to regulatory reform, we can provide more protection for public health. At the same time, we can cut costs and cut red tape.

But if we take the wrong approach, we may jeopardize public health. And we may create more redtape, litigation, and delay.

So the stakes are high. Fortunately, it looks like we are getting off to a good start.

Last week, I was not so sure. We faced a short term moratorium that would have blocked some urgently needed rules. We also faced a long-term reform bill that would repeal some of the laws that protect our air, our water, and our neighborhoods.

In both cases, we seem to be coming to our senses. The moratorium is about to be replaced with the Nickles-Reid amendment. And the Government Affairs Committee declined to adopt radical versions of long-term regulatory reform. Instead, it reported a solid, bipartisan bill.

CONCERNS ABOUT THE MORATORIUM

Today we are considering the bill to impose a short-term moratorium. Let me briefly explain why such a flat, broad-based moratorium is a bad idea.

In a nutshell, it does not distinguish good rules from bad.

All too many rules fall into the second category: stupid, unnecessary rules that impose high costs and just plain make people angry.

For example, OSHA recently proposed new rules that would require loggers to wear steel-toed boots.

Seems to make sense. Unless you are working in western Montana in winter, on a steep slope and frozen ground. In that case, steel-toed boots may be slippery and unsafe. Especially if you are carrying a live chain saw.

For that reason, western Montana loggers thought that the rules made no sense at all. So we convinced OSHA to back off, talk to Montana loggers, and reconsider. But there are other rules that do make sense. That protect public health. That protect the environment. And that are urgently needed.

Yesterday, Senator GLENN gave some very compelling examples: E. coli; airline safety; radioactive waste; and others.

Let me mention one such rule, which is of particular concern to the Environment and Public Works Committee. It is the rule, or cluster of rules, for cryptosporidium. Cryptosporidium is a deadly pathogen. It occurs in drinking water. As we all know, it was responsible for the deaths of hundreds of people, and the illness of hundreds of thousands more, in Milwaukee.

EPA has been working with public water suppliers to develop an information collection rule. This rule will provide EPA, States, and public water suppliers with critical information about the occurrence of cryptosporidium and other pathogens. It also will provide information about the effectiveness of various treatment methods. It will be the cornerstone of our efforts to prevent further poisoning.

However, if the moratorium is enacted, the information collection rule cannot be issued. If that happens, water suppliers will not be able to monitor for cryptosporidium during spring runoff, when it is thought to be more prevalent. That will prevent us from gathering data for at least another year. And that, in turn, will further delay the development of an effective treatment method. As a result, we will run the risk that another outbreak will occur, and that hundreds more people will die.

THE NICKLES-REID AMENDMENT

Fortunately, the moratorium is being withdrawn, at least for now. Instead, we are considering the Nickles-Reid amendment.

To my mind, this amendment is much closer to the mark. It requires that Government agencies submit their new rules to Congress. And it sets up a fast-track process for reviewing those rules. That way, Congress can distinguish good rules from bad. If an agency goes haywire, like OSHA did with its logging rule, Congress can reject the rule. But if an agency is doing a good job, the rule will go into effect, and public health will not be jeopardized.

Of course, the amendment is not perfect. In particular, I hope that we can improve some of the fast-track procedures. But, on balance, the Nickles-Reid amendment improves the process for reviewing agency rules.

CONCLUSION

Mr. President, I also believe that the Nickles-Reid amendment does something more. It sets the right tone for the upcoming debate about regulatory reform. We must get past the slogans, and get down to the hard work of making Government rules more effective and understandable.

I look forward to continuing to work with the members of the Government Affairs Committee and with all Senators to accomplish this important objective.

Mr. NICKLES. Mr. President, I might mention to our colleagues that we have made significant progress in the last couple of hours in negotiations on a few amendments. I appreciate the cooperation of Senator REID, and also Senator LEVIN, Senator GLENN, and Senator DOMENICI, who have had some amendments, and we are working those out. Hopefully, we will be able to agree to some of those.

I might mention to my colleagues, I discussed this with the majority leader, and he very much would like to pass this bill tonight. It is our expectation to finish this bill tonight, partly because we need to go to the supplemental appropriations or the rescissions bill that was reported out of the Appropriations Committee last Friday. That may take some time.

So the majority leader has let it be known that he plans to go to that bill tomorrow. So we need to finish this bill.

I want to thank my colleagues who have been cooperative in working with us in trying to come to a resolution of some of the items in dispute on this package. I am optimistic that we will be successful.

I am ready to consider an amendment by the Senator from Michigan, and I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank the Senator from Oklahoma for his work on this substitute. It is a very important substitute. It embodies a principle which is a very important principle, and that is that the Congress should be responsible and accountable for these major regulations that are imposed on people. We should not just simply pass laws and then go on to the next law without keeping a very sharp focus on what the agencies do through the regulatory process.

So what we used to call legislative veto—something I supported even before I came to the Senate and have continued to do so—we now are going to call legislative review because it is slightly different from the veto mechanism which was adopted about a decade ago.

This legislative review process of the Senator from Nevada and the Senator from Oklahoma is a very, very significant improvement, I believe, on what the current process is of regulatory review. Of course, it is a major change in approach from the moratorium which is before us.

Before I offer my amendment, I want to commend my friend from Oklahoma and the Senator from Nevada for the work that they have done on this legislative review substitute.

AMENDMENT NO. 412 TO AMENDMENT NO. 410

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. GLENN, proposes an amendment numbered 412 to amendment No. 410.

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

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

The amendment is as follows:

On page 9, line 2, strike everything after "discharged" through the period of line 6 and insert the following: "from further consideration of such resolution in the Senate upon a petition supported in writing by 30 Members of the Senate or by motion of the Majority Leader supported by the Minority Leader, and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved."

Mr. LEVIN. Mr. President, this amendment is sent to the desk on behalf of Senator GLENN and myself. It is something which we have worked out with the floor managers. I thank them for their efforts.

This amendment modifies the procedure for discharging a joint resolution of disapproval from committee. By amending the substitute this way, this will conform much more closely to the legislative review provision which was passed in the Governmental Affairs

Committee last week by a vote of 15–0 on the regulatory reform bill.

This amendment would continue to allow for a committee to vote by majority to discharge a joint resolution of disapproval of a regulation. That would continue as it is in the substitute. The majority of a committee could discharge a resolution of disapproval of a regulation.

What this would add is that where a petition is filed by 30 Members of the Senate, or by the consent of the majority and minority leaders, that we also then would have the discharge of a resolution of disapproval of a regulation. The intent is to protect rights of a significant minority of the Senate to obtain the discharge of a resolution of disapproval.

Since the discharge triggers these expedited procedures, it is important that it be a balanced and a fair process and that a significant minority of Senators have the opportunity to accomplish that.

This amendment, we think, does accomplish that. I want to thank my cosponsor, as well as the managers, for their willingness to work this out.

Mr. GLENN. Mr. President, I fully support the amendment by the Senator from Michigan. I think it does several things. It protects the rights of the minority. It provides a dual method of getting rules and regulations considered. It can be initiated not only by the majority and minority leaders, but also by a petition of 30 Members.

And this does something else. It means that we will not just have frivolous actions brought up. If you have to get 30 Members of the Senate of the United States to agree on anything on a petition, it is going to be something significant; it is not going to be a frivolous matter. You are not going to be able to get a couple of friends and be able to call a rule up, or get a buddy-buddy vote out of somebody and call a rule up on that basis.

When you have to get 30 Members to do it, it has to be something substantive, and I agree with that. That is why I am very glad to support the proposal by the Senator from Michigan.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my friends and colleagues from Michigan and Ohio, as well as Senator REID and Senator BOND. All four Senators have been involved in this issue in trying to make sure that we protect minority rights, and that is what this amendment does. I think it is an improvement.

We have no objection on this side, and I urge its adoption.

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

The amendment (No. 412) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I come to the floor to compliment Senators NICKLES and REID on their amendment. Very shortly, hopefully, I will have an amendment that I will talk about. But let me just speak to the substitute amendment that was offered by the Senator from Oklahoma, Senator NICKLES, and the Senator from Nevada, Senator REID.

First, there is no question that there is plenty, plenty of blame to go around for the unreasonable, irrational regulatory maze that exists in this country. There is plenty of blame to go around, because Congress passes laws that require regulations.

Bureaucrats decide that they have to write regulations, and many times we tell them they must. The courts of this land are very prone to get involved in the adequacy of regulations. And so between the agencies of Government and those who write regulations, and courts who interpret them, it is really obvious to millions of Americans that we have a very unworkable regulatory system.

Many of the ultimate regulations, as implemented, in particular against small business people, are sufficiently unreasonable and unworkable that they are causing millions of Americans—men and women—to be very angry at their country. As a matter of fact, one of the single most reasons for Americans being angry at their country is regulations that do not make sense, or are unintelligible or cost too much for what the entity regulates knows they are being asked to do. And there is no easy way to fix it. As a matter of fact, I have spent well on a year trying to figure out some generic ways to address this maze of regulatory, burdensome regulations causing great anxiety among men and women, in particular, small business people. I am sure as we move through our next step beyond that bill to try to get regulatory reform, there will be some more good ideas.

(Ms. SNOWE assumed the Chair)

Mr. DOMENICI. But for now, an approach that will say new regulations, before they become effective, must go to the committees of jurisdiction on the Hill for their perusal to see whether or not the committees that pass the laws think that the regulations passed by the regulators are beyond the law and unreasonable and unworkable and will have a chance to look at them. And, yes, under this 45-day moratorium, prior to the final adoption, Congress occasionally can pick one of those and do it in an expedited manner, deny its efficacy, and say it is not going to be carried out.

So in a very real sense, we have set upon the committees of the Congress—that is, Senate and House and the staff that works for us—a very difficult job, because now we are saying in a couple of years we will have looked at the new regulations in this process, and if we let them get by, shame on us. If we have this overview process thrust upon us by this amendment and we let the regulations get by, and 2 years after they are in place, we go to a hearing in Maine, New Mexico, Idaho, or Ohio—or we might even have a hearing in Oklahoma, but that would be very difficult—the people would say, "Look at this regulation; it does not have any common sense and it is too expensive. There is no cost benefit ratio that is meaningful." Shame on us, because this bill, which I hope becomes law, is going to say: Congress, you had a shot at it because these significant regulations which we estimate based on past performance may be 900 a year, and we are going to have a chance to look at them.

Madam President, shortly, an amendment is going to be offered that I have authored. It has been worked on by both sides to try to make sure that we all understand it. But it came to me that there is a governmental entity that works for us called the GAO. And they have been, in the past, asked by committees, asked by individual Members of Congress, to go check on something, go audit something, go review something. And I will admit that, in the past, they were subject to some very, very proper criticism. I do believe they got very cozy with certain Members. I do believe many of their reports were not clear peer review because they were doing them for a certain purpose. But I believe, nonetheless, that they have a great quality of expertise and a desire to be helpful to the Congress.

So, essentially, what I suggested to my friends, Senator NICKLES, Senator REID, and others from the Government Operations Committee, including the ranking member, Senator GLENN, I suggested that we ought to use the GAO in this process, so that as our committees have to do these reviews, we will have the benefit of a pool of resources to go check on the agencies and to advise us as to whether or not they have done their job regarding the significant regulations they are going to be issuing.

I, frankly, believe the GAO is perfectly fit for this job. We still have a very significant GAO. Some will say it is going to be cut. Some here want to cut it in half. I guess some would want to do away with it. But I do not believe any of those things are going to happen. It may get a good reduction in amount, but it is going to be here because it does some very positive things.

When we had the S&L crisis, it was important that they did a lot of auditing. We would have to go out and hire independents to do that, and would they be at Congress' beck and call and have real professionalism? I do not know.

We are going to offer an amendment that is going to essentially say that the General Accounting Office gets into this new process of review, by being our arm in looking carefully at what the regulators have put together to make sure that they have complied with the legal requirements. And, yes, upon request, they can look at the cost-benefit ratio. Essentially, they are going to be there before we ever get these regulations to the committee; they are going to be seeing whether the agencies did it right. I think that is invaluable. I think we will, 3 or 4 years from now, thank the Lord that we put them in this process, because it is so tough to review these regulations, especially the significant ones, that I am not sure the committees and our staffs would get it done, or they would constantly, most probably, be in a catch-up state because it is so tough.

You have to do it timely if you are going to kill any of these because they are infective, because after 45 days, you cannot do anything to them; they are final. That is our own law that we are about to adopt here. To make that period any longer probably prejudices the regulatory process. So I think we will have to live with that. I compliment those who put it together, and I urge the Senate to adopt an amendment which puts the GAO in this with their resources to advise and help the committees as we attempt to review the process of reviewing the significant regulations affecting our lifestyles, businesses, and many individual Americans that are regulated by our Government.

I thank the Chair and I yield the floor.

Mr. GLENN. Madam President, I appreciate very much the comments of my colleague from New Mexico. I know he has considered this very carefully. As to his initial comments about the bill and the need for it, the need for regulatory reform, I could not agree more. I think we are long overdue in addressing this issue. We have dealt with regulatory reform in the Governmental Affairs Committee. In fact, we have voted out a bill.

Let me compliment my chairman, Senator BILL ROTH, on this. We have voted a bill out that does all of the things that the distinguished Senator from New Mexico just enumerated. The regulatory reform bill that we voted out requires risk assessments and cost-benefit analyses. Cost-benefit analysis now, under current law, is done by Executive order. But under the regulatory reform bill, we would lock that in and say that all major regulations have to have a risk assessment and cost-benefit analysis done. And then in that legislation we voted out, also, we required that there be a review of those regulations not less than once every 10 years. In other words, there is a sunset provision in there that says that no matter how good the regulations are, they should be looked at for adequacy and for improvement and for sunsetting at least once every 10 years.

Now, in that legislation we also have a 45-day legislative veto, which is about the same as what we have here. That legislative veto would apply to all significant rules.

Once it is modified, the committee could call it up the same as this legislation now. We also provided that when a final rule is written, we would allow judicial review.

That is not the legislation that is before Congress today. That is the regulatory reform bill we voted out, and I think that is the one we should be considering because it includes not only the 45-day legislative veto that we are talking about here today as a substitute for S. 219, but it would add the whole package of regulatory reform—risk assessment, cost-benefit analysis—not just by Executive order of the President, as it is now, but require it in law.

We would also require a review of all major rules on a 10-year basis; we would have a 45-day legislative veto similar to the one we have here; and we would provide for judicial review on the final rule. That is a complete package and one I hope we have up very shortly.

Now, specifically, as to the comments of the Senator from New Mexico on the GAO, I agree on the excellence of GAO's capability and the excellent work that they do. They are an ideal group to look at these matters.

My only concern is whether we might be overloading GAO. When we are talking about requiring GAO to do a complete analytical analysis of everything that comes up, that is one thing. If we are requiring them to make sure that the procedures required by law have been met by each agency and department in putting their risk assessment or cost-benefit together, if it is a procedural analysis to make sure everything is done, that is quite a different thing.

GAO is ideally situated to do the second of those, to make sure that all the boxes have been checked, to make sure that all the procedures have been followed. If we are to ask GAO to do their own complete risk assessment and cost-benefit analysis, completely separate from any that the agencies have done, that is something else entirely, of course.

I point out that just the significant rules number some 800 or 900 a year; some years, probably 1,000. With the average number of work days a year here being somewhere between 250 and 270, that means that GAO would have to crank out about three to four of these analyses every single working day. That is an enormous job.

To require GAO to do these new tasks when there have been proposals in the budget to cut GAO by 25 percent does not make much sense. But I agree that this is a good thing for GAO to be looking at. They are ideally situated to do it.

In the other bill, the regulatory reform bill that we have voted out of committee, there are provisions for peer review for cost-benefit analyses and risk assessments. We did that because we thought the job was going to be sufficiently large that we would not be able to just ask GAO or someone else to do all that analytical and assessment work. Yet, we wanted somebody to say that the agencies and departments were doing a reasonable job. So we set up a peer review process.

I am sure when that legislation comes to the floor, we will be debating that provision to see its adequacy compared to just having GAO do it. So there are two different procedures here that we are looking at.

On the regulatory reform bill that I hope we consider within the next month or so, we provided for peer review as a way of doing the same thing that the Senator from New Mexico is talking about doing with GAO.

I certainly do not object to the GAO proposal so long as we understand, when the Senator proposes it, that it will be on the basis of making sure that the processes have all been gone through that are requested. That would be what GAO would be certifying. GAO would not be required to do their own complete, independent, cost analysis, cost-benefit ratio and risk assessment, as a completely independent action, which would tie up several times the number of people we have in GAO.

I think that is what the Senator from New Mexico intended that it be—a review to make sure that all the proper procedures have been gone through.

I know he has not formally submitted the amendment yet, but I made those comments on it anyway, in advance. I wanted to point out the details of the regulatory reform bill that I hope we have on the floor within the next 30 or 45 days.

It would require risk assessment/cost-benefit not just by Executive order, but in law. No future President could just take that off, out of effect, by just taking out the Executive order. These would be required by law, risk assessments and cost-benefit analyses.

Each one of those regulations would be reviewed on not less than a 10-year basis or it would sunset. We have the same 45-day legislative veto that would be in this legislation here now. All significant rules would come back to the committee and they would be asked to see whether they want to be notified for judicial review on each rule.

That is a complete regulatory reform package. We did a lot of work for which Senator ROTH deserves a lot of credit. We stuck with this complete reform package and molded it. It was a bipartisan effort. We voted it out, on a unanimous basis, of the Governmental Affairs Committee, 15 to 0.

I think it is a very powerful, tough bill. I hope we consider it, because what we are considering today is just part of that bill. It is a separate 45-day legislative veto.

I look forward to having that bill out on the floor.

I yield the floor.

Mr. DOMENICI. Madam President, I thank the Senator for his kind remarks.

AMENDMENT NO. 413 TO AMENDMENT NO. 410

(Purpose: To provide reports to Congress from the Comptroller General)

Mr. DOMENICI. Madam President, I send an amendment to the desk on behalf of myself and Senator NICKLES, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for himself and Mr. NICKLES, proposes an amendment numbered 413 to amendment No. 410.

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

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

The amendment is as follows:

On page 2, strike lines 6 through 20, and insert in lieu thereof and renumber accordingly:

"(1) REPORTING TO CONGRESS AND THE COMPTROLLER GENERAL.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule; and

(iii) the proposed effective date of the rule.

(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request:

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency's actions relevant to section 603, section 604 section 605 section 607, and section 609 of P.L. 96-354;

(iii) the agency's actions relevant to title II, section 202, section 203, section 204, and section 205 of P.L. 104-4; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders, such as Executive Order 12866.

(C) Upon receipt, each House shall provide copies to the chairman and Ranking Member of each committee with jurisdiction.

(2) REPORTING BY THE COMPTROLLER GENERAL.—

(A) The Comptroller General shall provide a report on each significant rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 4(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required with subsection (A)(iv) through (vii).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subsection (2)(A) of this section."

On page 14, at the beginning of line 5, insert, "section 3(a)(1)-(2) and", and on line 5 strike "3(a)(2)" and insert in lieu thereof "3(a)(3)".

Mr. DOMENICI. Madam President, this is the amendment that I allude to in my brief remarks about the 45-day holdover or moratorium while Congress is given an opportunity to review regulations and processes.

We have changed it in two or three ways since I first submitted a draft of this amendment. I think it is very workable now. Essentially, we are now talking, as I understand it, about the significant—significant—regulations. My friend from Oklahoma says that that is about 900 a year.

We have made the Federal agencies promulgating the rule responsible to make available to each House of Congress and the Comptroller General, upon request, information that is necessary so we can see if they have done a good job. That means the GAO will not have to be involved in any one of those, nor will they have to give every cost-benefit analysis, but rather the ones they request.

I believe we will be very pleased we adopted this in a few years, when we find out what a resource GAO will be, and how much more effective they will make our committees and our committee staff, both here and in the House.

I do not think I have to say any more. I hope the amendment is adopted soon.

I yield the floor.

Mr. NICKLES. Madam President, I wish to congratulate and compliment my friend and colleague from New Mexico, Senator DOMENICI, for his amendment.

I think it is an amendment which improves this bill. It basically says the Federal agency, when they promulgate the rule, shall make it available to each House of Congress. That was in our bill.

But he also says it needs to be made available to the Comptroller General. This is for them to analyze it, for them to make sure that the cost-benefit analysis has been made, that they are complying with the unfunded mandates legislation.

I just compliment the Senator. I think this improves it. I think this enables Congress to be able to rely on GAO and the Comptroller General to make sure that some of these regulations are not excessive in cost. So, this is a compliment to the bill.

I also want to thank my friend and colleague, Senator REID, for his help on this, as well as Senator LEVIN and Senator GLENN, as we were negotiating on this amendment and actually combining this amendment with an amendment that Senator LEVIN and also Senator BOND were working on.

So, we have had several Senators trying to make some improvements in this section. I think this has made our legislation better, so I urge my colleagues on both sides to agree to the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I extend my appreciation to the senior Senator from New Mexico for improving this substitute. I say that because I look at this legislation a little differently than some in this Chamber. I know there are some who are saying we are going to have a bill later on that is going to be a lot better. Having served here and in the other body for a while, I recognize we have to do the best we can with what we have at a given time. The better we make this bill, the better it is going to be for the American people in case something better does not come along later.

So I appreciate very much the work of the Senator from New Mexico. He and I go back 6 or 8 years working on the General Accounting Office. I think this is a responsibility they should have. They are equipped to do a good job on this assignment they will be given. I think it is a good amendment and I hope it is adopted very quickly.

Mr. DOMENICI. I thank the Senators from Nevada and Ohio. I do believe this will help the bill. Senator NICKLES and I are pleased to be helpful. I think in a few years the process you were recommending will be working very well and we will know a lot more about bad regulations before they get placed in effect and then find out later they are hurting our people.

Thank you very much.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, I wanted to clarify a couple of matters here. We have in the reporting by the Comptroller General, as I understand it—we say he will—

. . . provide a report on each significant rule to the committees of jurisdiction to each House of Congress by the end of 12 calendar days after the submission or publication date as provided in section 4(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required with subsection (A)(iv) through (vii).

I think those words were added. I presume they were. I just wanted to check and make sure that is the wording that was in the legislation?

Mr. DOMENICI. They are in the legislation. And after discussing the issue with all four Senators and their staffs, I think those are appropriate words, because I do not think in 12 to 15 days the GAO can do a thorough substantive

review, but they can do a procedural review as prescribed.

Mr. GLENN. I agree with my colleague. That clarifies it and makes sure what we are not expecting from the GAO is their own complete risk assessment and cost-benefit analysis as original work. That would overburden them on the 800 or 900 significant regulations that are issued each year and leaves it open that once one of these regulations or rules is reported back, if a committee wishes to get into it more, then they can. Or they could possibly even ask for a complete GAO original study as we do now of different pieces of legislation. That would still be possible. But this limits it to the GAO reviewing whether the agency has complied with procedural steps required in law. I am glad to have that clarified.

With that understanding I believe we would be happy to accept this on our side.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, we have no objection to this amendment on this side and urge its adoption.

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

The amendment (No. 413) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Madam President, I ask that I may use just a minute or two of my leader time.

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

THE PRESIDENT'S BUDGET CUTS

Mr. DOLE. Madam President, President Clinton won big headlines today with his proposal to cut $13 billion from four Government agencies over the next 5 years. I have learned recently maybe $8 billion of that is already in the President's budget, so I am not certain what the figure really is. But we certainly welcome the President's interest in trimming Government spending. The Washington Post even suggested today that the President's interest may be related to last November's election results. Certainly we hope he is hearing the message.

The President now has a real opportunity to get on the spending-cuts bandwagon tomorrow because the Senate will consider more than $13 billion in spending cuts and the American people will not have to wait 5 years to see the savings. These are cuts in this fiscal year. This is $13 billion the Government will not be able to spend during the next 6 months, not the next 5 years.

The American people want more than tinkering around the edges; they want dramatic results and want better use of their tax dollars, starting now.

The American people sent a loud and clear message to Washington last November: Rein in the Federal Government, reduce the size of Government and cut spending. We are prepared to provide the leadership once again to turn that message into action. We hope the President will join us in this effort to give the American people real spending cuts.

I hope the President will take a look at the supplemental appropriation bill, send us a letter supporting those cuts, and then he will really be on record for real cuts this year, not 5 years down the road, particularly if $8 billion of the $13 billion he talks about is already in the President's budget.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Will the Senator yield 1 minute?

Mr. DOLE. I will be happy to yield 2 or 3 or 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Madam President, first, I want to compliment the Republican leader for his adroitness here. He quickly caught the fact that the President is making a big to-do about almost nothing today. First of all, it is my understanding that of this $13 billion, $8 billion of it is in the President's budget.

Everybody knows that budget does not cut anything. So what really happened is he cuts a little bit there and increases things elsewhere. So, of this big package, alleged big package of $13 billion, $8 billion is in the President's budget. It was already there and we knew about it. What did we say about that budget? We said that budget put up the white flag of surrender against deficits. So, certainly, this activity of cutting $13 billion is no big victory. It is still a white flag of surrender.

I would go beyond our distinguished leader and say we are going to look forward to the President's support when we produce a budget resolution that gets us a balanced budget by the year 2002, in 7 years. That is what the American people want. They do not want an announcement that a little piece of Federal Government is being changed and everybody in America is supposed to think we are really getting the deficit under control. We are not getting the deficit under control. It will be with us at $200 to $250 billion a year for as far as the eye can see and our children will be burdened with it beyond anything we ever imagined. This announcement will not do very much to alleviate that burden on them or on this country.

Mr. GREGG. Will the Senator from New Mexico yield for a question?

Mr. DOMENICI. I will be pleased to yield.

Mr. GREGG. Madam President, I say to the chairman of the Budget Committee, as I understand it, my quick calculation is that the $13 billion of cuts which the President is proposing over 5 years represents one-twentieth of 1 percent of the spending that is going to occur over that 5-year period. Whereas the bill that we are bringing forward tomorrow, under Senator DOLE's leadership and under Senator PACKWOOD's leadership, represents a real $13 billion in cuts—ironically, the same number. It is going to occur this year, immediately. Is that correct?

Mr. DOMENICI. That is correct. As a matter of fact, the $13 billion is about 3 percent of the appropriated accounts, whereas the dollar number the President has in his of just the appropriated accounts over the next 5 to 7 years is far less than half a percent—of just the appropriated accounts—perhaps as low as a quarter of a percent. I have not done the arithmetic, but almost unnoticeable in the cuts and restraints and reductions that we are going to have to make.

Mr. GREGG. So, if the Senator will yield for an additional question, Madam President, if you wish to undertake real budget savings, what you should be doing is supporting the rescission package that is coming forward and then work with the President to take the $13 billion of additional cuts and maybe raise it up to a level that is a real reduction in spending so we move toward a balanced budget over 5 years?

Mr. DOMENICI. Madam President, the Senator is absolutely correct. Let me be precise. The President is trying to make a case for deficit reduction. He is talking about $13 billion in reductions over the next 5 years.

What the President really ought to be doing is to be saying loud and clear: "I compliment the House and Senate for a rescission package, and I hope you send it to me quickly." And he ought to be saying, "I will sign it," because it will accomplish in 6 months as much savings as he pledges in 5 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I certainly do not intend to get into a debate with the very learned chairman of the Budget Committee, but I think, in fairness to the White House, you have to give him credit for what he is doing. It may not be all that everyone wants, but I think the fact that the Federal payroll has been cut by some 150,000 people since he has been President, and this will be the third year in a row that we have had a decline in the deficit, the first time in some 50 years this has happened—we all know he has significant problems with the deficit.

In the balanced budget amendment that they established were three things. They established, No. 1, that we

have a problem with the deficit; No. 2, we have to do something about it; and, No. 3, we need to do it and not burden Social Security.

I am not going to get into a long debate with my friend from New Mexico other than to say I think we have to give the President credit for having taken a number of steps that are important in the overall need to balance the budget. It is not going to be done in one fell swoop. It is going to be a series of small things that add up to something big. And the work that the President and the Vice President did yesterday—and the Vice President was given another 60-odd days to report to the President on some other things—needs to be done. Let us give them credit for making good-faith efforts to solve the crisis and the problems that face this country.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 414 TO AMENDMENT NO. 410

(Purpose: To require the Secretary of Agriculture to issue new term permits for grazing on National Forest System lands to replace previously issued term grazing permits that have expired, soon will expire, or are waived to the Secretary, and for other purposes)

Mr. REID. Madam President, in behalf of the minority leader, the Senator from South Dakota, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DASCHLE, proposes an amendment numbered 414 to amendment No. 410.

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

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

The amendment is as follows:

At the appropriate place insert the following:

TITLE ___—TERM GRAZING PERMITS

SEC. ___01. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Agriculture (referred to in this Act as the "Secretary") administers the 191,000,000-acre National Forest System for multiple uses in accordance with Federal law;

(2) where suitable, 1 of the recognized multiple uses for National Forest System land is grazing by livestock;

(3) the Secretary authorizes grazing through the issuance of term grazing permits that have terms of not to exceed 10 years and that include terms and conditions necessary for the proper administration of National Forest System land and resources;

(4) as of the date of enactment of this Act, the Secretary has issued approximately 9,000 term grazing permits authorizing grazing on approximately 90,000,000 acres of National Forest System land;

(5) of the approximately 9,000 term grazing permits issued by the Secretary, approximately one-half have expired or will expire by the end of 1996;

(6) if the holder of an expiring term grazing permit has complied with the terms and conditions of the permit and remains eligible and qualified, that individual is considered to be a preferred applicant for a new term grazing permit in the event that the Secretary determines that grazing remains an appropriate use of the affected National Forest System land;

(7) in addition to the approximately 9,000 term grazing permits issued by the Secretary, it is estimated that as many as 1,600 term grazing permits may be waived by permit holders to the Secretary in favor of a purchaser of the permit holder's permitted livestock or base property by the end of 1996;

(8) to issue new term grazing permits, the Secretary must comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other laws;

(9) for a large percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the Secretary has devised a strategy that will result in compliance with the National Environmental Policy Act of 1969 and other applicable laws (including regulations) in a timely and efficient manner and enable the Secretary to issue new term grazing permits, where appropriate;

(10) for a small percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the strategy will not provide for the timely issuance of new term grazing permits; and

(11) in cases in which ranching operations involve the use of a term grazing permit issued by the Secretary, it is essential for new term grazing permits to be issued in a timely manner for financial and other reasons.

(b) PURPOSE.—The purpose of this Act is to ensure that grazing continues without interruption on National Forest System land in a manner that provides long-term protection of the environment and improvement of National Forest System rangeland resources while also providing short-term certainty to holders of expiring term grazing permits and purchasers of a permit holder's permitted livestock or base property.

SEC. ___02. DEFINITIONS.

In this Act:

(1) EXPIRING TERM GRAZING PERMIT.—The term "expiring term grazing permit" means a term grazing permit—

(A) that expires in 1995 or 1996; or

(B) that expired in 1994 and was not replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed.

(2) FINAL AGENCY ACTION.—The term "final agency action" means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term "term grazing permit means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled "An Act to facilitate and simplify the work of the Forest Service, and for other purposes", approved April 24, 1950 (commonly known as the "Granger-Thye Act") (16 U.S.C. 580*l*), or other law.

SEC. ___03. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit ; or

(2) to the purchaser of a term grazing permit holder's permitted livestock or base property if—

(A) between January 1, 1995, and December 1, 1996, the holder has waived the term grazing permit to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations; and

(B) the purchaser of the term grazing permit holder's permitted livestock or base property is eligible and qualified to hold a term grazing permit.

(b) TERMS AND CONDITIONS.—Except as provided in subsection (c)—

(1) a new term grazing permit under subsection (a)(1) shall contain the same terms and conditions as the expired term grazing permit; and

(2) a new term grazing permit under subsection (a)(2) shall contain the same terms and conditions as the waived permit.

(c) DURATION.—

(1) IN GENERAL.—A new term grazing permit under subsection (a) shall expire on the earlier of—

(A) the date that is 3 years after the date on which it is issued; or

(B) the date on which final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

(2) FINAL ACTION IN LESS THAN 3 YEARS.—If final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws before the date that is 3 years after the date on which a new term grazing permit is issued under subsection (a), the Secretary shall—

(A) cancel the new term grazing permit; and

(B) if appropriate, issue a term grazing permit for a term not to exceed 10 years under terms and conditions as are necessary for the proper administration of National Forest System rangeland resources.

(d) DATE OF ISSUANCE.—

(1) EXPIRATION ON OR BEFORE DATE OF ENACTMENT.—In the case of an expiring term grazing permit that has expired on or before the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) not later than 15 days after the date of enactment of this Act.

(2) EXPIRATION AFTER DATE OF ENACTMENT.—In the case of an expiring term grazing permit that expires after the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) on expiration of the expiring term grazing permit.

(3) WAIVED PERMITS.—In the case of a term grazing permit waived to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36,

Code of Federal Regulations, between January 1, 1995, and December 31, 1996, the Secretary shall issue a new term grazing permit under subsection (a)(2) not later than 60 days after the date on which the holder waives a term grazing permit to the Secretary.

SEC. ___04. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW.

The issuance of a new term grazing permit under section ___03(a) shall not be subject to administrative appeal or judicial review.

SEC. ___05. REPEAL.

This Act is repealed effective as of January 1, 2001.

Mr. GLENN. Madam President, we have been through the details of this. I think it is justified. We would be glad to accept it on this side.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. NICKLES. Madam President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment offered by the Senator from South Dakota.

The amendment (No. 414) was agreed to.

Mr. REID. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

VISIT TO THE SENATE BY THE KING OF THE HASHEMITE KINGDOM OF JORDAN, KING HUSSEIN I, AND QUEEN NOOR

Mr. HELMS. Madam President, we have in the Chamber two distinguished guests, one a native of the United States, the Honorable King of Jordan, King Hussein, and his bride, Queen Noor.

RECESS

Mr. HELMS. Madam President, I ask unanimous consent that we stand in recess so that Senators may greet our guests after which time we resume.

There being no objection, the Senate, at 4:36 p.m. recessed subject to the call of the Chair; whereupon, at 4:43 p.m. the Senate reassembled when called to order by the Presiding Officer (Ms. SNOWE).

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 415 TO AMENDMENT NO. 410

(Purpose: To ensure that a migratory birds hunting season will not be canceled or interrupted, and that commercial, recreational, or subsistence activities related to hunting, fishing, or camping will not be canceled or interrupted)

Mr. PRYOR. Mr. President, at this time, I rise to offer an amendment with my friend, Senator STEVENS of Alaska, and also Senator PRESSLER, Senator WELLSTONE, and Senator COCHRAN. This amendment would ensure that the 45-day suspension of a significant rule does not include the regulations opening duck hunting season. The amendment I am offering at this time was adopted by the Governmental Affairs Committee when it considered S. 219, but it was not included in the Nickles-Reid substitute.

The substitute would suspend for 45 days any significant rule to give Congress time to review the regulation. The annual rule regulating duck hunting, which has a direct effect on the economy of $686 million annually, would be considered a significant rule. The effect of this 45-day suspension on the duck hunting season would be most severe. The Fish and Wildlife Service is required by law to issue regulations each year to open and close the duck hunting season. Each year, in late July, after the young birds are large enough to be counted, the Fish and Wildlife Service then gathers information about the various duck populations. They then have roughly 2 months to draft and finalize the duck hunting regulations, which are typically issued 2 or 3 days before the hunting season begins.

Because these regulations are significant regulations, they would be suspended for 45 days, which would cut a month and a half from the duck hunting season. I do not believe this effect on duck hunting is necessary or useful. It is counterproductive, and it may be a classic case of unintended consequences.

Our amendment today simply says that for the purposes of the Nickles-Reid substitute, duck hunting regulations would not be considered significant and, therefore, would not be suspended for 45 days. The duck hunting rule, like all other rules under the Nickles-Reid substitute, would still be reported to Congress.

Mr. President, I do not think that in the name of regulatory reform, we should eliminate 45 days of the duck hunting season. I believe our amendment is simple and it is straightforward. I thank my colleagues for cosponsoring this amendment with me.

I sincerely appreciate the help and the strong support of my good friend and colleague from Alaska, Senator STEVENS, who has worked with us very carefully to develop this amendment as it is.

Mr. President, I have not actually sent my amendment to the desk. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself, Mr. STEVENS, Mr. PRESSLER, Mr. WELLSTONE, and Mr. COCHRAN, proposes an amendment numbered 415 to amendment No. 410.

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

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

The amendment is as follows:

On page 13, beginning on line 12, strike all through line 8 on page 14 and insert in lieu thereof the following:

"(2) SIGNIFICANT RULE.—The term "significant rule"—

(A) means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the office of Management and Budget finds—

(i) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(iii) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(B) does not include 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."

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am very pleased to join Senator PRYOR. We are delighted Senator PRESSLER and several others on the committee have joined now.

The amendment, I think, addresses concerns many others have had concerning the potential impact this amendment would have on hunting, camping, or fishing activities. In Alaska, those activities are of major importance to our daily life.

The amendment will make it clear now that regulatory actions to open, close, or manage commercial, recreational, and subsistence hunting, fishing, and camping activities will not be included under the definition of "significant rule."

As an example, let me point out to the Senate that over 54 percent of all the fish that are caught commercially in waters off the United States are caught off my State of Alaska. These fisheries are some of the world's largest and they certainly are the healthiest in all the world because of our proper fisheries management concepts.

In some cases, the delay of even 24 hours in closing a fishery could have tremendously detrimental impacts on the health of the fish resource. Yet the action to close the fishery could be found to have an adverse effect on a sector of the economy, namely the fishing vessels that might have to stop fishing.

We cannot afford to risk the long-term health of our fisheries if someone could successfully argue that closing of a fishery or restriction on the use of certain gear in an area is a significant rule that must be delayed for 45 days under this bill.

This is not hypothetical. There are people that will do just that. Just last month, the Secretary of Commerce, based on a recommendation from our North Pacific Regional Fishery Management Council, issued an emergency order to shut down scallop fishing in Federal waters off Alaska.

That is a major fishery, but it had to be done. The emergency order was necessary because one boat, just one boat—it was called Mr. Big, incidentally—found a loophole in the law that allowed it to take more scallops than the State of Alaska had allowed all boats of the fleet to take for the whole season.

I do hope Members here will join in supporting this amendment unanimously. It is essential to duck hunters. I hope we are all duck hunters—up our way, we are all duck hunters. And I do hope people understand it means a great deal to some of the people who rely on subsistence hunting and fishing in my State.

It is an essential amendment. It is one I tried to offer in committee, and some people did not understand it. I am happy to see that now they do.

Thank you, Mr. President.

Mr. GLENN. Mr. President, I want to clarify a couple of things. We have been through this. I think it is satisfactory.

I want to be sure the definition that was made in the committee on the previous amendment was something that could not be expanded into things never intended as far as the hunting and routine rules and regulations and others that are done on an annual basis. I think this just changes the definition of what is considered a significant rule. In effect, what it does by changing the designation a little bit, as I understand it, is permit all the previous rules, regulations, and procedures to continue as they have in the past so they will not be cut out.

Is that correct?

Mr. STEVENS. Mr. President, if the Senator will yield, it really, from my perspective, looks at the management tools of the State, and Federal fish and game management agencies in particular—there are others involved also—and says that they can continue their management practices that are designed to protect the resource base. Some open, some close, some limit, some alter, some add, and some subtract. But they are done on a basis of public knowledge. But the public knowledge is of the regulations that give them the opportunity to step in and issue an emergency regulation to take care of a situation or to change a pattern of, say, hunting in order to protect the species. I think that is in the public interest. That is what we intended all along. This is excepted from the 45 days.

The Senator referred to the prior bill—not Senator PRYOR's bill but the former bill. I think the Senator may be referring to an amendment that I offered because of the form of that bill to deal with specific circumstances in Alaska. I do not have to offer that amendment because this is a 45-day general moratorium now, and those amendments that I talked about in committee are in fact covered under this type of general regulation now in terms of the significant-rule concept.

Mr. GLENN. As I understood it from the explanation given earlier this afternoon, I understood that this does not provide any new exemptions for additional hunting or additional opening up of tracts or anything that is not there right now.

Mr. STEVENS. It could. I just gave an example of one. Just this last month the Secretary of Commerce issued a regulation closing the scallop fishery because an emergency developed. That is the kind of thing that cannot wait 45 days. That is a type of action that has been taken care of in the process of protecting our migratory waterfowl. Ducks Unlimited comes in with a study and says, "Look, you should change this anyway. You should open that flyway. You should change that season." They will come in for some emergency modifications during the period for hunting season. This says that the Fish and Wildlife Service are to know to go ahead. That is what you are supposed to do; no delay on those items of the kind we have mentioned. Subsection B and subsection A carry some specific concepts about what has to be affected.

Mr. GLENN. I certainly have no objection to that because that provides regulations in the same way it has been done for a long time. It does not really provide any new escape hatch for anybody, as I understand it. So I think that would be acceptable on our side.

Mr. CHAFEE. Mr. President, on this floor and in the Senate as a whole, there have been a lot of attacks on environmental regulations. That seems to be the way to go these days. But I think the Senator from Alaska gave a very powerful talk on illustrating why these regulations are necessary. Indeed, he felt so strongly that he did not want—I agree with him—these regulations that apply to fishing, hunting, and camping to be held up for 45 days. In his powerful statement, the Senator from Alaska illustrated that in some cases these regulations have to go into effect immediately.

So I hope that rebuts some of the feeling around this floor that all environmental regulations are useless and that we ought to attack them, which is, unfortunately, too often said around here. I am not saying necessarily right here on the floor. I am talking about in the committees, in the conversations. Thank goodness we have some of these environmental regulations.

So, Mr. President, I commend the Senator from Alaska. Somebody can contradict me, but there are certain regulations under this bill we are dealing with that are held up for 45 days. Under this category they fall under "significant regulations." But what the Senator from Alaska has done is he has said that significant regulations or delay for 45 days does not apply to this category of regulation that he has defined; namely, those that establish, modify, open, close, or conduct regulatory programs for commercial, recreational, or subsistence activities relating to hunting, fishing, or camping.

So I think it makes sense. I congratulate the Senator from Alaska and hope he will be a strong fighter for environmental regulations here on the floor in the future.

Mr. STEVENS. Mr. President, I seldom get personal on the floor, but I recall standing behind my friend 45 years ago when we entered law school. And we signed into the same law school, but I do not think we have agreed in the 45 years since. I am delighted we have once, despite our prior disagreements. It is nice to have one time for agreement. There are some environmental regulations that are useless. We should burn the paper they are on. But this is not one of them.

Mr. GLENN. Mr. President, I am happy to accept the amendment.

The PRESIDING OFFICER (Mr. COCHRAN). Is there further debate?

Mr. NICKLES. Mr. President, we have reviewed this amendment. I compliment my friends and colleagues, Senator PRYOR from Arkansas and Senator STEVENS, and I compliment Senator STEVENS for his leadership. I think it is a good amendment. It further clarifies that what we are doing in this bill in no way would have any harmful impact whatsoever on hunting and fishing and delay those activities in any way whatsoever.

I urge its adoption.

Mr. STEVENS. Mr. President, if the Senator will yield for just one moment, I failed to thank my good friend John Roots on our behalf, who has worked so hard on this staff and Senator PRYOR's staff. I thank him very much.

Mr. PRYOR. Mr. President, if I may, I do not want to spoil the opportunity to pass this amendment because I

think it is going to be accepted by everyone. So I will sit down. I could not help but catch it when my good friend and colleague from Alaska was talking about his good friend and our colleague from Rhode Island when he referred to their "prior disagreements." I am very hopeful that they will just use "former disagreements." I think that would be a little more helpful here. [Laughter.]

Mr. President, I thank the managers. I thank them for the support for this amendment. I hope it will be adopted.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 415) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 413, AS MODIFIED

Mr. NICKLES. Mr. President, I send to the desk technical amendments. This changes a couple of letters and numerals. They are technical corrections to amendment No. 413 that were made earlier.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 413), as modified, is as follows:

On page 2, strike lines 6 through 20, and insert in lieu thereof and renumber accordingly:

"(1) REPORTING TO CONGRESS AND THE COMPTROLLER GENERAL.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule; and

(iii) the proposed effective date of the rule.

(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request:

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency's actions relevant to section 603, section 604, section 605, section 607, and section 609 of P.L. 96-354;

(iii) the agency's actions relevant to Title II, section 202, section 203, section 204, and section 205 of P.L. 104-4; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders, such as Executive Order 12866.

(C) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) REPORTING BY THE COMPTROLLER GENERAL.—

(A) The Comptroller General shall provide a report on each significant rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 4(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by subsection B(i) through (iv).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subsection (2)(A) of this section."

On page 14, at the beginning of line 5, insert "section 3(a)(1)-(2) and ", and on line 5 strike "3(a)(2)" and insert in lieu thereof "3(a)(3)".

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GLENN. Mr. President, the Governmental Affairs Committee's unanimous bipartisan regulatory reform bill has a legislative veto of major rules in it. Major rules. I believe this is a good proposal, because there are anywhere from between 700 to 900, some estimates have gone as high as 1,000, "major" or "significant" rules issued each year. And that word "significant" means something special, because these are the rules that have an annual impact on the economy of $100 million per year or more, or otherwise have a significant impact on the economy or a region of the country, or other important effect.

These 700 to 900 major rules or regulations are the big rules out of the approximately 4,000 rules that are issued every year—4,000. One estimate today when we were discussing another bill was that these rules in some years run as high as 4,800 to 5,000.

Let us say an average of 4,000 rules are issued each year by Federal agencies. A legislative veto, where we call rules back up or have the potential for calling them back up for review, for all 4,000 rules, I think, is just too much. What kind of regulatory overload are we putting on the Congress? Will we be so overloaded in these rules that we will not be able to adequately consider ones that we should consider?

It is the major rules that we care about, the ones that are significant. These are the big rules that implement the primary policies and requirements of our laws on public health and safety, on environmental protection, economic policy, communications, farm policy, and all the rest.

We have a hard enough time getting our work done the way things are. I do not think we should create an almost automatic process to bring up every rule under the Sun.

Let me give some examples. Just from yesterday's Federal Register, I see rules on drawbridge closings, rules on safety zones in New Jersey's Metedeconk River, Federal prison work compensation program rules, Justice Department claims settlement rules, FAA—the Federal Aviation Administration—class D airspace rules.

And I would say from some personal experience, FAA just a short time ago redid all the airspace designations, A, B, C, D, and F, right on down the line, to show what areas planes can fly into and out of without radios, being on instrument control, visual flight rules, and so on. These kind of rules are still being flushed out and changed a bit. So one of the things in the Federal Register is for class D airspace rules.

There is the postsecondary education "borrower defenses" regulations.

Let us not forget that the reason we have agencies and an open "notice and comment" administrative process is so that Government can get its work done in a fair and orderly and semiefficient process. At least, that is the goal.

We need regulatory reform. And I am first to support regulatory reform. We worked on it for several years in the Governmental Affairs Committee. So we know we need regulatory reform, and I am all for it. I have been saying that for some time. But we do not need to create more gridlock by trying to run, or have the potential of running, 4,000 rules through Congress each year. That is a bottleneck that we just do not need.

We are trying to make Government work better, not grind to a complete halt.

So I think we need to keep the legislative veto focused on the big rules that really matter, that really mean something, ones that we should be addressing.

The amendment I was going to submit limits the legislative veto to significant rules—just significant rules, not all the smaller rules, the significant ones—that fit the definition that I gave a moment ago. Again, this matches the scope of the provision we passed in the Governmental Affairs Committee by a vote of 15 to 0—eight Republicans and seven Democrats.

The amendment that I was planning to submit would make the following changes to the Nickles-Reid substitute:

One, the amendment would insert the word "significant" into the substitute at three places—in sections 3(a)(1)(A), 3(b), and 3(d)(1). With this change, the congressional hold-over and process covers "significant rules" instead of all "rules."

No. 2, the amendment would have stricken one subsection, section 3(a)(3). This would have deleted the paragraph relating to effective date for other rules which refers to the submission of nonsignificant rules to Congress for review.

Again, the single purpose of this amendment would have been making the legislative veto process apply to significant rules. This is what the Governmental Affairs Committee supports

unanimously, and I think it makes good sense.

The alternative, congressional review of potentially all 4,000 rules issued each year, makes little sense to me at all.

Mr. President, I will not submit this amendment. I did want to address it, but I will not submit it because I know from discussions with the floor leaders that we are not going to get this adopted. The votes are there to defeat this.

So I would rather not have a vote on it now. I think the best thing to do is not submit it, but talk a little bit about it and let people know how important I think it is and, hopefully, out of the conference process with the House, we might be able to address this problem.

But let me just say a couple more things. Four thousand rules could be sent to Congress and parceled out to appropriate committees—just think of that—4,000 rules. That would be the potential. I am not saying all 4,000 rules are going to be called up every time. But let me say this: For each rule, you sure are going to have some lobbyists out there interested in that rule. We are going to have lobbyists coming out of the woodwork to lobby one or more Members to move a resolution of disapproval through the appropriate committee. That can be done through committee. So these lobbyists would be trying to get Members to move that resolution of disapproval.

If the committee does not act within 20 days, the lobbyists will work to get 30 Members to sign a petition of discharge or will pressure the majority and minority leaders to discharge the committee.

So the lobbyists and special interests will have special ways of doing this, first with committee members. If that does not work, then they will try for the majority or minority leaders, or within 20 days they can do the 30-Members approach of signing a petition to have that particular rule brought up for reconsideration.

If the committee reports out a resolution of disapproval or the committee is discharged, the disapproval of the rule will be the subject of lobbying by those parties affected. All this could happen; the potential is there for it to happen up to 4,000 times a year.

If we think the demands for lobby reform have been great before, you just wait until the public sees the lobbying feeding frenzy, like piranhas, looking at this legislation, and the potential for redoing legislation that they may have just lost a point on in the recent past when the original legislation was passed.

So that kind of a lobbying feeding frenzy could take place after we provide expedited procedures for congressional review of all these rules.

That might just be for starters. Consider what will happen if we pass a controversial bill that produces significant political argument. All these things are not bound up just in money. Significant rules can have a basis other than money.

Think of this one: We pass a controversial bill that produces significant political argument—let us take a hot button item like abortion. We know what happens every time that issue comes up in the Congress. When we have to debate abortion legislation, every regulation, every rule, no matter how minor, will have a whole string of Senators and lobbyists and outside groups who will want to bring that regulation back to the floor, not necessarily because they think the regulation does not reflect congressional intent—it may be perfect and may have passed with a majority and have expressed congressional intent perfectly. Because what they want under our expedited procedures is to spend 10 hours in political and ideological argument, regardless of the original bill that might have just passed. So we are opening all of that up.

I had hoped to close some of that up by designating just the significant rules for reconsideration.

When we open up this additional time under our expedited procedures to spend extra hours, the 10 hours in political or ideological argument, about something that just passed—and I used the example of abortion because we all know how impassioned the pleas get around here and how emotional that issue is, think of what happens if we pass something in that regard and we are out here with the agencies doing rules and regulations to back up what the Congress just passed. Then we find that once the rules and regulations are written, do we think that the lobbying groups will not immediately come back up and do everything they possibly can do to get that back on the floor again for additional discussion? You can bet they will.

Is that what we want? Do we want to provide a forum for continually revisiting issues that have been settled by a vote because a vocal and determined minority will now have the review of regulation by Congress as a convenient trigger for such debate?

Well, I know when to put amendments in, I hope, and I know when the amendments are not worthy to be put in because they are just going to be voted down. I think the second is the situation I find myself in right now.

I think this would be better legislation if we had in there the amendment I was going to propose. But since we will not have it in there, I just want everyone to know that I will be voting for the legislative veto, but with my fingers crossed that we do not wind up creating a real gridlock in legislative reconsideration of legislation just passed for which the rules and regulations are being written.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 412, AS MODIFIED, TO AMENDMENT NO. 410

Mr. LEVIN. Mr. President, I send to the desk a copy of amendment No. 412, which has already been adopted, and I ask unanimous consent that the amendment be modified as indicated on this document that I am sending to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, I have been working with my friend and colleague, Senator LEVIN, as well as Senator BYRD from West Virginia. We have no objection to this amendment.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, with its modification, is as follows:

On page 9, line 2, strike everything after "discharged" through the period on line 6 and insert the following: "from further consideration of such resolution in the Senate upon a petition supported in writing by 30 Members of the Senate, and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved."

Mr. LEVIN. Mr. President, I thank the Chair and I thank the Senator from Oklahoma, and I particularly thank Senator BYRD for pointing out to us the problem which could have been raised unintentionally by that amendment.

AMENDMENT NO. 416 TO AMENDMENT NO. 410

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 416 to amendment No. 410.

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

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

The amendment is as follows:

On page 14, strike lines 3 through 7, and insert in lieu thereof:

"SEC. 7. JUDICIAL REVIEW.

No determination, finding, action, or omission under this Act shall be subject to judicial review."

Mr. LEVIN. Mr. President, this amendment addresses the issue of judicial review. It has been agreed to by the managers of the bill, and I thank them for their cooperation and support.

I want to thank the Senator from Ohio also for the tremendous work that he has put in on this amendment and also on the entire bill. I will have something more to say about his comments relative to which rules should be

subject to legislative review, because I happen to agree with his comments a few moments ago.

The purpose of this amendment, which I understand has been agreed to by the managers of the bill, is to be more precise on the question of judicial review. The substitute that is before us in two sections specifies that they are not subject to judicial review, and the problem is that there could be an ambiguity raised unintentionally about the reviewability then of other sections which do not have that language.

So the concern that some of us have is the implication relative to other sections of the bill by the specific language in two sections of the bill.

My amendment states that no determination, finding, action or omission under this act shall be subject to judicial review, which clarifies the judicial nonreviewability of this act. I understand that this has been cleared by the managers.

The PRESIDING OFFICER (Mr. GRAMS). Is there further debate on the amendment of the Senator from Michigan?

Mr. NICKLES. Mr. President, I thank my friend and colleague from Michigan. We have no objection to this amendment. This amendment precludes judicial review of determinations, findings, actions, or omissions with respect to this act. However, judicial review of regulations not disproved by Congress is not affected by this act. Of course, it is expected that the courts will give affect to any disapproval of the regulation.

Moreover, instructions to the courts contained in the act, such as section 3(g) regarding inferences not to be drawn from this inaction are neither determinations, findings, actions or omissions, within the meaning of the amendment; and therefore courts are expected to accept such direction from the Congress. Therefore, we have no objection to this amendment.

Mr. GLENN. Mr. President, I ask unanimous consent that I be permitted to be a cosponsor of the amendment.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 416) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 414, AS MODIFIED

Mr. REID. Mr. President, as to amendment No. 414, which was previously accepted, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment, as modified, is as follows:

Page 5 of amendment No. 414 is modified as follows:

(2) FINAL AGENCY ACTION.—The term "final agency action" means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term "term grazing permit" means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled "An Act to facilitate and simplify the work of the Forest Service, and for other purposes", approved April 24, 1950 (commonly known as the "Granger-Thye Act") (16 U.S.C. 580*l*), or other law.

SEC. 03. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other provision of law, regulation, policy, court order, or court sanctioned settlement agreement, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit; or

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 8 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Iowa?

The Senator from Iowa is recognized.

DEPARTMENT OF DEFENSE APPROPRIATIONS

Mr. GRASSLEY. Mr. President, I want to speak for the fifth and probably final time—at least for a few days—on this subject of Department of Defense appropriations and the continuing program budget mismatch.

If Congress rolled back DOD's spending plans at the height of the cold war in the mid-1980's—and we did that on May 2, 1985—then why would Congress now move to pump up the defense budget when the cold war is over and the Soviet threat is gone? It makes no sense to me.

Mr. President, the General Accounting Office has prepared an interesting set of tables that portray the evolution of the future years defense program for the Defense Department and the budget mismatch with that future years plain. I ask unanimous consent to have this printed in the RECORD at this point.

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

TOTAL OBLIGATIONAL AUTHORITY REFLECTED IN DOD'S FUTURE YEARS DEFENSE PROGRAMS [a]

[In billions of dollars]

Fiscal Year	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
1971 [b]	79.4	77.0	73.5	70.1	69.1	69.8	69.0									
1972		76.8	75.3	79.2	82.0	81.3	80.7	81.7								
1973			75.1	78.1	83.2	87.3	86.6	85.6	84.0							
1974				77.7	81.0	85.0	89.0	88.8	87.0	89.1						
1975					80.5	87.1	92.6	96.9	95.2	96.8	98.5					
1976						85.0	89.0	104.7	112.4	116.6	120.4	122.3				
1977							87.9	98.3	112.7	119.7	125.8	129.8	132.1			
1978								97.5	110.2	120.4	139.1	149.4	160.2	169.0		
1979									108.3	116.8	126.0	145.1	154.6	165.2	177.4	
1980										116.5	125.7	135.5	150.4	159.1	169.2	181.5
1981											124.8	139.3	158.7	183.6	205.6	228.7
1982												142.2	178.0	222.2	224.9	250.0
1983													176.1	214.2	258.0	285.5
1984														211.4	240.5	274.1
1985															238.7	259.1
1986																258.2
1987																
1988																
1989 [c]																
1990																
1991																
1992																
1993																
1994																
1995																
1996																
Difference [d]	n/a	n/a	n/a	n/a	n/a	n/a	$18.9	$15.8	$24.3	$27.4	$26.3	$19.9	$44.0	$42.4	$61.3	$76.8
Percent Change [e]	n/a	n/a	n/a	n/a	n/a	n/a	27.4%	19.4%	29.0%	30.8%	26.7%	16.3%	33.3%	25.1%	34.6%	42.3%

[a] Each column begins with the initial planning estimate for that year. The 2nd through the 5th amounts in each column represent subsequent changes to the initial estimates as the initial estimate ultimately becomes the budget submission. The last amount in each column represents the actual appropriated amounts. The intersection of the same year represents that year's budget proposal.

[b] Note that each row displays the prior year, the current year, the budget year and 4 or 5 out years.

[c] DOD did not produce a revised FYDP for FY 1989. The data in the 1989 row is taken from the President's budget submission.

[d] Dollar difference between initial plan and ultimate appropriation.
[e] Percentage change between the initial planning estimate and the ultimate appropriation.
[f] Insufficient data for analysis.
Source: US General Accounting Office Analysis of DOD Data.

TOTAL OBLIGATIONAL AUTHORITY REFLECTED IN DOD'S FUTURE YEARS DEFENSE PROGRAMS [a]—Continued

[In billions of dollars]

Fiscal Year	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
1971 [b]																	
1972																	
1973																	
1974																	
1975																	
1976																	
1977																	
1978																	
1979																	
1980																	
1981	253.8																
1982	278.3	296.2															
1983	331.7	367.6	405.6														
1984	326.8	357.3	386.2	425.2													
1985	305.7	350.3	379.9	412.2	446.8												
1986	265.3	314.4	354.8	402.4	439.7	478.6											
1987	280.1	296.4	312.3	341.3	363.6	397.7	415.7										
1988		280.5	286.3	304.1	324.1	370.4	392.6	416.1									
1989 [c]			279.5	283.2	299.5	316.4	333.7	351.6	370.2								
1990				288.6	292.7	306.6	321.7	336.4	351.5	366.3							
1991					292.2	292.3	297.3	320.9	337.2	350.1	365.0						
1992					293.8	274.3	279.0	278.6	279.0	281.5	283.4	288.2					
1993							309.1	286.1	271.3	268.6	270.7	271.3	275.5				
1994								286.1	272.9	255.0	253.2	242.7	236.1	241.5	264.0		
1995									270.0	251.7	253.5	244.2	241.5	247.5	253.8		
1996											252.6	246.0	242.8	249.7	256.3	266.2	276.6
Difference [d]	$26.3	($17.6)	($126.1)	($136.6)	($154.6)	($204.3)	($106.6)	($130.0)	($100.2)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)
Percent Change [e]	10.3%	−5.9%	−31.1%	−32.1%	−34.6%	−42.7%	−25.6%	−31.2%	−27.1%	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)

[a] Each column begins with the initial planning estimate for that year. The 2nd through the 5th amounts in each column represent subsequent changes to the initial estimates as the initial estimate ultimately becomes the budget submission. The last amount in each column represents the actual appropriated amounts. The intersection of the same year represents that year's budget proposal.
[b] Note that each row displays the prior year, the current year, the budget year and 4 or 5 out years.
[c] DOD did not produce a revised FYDP for FY 1989. The data in the 1989 row is taken from the President's budget submission.
[d] Dollar difference between initial plan and ultimate appropriation.
[e] Percentage change between the initial planning estimate and the ultimate appropriation.
[f] Insufficient data for analysis.
Source: US General Accounting Office Analysis of DOD Data.

Mr. GRASSLEY. Mr. President, I hope that we can see through all the fog. I hope that the gap between the future years defense plan and the budget does not mean the military has unfunded needs.

A superficial examination shows that the future years defense plan topline matches exactly the topline in the President's budget.

In theory, then, that means that all military requirements are met. That does not happen to be the real world, however.

History teaches us that the cost of the Department of Defense future years defense plan, which is 6 years out, almost always exceeds money in the budget. That is called overprogramming.

The projected cost of the future years defense plan exceeds what Congress finally appropriates.

If the Budget Committee sent a resolution to the floor with a Department of Defense-style overprogramming, I feel the Parliamentarian would rule it out of order.

So what we are faced with is a lack of truth in budgeting.

First, the leaders in the Pentagon keep us, and perhaps themselves, in the dark with bad information—bad numbers.

Second, the leaders at the Pentagon fail to manage. They avoid the tough decisions. They finance the programs, and they use maneuvers called the "buy in" and "front loading" to get the camel's nose under the tent for a specific program. The tent happens to be the future years' defense plan, 6 years of planning. To get the whole camel in the tent, the tent either has to be made bigger or the camel gets smaller.

DOD knows this, but they will not tell us. They really will not admit it. When Congress balks, the Department of Defense buys half a camel and then blames Congress for the mess, what eventually becomes a stretch out. It is kind of a process of extortion. The camel, which could be any of these defense programs, has to be reconfigured to fit under the tent of the future years' defense plan. So instead of buying a whole camel like we thought and need, we end up buying half a camel.

This is the downside of the plans/reality mismatch, which is all too evident in every defense budget.

This process undermines our force structure. Pretty soon, the military cannot do its assigned missions. The force is just too small.

There is yet another way to look at the problem and that is, once a program gains a solid foothold in the future years' defense program and that plan gets rolling, its true costs start to ooze out.

As its costs rise, overly optimistic funding levels do not materialize. The topline, then, is pressed downward by us in the Congress because we only have so much money to spend, including borrowing money, including for defense.

Congress is faced with fiscal realities and is forced to lower the topline. Costs are underestimated and available funding is overestimated. That is why the camel will not fit into the tent. The money squeeze keeps making the tent smaller.

The *Seawolf* submarine is an excellent case in point. When it was sold to the Congress, the Navy promised that it would cost no more than $1 billion a copy. Now the costs are all the way up to $3 billion, and perhaps even more.

The F–22 fighter is another perfect example of the front-loading operation, where a particular plan will not fit into the budget with the available money that we have to appropriate.

When the *Seawolf* and the F–22 front-loading operations are repeated hundreds or even thousands of times in each future years' defense plan for each separate program, we are staring down the throat of a ravenous monster.

This produces what I call a future years' defense plan blivet. Costs go up, projected funding comes down, and it is like trying to stuff 10 pounds of manure into a 5-pound bag.

Front loading is a wasteful and destructive practice.

The worst part about it is that the military does not get what it needs to do its job.

With the *Seawolf* and the F–22, the military will never get enough subs and fighters to modernize the force as we know it.

The GAO's ongoing historical studies of procurement programs show that the Department of Defense pays more but gets less.

For example, 130 percent is paid for 80 percent of a program. We must find a way to control this monster. Leadership, integrity, courage, and good information—that is what is needed. With leadership and good information, Pentagon managers might have the courage to make the hard choices needed to squeeze all of the programs into the money sack that we finally approve.

More money cannot be the answer because we all know that the Pentagon has an insatiable appetite for more money and, quite frankly, we cannot appropriate enough money to satisfy the appetite of the Defense to spend. Caspar Weinberger taught us that lesson the hard way.

Mr. President, that famous budget analyst over there at DOD, Chuck Spinney, whom I spoke about a couple speeches ago, the man who got his picture on the front cover of Time magazine, is still cranking out his spaghetti diagrams. He is doing it over there in the bowels of the Pentagon. His new briefing is called "Anatomy in Decline."

Like before, his data is derived from the future year defense plans. It sounds like the same old story to me, but we need to be sure. I believe that Chuck Spinney has a great deal of credibility, but I suppose since so many people in this body might not agree, then we have to do other work to make sure that it is backed up.

Senator ROTH and I have asked the General Accounting Office to conduct an independent analysis and validation of the data and methodology used in this new Spinney study. Hopefully, the General Accounting Office will help put the problem in a very much understandable perspective.

Mr. President, I would now like to wrap up my thoughts on the integrity of the Department of Defense budget. In a nutshell, Mr. President, we have financial chaos at the Pentagon.

We have meaningless accounting numbers. We have meaningless budget numbers. We have meaningless cost estimates. To make matters worse, the numbers are not just meaningless; they are also misleading and they are deceptive. Bad financial information leads to bad decisions. And there is no accountability for fiscal mismanagement.

The top leadership in the building has been aware of the problems for a long time. Even former Secretary Les Aspin talked about his fiscal horror show. Secretary Perry has also talked about his.

Despite all the hand wringing in the Pentagon, despite all the misleading accounting and the misleading budget information, it still all continues to be tolerated at the top levels.

It is almost a joke. Officials openly laugh about it. The chief financial officer of any company would be fired on the spot for presenting such inaccurate and misleading fiscal data. He or she might even be jailed.

Now I know that the new comptroller over there, Mr. Hamre, is trying to fix the problem. But trying is not enough, although I do give him good marks, marks for being well intentioned and trying to overcome all the obstacles that are over there for the comptroller to do the job that he is charged with doing.

I say "trying is not enough" because he has to do it, and heads will have to roll because this job is done. Bad accounting and budget numbers keep Congress and the American people in the dark. That is an undemocratic process of our constitutional responsibility of control. It is undemocratic because it is unaccountable to the people.

We have a duty and a responsibility to the citizens of this country to give them a complete and a very accurate accounting of how we are spending their money.

Today, we are unable to do that as far as the Defense budget is concerned. We do not know how the money was used last year, and we do not know how the money will be used next year.

My message, Mr. President, is quite simple: If we do not know where we are and we do not know where we have been, we cannot possibly figure out where we are going. In regard to this defense issue, we could be lost. We cannot make good budget decisions until we get some good numbers.

Until the Department of Defense budget shambles is cleaned up, I do not think anyone knows for sure how much is needed for national defense right now.

Yet the President wants to put $25 billion more in, and people in this body want to put still, on top of that, another $55 billion. Why would we want to throw more good money after bad? It is beyond me, Mr. President.

I hope some of my colleagues on this side of the aisle will join me in being a frugal hog. That means opposing any increase in the defense budget. Instead, we should work hard for better management, more accurate information, and for sure, accountability. Otherwise, we are all doomed to repeat the mistakes of the 1980's.

Mr. President, I yield the floor, as I have concluded my statements on the integrity, or lack thereof, of the Defense Department budget.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 415, AS MODIFIED

Mr. NICKLES. Mr. President, I ask unanimous consent that I may modify amendment No. 415, which was previously agreed to.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, No. 415, as modified, is as follows:

On page 13, beginning on line 1, strike all through line 22 and insert in lieu thereof the following:

"(2) SIGNIFICANT RULE.—The term "significant rule"—

(A) means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(i) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(iii) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations or recipients thereof; or

(iv) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(B) does not include 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."

Mr. NICKLES. Mr. President, I might mention, this modification is just changing paragraph and page in the amendment that has already been agreed upon.

Mr. JOHNSTON. I have a question about the effect of the Nickles-Reid substitute on a regulation by the Department of Transportation to reduce the liability limit of deepwater ports like the Louisiana Offshore Oil Port [LOOP]. As the Senator may be aware, the Oil Pollution Act of 1990 established a new Federal regime governing liability for oilspill damages and cleanup. As part of that regime, liability limits were established for different types of vessels and facilities and, in the case of deepwater ports, the liability limit was established at $350 million. Recognizing that this limit might be inordinately high, however, the Oil Pollution Act required that the Department of Transportation undertake a study and propose a lower limit if appropriate. The Coast Guard study was completed in October 1993. It concluded that the use of deepwater ports is the

least risky means of importing crude oil to the United States and that a lower liability limit is appropriate. The rulemaking to lower LOOP's liability limit was initiated on February 8, 1995. It could reduce the liability limit from its present level at $350 million to $50 million—a $300 million difference. yet the economic impact of this change, as I think the committee intended it to be measured, will be much more limited, consisting primarily of the lower annual insurance costs LOOP will incur which reflect the lower risk associated with deepwater ports such as LOOP. Am I correct in understanding that the proposed rule to lower LOOP's liability limit would not be considered a significant rule under the substitute, and therefore would take effect without a 45-day delay?

Mr. NICKLES. The Senator has an excellent point. Although our substitute provides that the administrator of the Office of Information and Regulatory Affairs makes the determinations of what will qualify as "significant rules," it appears clear on its face that in this case, the measurement of the economic impact of the regulation would be the cost savings to LOOP, not the dollar amount by which its liability limit is reduced, and therefore in my opinion, it probably would not be considered a significant rule by OIRA for purposes of this legislation.

Mr. JOHNSTON. I thank the Senator for his interpretation of the standard of measurement for economic impact and its application to the rule reducing LOOP's liability limit.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 417 TO AMENDMENT NO. 410

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. GLENN, proposes an amendment numbered 417 to amendment No. 410.

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

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

The amendment is as follows:

On page 14 of the amendment, line 2, strike the period and insert: ", except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matters."

Mr. LEVIN. Mr. President, agencies issue probably thousands of rules each year that pertain only to one person or business. These are rules that are issued on a routine basis—opening a bridge, changing a flight path, exempting a person from meeting general standards that do not apply to that person's particular situations. I do not think these rules are included in that 4,000 count that we sometimes use as the rules that would be covered by this legislative review provision.

These are the rules of specific, particular applicability that have no general applicability, and that it is not our intent, I believe—I should not say that, but I do not believe it is the intent of the makers of the substitute here—to cover by the substitute.

So this amendment makes it clear that these rules of particular applicability and these routine rules are not covered by this legislative review substitute.

I believe the amendment has been cleared by the managers of the bill?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate my colleague's amendment. We have worked with him and his staff on this amendment. We have no objections and urge its adoption.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I compliment the Senator from Michigan for his work on this. He has worked long and hard on rules and regulations in the Governmental Affairs Committee. This is one example of how thorough he is in these areas.

Even though we can pass laws—we can pass rules and regulations—there are coincidences that apply in particular cases or places, or things are found to be unfair with the local people. And, where that can be corrected, it should be corrected.

This provides for that kind of a correction where otherwise people would be dealt with very unfairly by their government. We are trying to make this as fair as possible for everybody.

That is what the Senator from Michigan is doing. I compliment him and am glad to cosponsor his amendment.

Mr. LEVIN. I thank the Senator from Ohio.

Mr. President, I do not know of any further debate on the amendment.

The PRESIDING OFFICER. Without objection, the amendment (No. 417) is agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

REINVENTING GOVERNMENT

Mr. DASCHLE. Mr. President, a little while ago the majority leader spoke on the floor regarding the administration's Reinventing Government proposal.

The majority leader suggested that the President has jumped on the budget-cutting bandwagon and that he has done so in response to the November 1994 election.

Mr. President, the President and the Vice President, since before the November 1992 election, have stated and proven their commitment to the process of streamlining government. The proposal announced yesterday has been labeled "REGO II," because it is the second phase in a Reinventing Government process that began over 2 years ago.

Through that process headed by Vice President GORE, we have already taken steps to cut back the Federal Government. The Federal work force is today the smallest it has been since John Kennedy was in the White House. The proposal announced yesterday would cut $13.1 billion and eliminate 4,805 Government positions over the next 5 years.

Reinventing Government has been an ongoing, thoughtful process based on careful analysis of the ways with which to cut the bureaucracy while ensuring the Government's ability to meet our policy goals.

To suggest that the President or the Vice President have jumped on the bandwagon is off base.

The majority leader also suggested that the rescissions bill the Senate is about to consider will provide immediate savings and is, therefore, superior to the President's Reinventing Government proposal.

First, Mr. President, the administration's Reinventing Government proposal and the rescissions package are not in competition. It is not an either/or. We can and should cut waste and streamline Government whenever and wherever it makes sense and fits within our national priorities.

But if the comparison is going to be made, it should be accurate. I would hate for anyone to be left with the impression that the Republican rescissions package provides over $13 billion in cash savings in fiscal year 1995, because it does not.

According to the Congressional Budget Office, the proposal would cut $13.2 billion in budget authority in fiscal year 1995, but the outlay savings would be $11.48 billion spread over the next 5 years. The analysis from CBO shows that, while $13.2 billion in budget authority would be cut in fiscal year 1995,

the Republican proposal would cut only $1.138 billion in outlays in fiscal year 1995.

I ask unanimous consent that a CBO analysis issued today on the rescissions package be printed in the RECORD at this point.

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

SUMMARY: SECOND SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1995 (S. 617), STATUS: SENATE REPORTED

[Note: estimates based on April 1, 1995 enactment; by fiscal year, in millions of dollars]

	Budget authority	Outlays—				
		1995	1996	1997	1998	1999
Emergencies						
Fiscal year 1995	1,900	335	67	1,498	0	0
Contingent Emergencies						
Fiscal year 1996	4,800	0	0	346	1,981	2,474
Supplementals						
Fiscal year 1995	2	(15)	20	304	99	0
Discretionary	(7)	(24)	20	304	99	0
Mandatory	9	9	0	0	0	0
Fiscal year 1996	251	0	(41)	22	0	0
Fiscal year 1997	(40)	0	0	(60)	21	0
Fiscal year 1998	(39)	0	0	0	(43)	3
Total, Fiscal years 1995–98	174	(15)	(21)	265	77	3
Discretionary	165	(24)	(21)	265	77	3
Mandatory	9	9	0	0	0	0
Rescissions						
Fiscal year 1995	(13,152)	(1,138)	(2,939)	(2,454)	(1,981)	(2,912)
Emergencies	(62)	(*)	(2)	(2)	(2)	(4)
Non-Emergencies	(13,090)	(1,138)	(2,937)	(2,452)	(1,979)	(2,908)
Fiscal year 1996—Non-Emergencies	(26)	0	(26)	0	0	0
Fiscal year 1997—Non-Emergencies	(29)	0	0	(29)	0	0
Total Fiscal years 1995–97	(13,208)	(1,138)	(2,965)	(2,484)	(1,981)	(2,912)
Emergencies	(62)	(*)	(2)	(2)	(2)	(4)
Non-Emergencies	(13,146)	(1,138)	(2,963)	(2,481)	(1,979)	(2,908)
Total Bill						
FY 1995–98:						
Emergencies	6,700	335	67	1,844	1,981	2,474
Supplementals	174	(15)	(21)	265	77	3
Rescissions	(13,208)	(1,138)	(2,965)	(2,484)	(1,981)	(2,912)
Total	(6,334)	(818)	(2,919)	(374)	77	(435)

*Congressional Budget Office, Mar. 28, 1995.

Mr. DASCHLE. Mr. President, I hope we can avoid the politicization of the debate about reorganizing government. Democrats and Republicans both recognize the need to reinvent government, to find ways to run our Federal Government in a much more efficient manner.

The President and the Vice President should be congratulated—not criticized—for leading the effort to find new ways, going all the way back to the very beginning of this administration, to both reduce the cost and the size of government in a meaningful way.

With that, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be added as a cosponsor to the pending substitute.

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

Mr. LEVIN. Mr. President, I support the substitute. I have supported what we call legislative review—the earlier form being called legislative veto—not only when I got to the U.S. Senate but before I got to the U.S. Senate. It was actually, believe it or not, part of my election platform when I first ran for the U.S. Senate in 1978, because I believed that elected officials should have the responsibility to review important regulations of the bureaucracy.

I found, as a local official, that I was too often confronted with regulations which had major impacts on my community, and I was told, if you want to go and complain about those regulations, go to the agencies somewhere out in the yonder somewhere, see if you can find that agency or the regional office of that agency somewhere. I was shunted around from unelected official to unelected official. I wanted very much to have an elected person accountable to me for major regulations, be it an elected President or be it an elected Member of Congress.

So I very much supported legislative veto starting in 1979 when I worked with Elliott Levitas in the House and Harrison Schmitt in the Senate on Government-wide legislative veto, as well as a specific provision for the Federal Trade Commission.

As a matter of fact, Senator Ribicoff, who was then chairman of the Governmental Affairs Committee, held a series of hearings on regulatory reform, did a major study which was the basis for an omnibus regulatory reform bill called S. 1080 that passed the Senate in 1982 but died in the House.

I sponsored the legislative veto provision that was added to the FTC. The reason we did that was because of some major controversial rulings of the FTC relative to used-car dealers and funeral directors and other major industries and segments of our economy.

Senator Schmitt and I, in March 1982, offered a Government-wide legislative review amendment to the regulatory reform bill that I have made reference to. And some of the same key players who are active now—Senators NICKLES, GRASSLEY, and COCHRAN—were all cosponsors of that legislative veto provision. That amendment was adopted by an overwhelming vote. We would be in a lot better shape today had that provision been enacted into law.

That provision, like Nickles-Reid, required a joint resolution of disapproval as distinguished from just a concurrent resolution or a simple resolution. The Supreme Court in Chadha had ruled that the concurrent resolution form of legislative veto was unconstitutional.

After the defeat of that omnibus regulatory reform bill, S. 1080, in the

House, Senator GRASSLEY tried to resurrect it in the 98th Congress. I supported that effort. But, again, we did not make it.

So, Mr. President, with that kind of long history of support for legislative veto, here called legislative review because it is somewhat different from those original forms, I am happy to cosponsor the substitute that is before us. And I am particularly pleased because I think this has a good chance of becoming law. This is real reform.

I believe it is the most significant reform that we can make in this area, because regulation is legislative in nature. Except for these rules of specific applicability or individual applicability which we have now exempted, when rules are adopted by agencies, they are significantly legislative in effect. They apply to large numbers of people, usually prospectively. And it is because of that legislative nature of these major rules that we should keep some political accountability. We should be politically responsible for the actions of the agencies to make sure that what they are doing carries out our intent and to make sure that what they are doing in fact is cost effective.

Mr. President, the delay that is involved in this form of legislative review is insignificant. The Administrative Procedures Act already has a mandatory 30-day delay before a rule can become effective. There may be a little problem when Congress is out of session, but we are just going to have to live with that. But this 45-day period of delay to give Congress an opportunity to use an expedited process to review a rule that it chooses to on an individual basis makes us accountable for the rules that affect large numbers of people's lives in this country. We should accept that responsibility. We should be accountable for this kind of agency activity.

This legislative review approach will do just that, and it does it in a very reasonable way. It is not a lumping of all rules together like that moratorium was and say freeze everything. This, to the contrary, takes a look at individual rules by the Congress, and the only delay that is involved, that 45-day delay, makes it possible for us legislatively to look individually at rules to make sure again that, before a rule goes into effect, it is cost effective and carries out our intent.

So, Mr. President, again, I am pleased to cosponsor this substitute. I congratulate Senator NICKLES and Senator REID on this substitute. The Senator from Oklahoma and the Senator from Nevada are to be congratulated on this substitute and I think it has been improved by a series of amendments.

I yield the floor.

Mr. LEAHY. Mr. President, today the Senate began debate on overhauling how the Federal Government imposes regulatory regulations. This legislation is the first of several bills the Senate may consider that have far-reaching implications for every policy that we consider on the floor.

In the last 20 years, this Congress has passed many laws to protect the public health and safety. The regulations to implement these laws were largely written by Presidents Ford, Reagan, and Bush.

The theory behind this legislation is that regulators have been running amok.

If that is so, they have been running very slowly. Today, every car ad brags about airbags, but it took 20 years to get the regulations in place to protect us from accidents.

In 1987, I started trying to get meat inspection reformed. It has taken 8 years to get those regulations issued—they are not final—even though they will save 4,000 lives a year.

The Senate Judiciary Committee will soon consider a bill that will delay them at least 2 years more.

This proposed legislation is not an antidote to regulators run amok. It is regulatory reform run amok. I believe in regulatory reform. The Laxalt-Leahy regulatory reform bill passed the Senate unanimously in 1982—13 years ago.

I believe that first, Congress should decide what responsibility we have to avoid harming our neighbors—what values it wants to protect. Then the agencies should use cost-benefit analysis—and whatever other tools are available to make the best decision.

This bill takes a fundamentally different approach to regulatory reform.

This bill is hypocritical.

Under this legislation USDA will continue to give a "grade A" label to unsafe meat.

This bill is so unworkable that the corporate lawyers insist on being exempted from it. Permits to put a product on the market are exempt from all reform. To protect the public, however, you have to do a judicially reviewable, peer reviewed, cost-benefit analysis and a peer reviewed, judicially reviewable, risk assessment.

This bill is unworkable. My regulatory reform bill used cost-benefit analysis as a tool to make sure regulation is done right. This bill takes a useful tool, and turns it into a rigid rule.

My bill made sure that rules were based on a cost-benefit analysis. This bill is a recipe for paralysis.

Instead of making sure there are good decisions, it makes sure that there will be no decisions.

This bill is antidemocratic. Even the Reagan Department of Justice rejected putting the courts in charge of cost-benefit analysis because it was antidemocratic.

An elite group of economists using formulas we do not understand, and values we do not share, will veto laws passed by Congress designed to protect the health and safety of the American people.

Perhaps this legislation can be fixed. If not, President Clinton should veto it.

Mr. KOHL. Mr. President, I rise with great ambivalence about the legislation that we are considering today. I have expressed grave reservations about efforts to impose a regulatory moratorium, similar to that reported out of the Governmental Affairs Committee. I believe such legislation to be extreme, because it assumes all regulations are bad, and does not allow for distinctions between necessary regulations and superfluous regulations.

While I agree that we should scrutinize regulations to assure that they are justified and reasonable, I believe a straight moratorium to be irresponsible. In that context, I am pleased that a bipartisan substitute has been offered to change the focus of this bill toward a legislative veto, which allows Congress to formally review major regulations.

However, even though the substitute we are considering today is reasonable, I am concerned that the regulatory moratorium concept is not dead. The House has passed moratorium legislation, and will be pushing to have that version enacted.

Foremost among my concerns with a moratorium is the status of pending drinking water regulations addressing cryptosporidium. Just under 2 years ago, the residents of Milwaukee experienced a debilitating outbreak of the parasite cryptosporidium in the drinking water. Buy the time the parasite infestation had fully run its course, 104 Milwaukee residents had died, and over 400,000 had suffered from a debilitating illness.

And it turns out that this problem was nothing new to this Nation. In reality, while the Milwaukee incident is the largest reported cryptosporidium outbreak in U.S. history, it is just one of many outbreaks nationwide. Other major outbreaks in recent years include a 1987 cryptosporidium outbreak in Carrollton, GA, that sickened 13,000 people, and a 1992 incident in Jackson County, OR, that caused 15,000 people to become ill. There are numerous other examples of parasite contamination nationwide.

But despite these outbreaks, no regulatory actions had been taken to protect consumers against future outbreaks. With the Milwaukee disaster, the Nation finally woke up to the problem. In the aftermath of Milwaukee, EPA is now in the process of promulgating a package of regulations to require communities to test for cryptosporidium in their drinking water, and ultimately to treat the water to remove cryptosporidium threats. These regulations are long overdue and must not be delayed any further.

Mr. President, I offer the cryptosporidium example to remind my colleagues that there are instances in which the Federal Government has not done enough. Much of the rhetoric of recent months has been focused on the extreme horror stories of overregulation. While some of these concerns are valid, we must also remember the horror stories of underregulation. I believe that the 104 deaths and 400,000 illnesses in Milwaukee are a testimony to the dangers of government inaction.

I certainly believe that the cryptosporidium threat in this Nation constitutes an imminent threat to human health and safety, and should, therefore, be theoretically exempted from any regulatory moratorium bill. However, I am concerned that the bureaucratic process necessary to make a declaration of imminent threat will cause unnecessary delay and place the people of this Nation at future risk.

So while I will support this substitute to establish a legislative veto, I do so with reservations about the potential of a resurrected regulatory moratorium. If such an effort is renewed in this body, I will strongly oppose such legislation.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 418 TO AMENDMENT NO. 410

Mr. REID. Mr. President, I believe the last matter this evening, at least as far as the Senator from Nevada is concerned, is an amendment offered on behalf of the Senator from Minnesota [Mr. WELLSTONE]. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. WELLSTONE, proposes an amendment numbered 418 to amendment No. 410.

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

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

The amendment is as follows:

On page 3, after line 24, insert the following:

"(4) FAILURE OF JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding the provisions of paragraph (2), the effective date of a rule shall not be delayed by operation of this Act beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 4.

On page 8, line 4, delete everything from "after" through "Congress" and insert on line 5 "including the period beginning on the date on which the report referred to in section 3(a) is received by Congress and ending 45 days thereafter,".

Mr. REID. Mr. President, the staffs have been working on this amendment most of the afternoon. It is technical in nature. It clarifies what was the intent of the Senator from Nevada and the Senator from Oklahoma. I believe the Senator from Oklahoma has cleared the amendment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we have reviewed this amendment, and we have no objection to it. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 418) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 419 TO AMENDMENT NO. 410

(Purpose: Making technical corrections to the Nickles-Reid substitute)

Mr. NICKLES. Mr. President, I send an amendment making technical corrections 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 Oklahoma [Mr. NICKLES] proposes an amendment numbered 419 to amendment No. 410.

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

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

The amendment is as follows:

On page 12, line 7, strike the word "significant";

On page 13, line 2, of amendment No. 415, strike the words ", issued after November 9, 1994,";

On page 14, line 23, strike the word "significant".

Mr. NICKLES. Mr. President, as I mentioned, this is a technical amendment, and I urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 419) was agreed to.

Mr. NICKLES. Mr. President, I know of no further amendments on this bill.

Mr. REID. The Senator from Nevada knows of none on this side.

The PRESIDING OFFICER. If there are no further amendments, the question then is on agreeing to amendment No. 410, as amended, the substitute offered by the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the Nickles-Reid amendment.

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

The PRESIDING OFFICER. The question is on agreeing to Nickles-Reid substitute amendment No. 410, as amended.

The amendment (No. 410), as amended, was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent that final passage occur on S. 219, as amended, at 10:45 a.m. on Wednesday, March 29, and that paragraph 4 of rule XII be waived.

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

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague, Senator REID.

I wish to thank him and the Senator from Michigan and the Senator from Ohio, Senator GLENN, for their leadership and cooperation in enabling us to come to final passage.

I will remind my colleagues, for those who have not been following this, that we will have final vote tomorrow at 10:45. We were discussing 11, but it has been requested that the vote be at 10:45 a.m.

MORNING BUSINESS

REPORT ON THE HEALTH CARE FOR NATIVE HAWAIIANS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 37

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 Indian Affairs.

To the Congress of the United States:

I transmit herewith the Report of the Health Care for Native Hawaiians Program, as required by section 11 of the

Native Hawaiians Health Care Act of 1988, as amended (Public Law 102-396; 42 U.S.C. 11701 *et seq.*).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 27, 1995.*

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT—PM 38

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since September 26, 1994, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with the United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the Total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("FAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 *Fed. Reg.* 64904) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of September 20, 1994.

The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports*: Luanda and Katumbela, Benguela Province; *Ports*: Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and *Entry Points*: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through the Department of Commerce and the Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from September 26, 1994, through March 25, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported at about $50,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 27, 1995.*

MESSAGES FROM THE HOUSE

At 6:59 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 889) 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, and agrees to the conference asked by the Senate on the disagreeing votes of the Houses thereon; and that the following Members be appointed as the managers of the conference on the part of the House:

For consideration of Senate amendments numbered 3, 5, 6, 7, and 10 through 25, and the Senate amendment to the title of the bill: Mr. LIVINGSTON, Mr. MYERS of Indiana, Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. PORTER, Mr. ROGERS, Mr. WOLF, Mrs. VUCANOVICH, Mr. CALLAHAN, Mr. OBEY, Mr. YATES, Mr. STOKES, Mr. WILSON, Mr. HEFNER, Mr. COLEMAN, and Mr. MOLLOHAN.

For consideration of Senate amendments numbered 1, 2, 4, 8 and 9: Mr. YOUNG of Florida, Mr. MCDADE, Mr. LIVINGSTON, Mr. LEWIS of California, Mr. SKEEN, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. NEUMANN, Mr. MURTHA, Mr. DICKS, Mr. WILSON, Mr. HEFNER, Mr. SABO, and Mr. OBEY.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Thomas Hill Moore, of Florida, to be a Commissioner of the Consumer Products Safety Commission for the remainder of the term expiring October 26, 1996.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. BIDEN, Mrs. KASSEBAUM, Mr. BINGAMAN, Mr. JEFFORDS, and Mr. WELLSTONE):

S. 632. A bill to create a national child custody database, to clarify the exclusive continuing jurisdiction provisions of the Parental Kidnapping Prevention Act of 1980, and for other purposes; to the Committee on the Judiciary.

By Mr. PRYOR:

S. 633. A bill to amend the Federal Deposit Insurance Act to provide certain consumer protections if a depository institution engages in the sale of nondeposit investment products, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO (for himself and Mr. DOLE):

S. 634. A bill to amend title XIX of the Social Security Act to provide a financial incentive for States to reduce expenditures under the Medicaid Program, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. NUNN, Mr. THURMOND, and Mr. GRAHAM):

S. 635. A bill to amend title 10, United States Code, to provide uniformity in the criteria and procedures for retiring general and flag officers of the Armed Forces of the United States in the highest grade in which served, and for other purposes; to the Committee on Armed Services.

By Mr. DASCHLE (for himself and Mr. PRESSLER):

S. 636. A bill to require the Secretary of Agriculture to issue new term permits for grazing on National Forest System lands to replace previously issued term grazing permits that have expired, soon will expire, or are waived to the Secretary, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCAIN:

S. 637. A bill to remove barriers to interracial and interethnic adoptions, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI (by request):

S. 638. A bill to authorize appropriations for United States insular areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL (for himself and Mr. JOHNSTON):

S. 639. A bill to provide for the disposition of locatable minerals on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself, Mr. CHAFEE, Mr. REID, Mr. BOND, Mr. GRAHAM, and Mr. McCONNELL):

S. 640. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, Mr. HATCH, Mr. JEFFORDS, Mr. FRIST, Mr. PELL, Mr. DODD, Mr. COATS, and Mr. SIMON):

S. 641. A bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself and Mr. ROCKEFELLER):

S. 642. A bill to provide for demonstration projects in six States to establish or improve a system of assured minimum child support payments, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mrs. MURRAY):

S. 643. A bill to assist in implementing the Plan of Action adopted by the World Summit for Children; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE:

S. Res. 95. A resolution making minority party appointments to the Committee on Energy and Natural Resources, and the Committee on Veterans' Affairs; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BIDEN, Mrs. KASSEBAUM, Mr. BINGAMAN, Mr. JEFFORDS and Mr. WELLSTONE):

S. 632. A bill to create a national child custody database, to clarify the exclusive continuing jurisdiction provisions of the Parental Kidnapping Prevention Act of 1980, and for other purposes; to the Committee on the Judiciary.

THE CHILD CUSTODY REFORM ACT OF 1995

Mr. DOMENICI. Mr. President, I am this morning going to introduce a bill that I am hopeful the Judiciary Committee of the U.S. Senate will take into consideration rather quickly and report something to the U.S. Senate akin to what I am going to talk about for the next few minutes.

There is much talk about seeing to it that we insist that parents be responsible and that, where there are custody situations in a split household, divorce or otherwise, the obligations to pay child support get enforced across the land. The President speaks of it, everyone speaks of it, in more or less the notion of the need for parental responsibility and the fact that responsible parents alleviate some of the Government's expenditures if they were paying their legally obligated payments to their children.

And so today I want to discuss briefly where we are with reference to that and what we ought to do.

Let me talk now about the bill itself.

Over the past few months, we in Congress have spoken a great deal about the need to get our Nation's fiscal house in order. Although we may disagree on exactly how we should get there, the debate on this matter has demonstrated at least one matter on which we all agree. This central point of agreement is about the future, and what responsibilities and burdens we will be handing to generations yet to come. Concern for the future of our children and grandchildren must be the defining issue. I believe this our foremost responsibility, and I know there are many women and men in this body who share this commitment.

The need to provide for the future of our children and, indeed, the Nation, however, does not hinge solely on fiscal policy. The responsibilities we hold for the children of America span all aspects of life and incorporate many elements of the law. Children hold a special status under the law. We recognize that without a responsible parent or guardian, children are at the mercy of society. In the absence of measures to protect them, they are our most vulnerable and needy citizens. In such a case, the law becomes their primary protector and provider, and often their last source of relief in many instances in this country. I am addressing these issues today because I rise to introduce a bill that seeks to further support children in this country, and which will assist in protecting them when their best interests are not being served.

THE CHILD CUSTODY REFORM ACT OF 1995

In 1980, Congress passed the Parental Kidnapping Prevention Act—the PKPA. This bill sought to end the common situation where feuding parents, whether divorced, separated, estranged, or otherwise, used their children as pawns in their personal vendettas against each other. Often, this would take the form of one parent kidnapping the child and moving to another State. Once in the other State, the parent could petition that State court in order to obtain a new custody ruling. In the event that a different ruling was handed down, the legal battles began, with the child being used as leverage in a vicious parental battle that often played out over many years. The children thrown into the middle of these situations obviously suffered, some think they suffered irreparable harm, and congress had to step in to bring this practice to a halt. The PKPA did much to alleviate this situation, and solidified the statutes that protect children involved in custody disputes. Several years of this law in actual practice, however, have demonstrated that some gaps exist in this legislation, and there remain a few loopholes through which this situation can continue.

So today I rise to introduce the Child Custody Reform Act of 1995. We have worked diligently on this with various entities in our country and with the American Bar Association because we have one of these typical situations in the law that is spoken of when you go to law school as conflicts of interest, or conflict law. So this bill is going to put a cap on some of these inconsistencies and to further help resolve a troubling situation that continues to this day.

The Child Custody Reform Act that I am introducing amends the PKPA in

two ways: First, this act would clarify the language of the PKPA so that future jurisdictional disputes are eliminated altogether. And second, this act would establish a national child custody registry so that the courts and officers of the court would have quick and accurate access to information regarding the status of any child in the Nation for whom a custody decree has been issued.

It would not pry into anyone's life. It would just take a matter of court record and produce that in a manner that would be available interstate, so that in a legal battle in State X with two children involved, the court can immediately find out whether those two children are already involved in a legal situation in another State.

So, what we are going to do in this law is as follows.

Current PKPA provisions still allow a second State to issue a separate and oftentimes conflicting child custody ruling. This flaw allows a second State to modify a custody ruling made by a first State by determining on its own that the first State no longer had jurisdiction under its own law.

That is kind of legal jargon, but essentially if there is a valid decree affecting children in State A and one of the parents moves to State B, State B has found a way to avoid State A's decree which was made and is valid by finding that the first court did not have jurisdiction, and so they would take it all over in the second court.

We have worked long and hard with experts in the bar association on the law of conflicts and the law of custody.

This flaw allows the second State to modify the ruling where only one of the parents or one of the contending parties is present.

So under these proposed changes, the court of the second State would not be allowed to issue a ruling modifying the initial custody decree as long as one of the contestants still remained in the State that issued the original ruling.

This will say, as a matter of law nationally, the second State attempting to change the ruling in a State that already ruled, that that court has no jurisdiction as a matter of law in America, and the case must be returned to the first State. That means that a contestant will enter a motion in court setting this statute up as a defense and the judge will have clearly before him or her a national statute that says they must defer this back to the State of original jurisdiction.

If the original issuing State declines to exercise continuing jurisdiction, the second State would then be free to modify the ruling as it sees fit. This, I believe and many in the legal profession believe, will go a long way to stop jurisdictional disputes between States and their courts over contesting parties where there is a child or children in the middle of this battle from ever occurring.

We are, obviously, open to better language. We are, obviously, open to the Judiciary Committee of the U.S. Senate with its good legal counsel and Members of the Senate who have worked on this issue long and hard, to see if they can do better by language than we have, but we think this will go a long way.

Currently, States are required to keep a listing of existing child custody decrees. I repeat, that is not new. What exists right now is that States are required to keep a listing. No way of exchanging this between States is currently in the law of the land or being accomplished by any kind of standardization.

So what we decided to do in this bill—myself and cosponsors and I am sure there will be others—we have decided that we should encourage the establishment of a national registry in conjunction with the already existing Federal parent locater service where information on these children or their legal status could be entered. Thus, it would be available between States, and States would not get hoodwinked where a parent could take the children to another State, leave one parent behind, and want to start anew, ignoring what has already happened.

Obviously, the second court would know that those children were the subject of a custody decree in another State, and unless the original State declines to exercise jurisdiction, that would be returned to the original State that entered the decree, thus, not permitting parents to use their children as pawns and decide they will move to another State to change custody or change the obligation to pay child support.

So when a proceeding is commenced anywhere in the country, an officer of the court could immediately check with the registry of each State, which would be available to them, to see if a standing custody order currently exists or if a custody proceeding is currently pending in another court.

In the event that another ruling on the same child or children exists, the second court, in compliance with the PKPA, would immediately know not to proceed any further. If the adult guardian or parent still wished to move for a modification of the decree, they would have to petition the State in which the original custody decree was issued.

Thus, we can see that the registry would help immensely in eliminating jurisdictional fights that occur these days that are not in the interest of the children of the adult contestants.

SENSE-OF-THE-SENATE RESOLUTION FOR SUPERVISED VISITATION CENTERS

In addition to the changes in the PKPA, this bill would express the sense of the Senate that local governments should take full advantage of the funds allocated in last year's crime bill, under the provisions for local crime prevention block grants, to establish supervised visitation centers for children involved in custody disputes. These centers would be used for the visitation of children when one or both of the parents are believed to put the children at risk of physical, emotional, or sexual abuse.

CONCLUSION

I believe this bill is a valuable and needed step to ensure that the children of America are looked after in a responsible and caring manner. It is unfortunate that we need to pass laws of this nature. One would think that good sense and responsible adult behavior would resolve this problem on its own. This presently is not the case, however. As a result, the law must step in and serve the public interest, and the best interests of children enduring these hardships. I am greatly encouraged that my colleagues, Senators JEFFORDS, BINGAMAN, BIDEN, and WELLSTONE have joined me in support of this bill, and I look forward to further consideration by the entire Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 632

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 "Child Custody Reform Act of 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) parents who do not find a child custody ruling to their liking in one State will often start a custody proceeding in another State in the hope of obtaining a more favorable ruling;

(2) although Federal and State child custody jurisdictional laws were established to prevent this situation, gaps still exist that allow for confusion and differing interpretations by various State courts, and which lead to separate and inconsistent custody rulings between States;

(3) in the event that a different ruling is handed down in the second State's court, the problem then arises of which court has jurisdiction, and which ruling should be granted full faith and credit under the Parental Kidnapping Prevention Act of 1980;

(4) changes in the Parental Kidnapping Prevention Act of 1980 must be made that will provide a remedy for cases where conflicting State rulings exist—

(A) to prevent different rulings from occurring in the first instance by clarifying provisions with regard to continuing State jurisdiction to modify a child custody order; and

(B) to assist the courts in this task by establishing a centralized, nationwide child custody database; and

(5) in the absence of such changes, parents will continue to engage in the destructive practice of moving children across State borders to escape a previous custody ruling or arrangement, and will continue to use their helpless children as pawns in their efforts at personal retribution.

SEC. 3. MODIFICATION OF REQUIREMENTS FOR COURT JURISDICTION.

Section 1738A of title 28, United States Code, is amended—

(1) by amending subsection (d) to read as follows:

"(d)(1) Subject to paragraph (2), the jurisdiction of a court of a State that has made a child custody determination in accordance with this section continues as long as such State remains the residence of the child or of any contestant.

"(2) Continuing jurisdiction under paragraph (1) shall be subject to any applicable provision of law of the State that issued the initial custody determination in accordance with this section, when such State law establishes limitations on continuing jurisdiction when a child is absent from such State.";

(2) in subsection (f)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (1), respectively; and

(B) in paragraph (1), as so redesignated, by inserting "pursuant to subsection (d)," after "the court of the other State no longer has jurisdiction,"; and

(3) in subsection (g), by inserting "or continuing jurisdiction" after "exercising jurisdiction".

SEC. 4. ESTABLISHMENT OF NATIONAL CHILD CUSTODY REGISTRY.

Section 453 of the Social Security Act (42 U.S.C. 653) is amended by adding at the end the following new subsection:

"(g)(1) Subject to the availability of appropriations, the Secretary of Health and Human Services, in cooperation with the Attorney General, shall expand the Federal Parent Locator Service established under this section, to establish a national network to allow State courts to identify every proceeding relating to child custody jurisdiction filed before any court of the United States or of any State. Information identifying custody determinations from other countries will also be accepted for filing in the registry.

"(2) As used in this subsection—

"(A) the term 'information' includes—

"(i) the court or jurisdiction where a custody determination is filed;

"(ii) the name of the presiding officer of the issuing court;

"(iii) the names and social security numbers of the parties;

"(iv) the name, date of birth, and social security numbers of each child; and

"(v) the status of the case;

"(B) the term 'custody determination' has the same meaning given such term in section 1738A of title 28, United States Code;

"(C) the term 'custody proceeding'—

"(i) means a proceeding in which a custody determination is one of several issues, such as a proceeding for divorce or separation, as well as neglect, abuse, dependency, wardship, guardianship, termination of parental rights, adoption, protection from domestic violence, and Hague Child Abduction Convention proceedings; and

"(ii) does not include a judgment, decree, or other order of a court regarding paternity or relating to child support or any other monetary obligation of any person, or a decision made in a juvenile delinquency, status offender, or emancipation proceeding.

"(3) The Secretary of Health and Human Services, in cooperation with Attorney General, shall promulgate regulations to implement this section.

"(4) There are authorized to be appropriated such sums as are necessary to carry out this subsection.".

SEC. 5. SENSE OF SENATE REGARDING SUPERVISED VISITATION CENTERS.

It is the sense of the Senate that local governments should take full advantage of the Local Crime Prevention Block Grant Program established under subtitle B of title III of the Violent Crime Control and Law Enforcement Act of 1994, to establish supervised visitation centers for children who have been removed from their parents and placed outside the home as a result of abuse or neglect or other risk of harm to them, and for children whose parents are separated or divorced and the children are at risk because of physical or mental abuse or domestic violence.

Mr. BIDEN. Mr. President, there is no greater legacy we leave on this Earth than our children. Keeping our children safe and helping them grow into productive adults is our greatest challenge and responsibility—as individuals and as a society.

For the most part, parents assume this responsibility willingly. But with more than 50 percent of marriages ending in divorce, some of our children face special risks.

Notwithstanding the fact that many divorced parents are sensitive to their children's needs and act in their best interests, in some cases, custody battles become prolonged wars. When this occurs, children can suffer severe emotional damage.

More seriously, when conflict escalates, it can place children at risk physically through parental kidnapping; in 1988 alone, an estimated 354,000 children were abducted by parents or family members nationwide.

In extreme cases, disputes between parents can even become fatal conflicts. Consider two recent chilling events in my State of Delaware:

In one incident, the father picked up his three children in Delaware for a visit, but then drove them to North Carolina—where he shot them in the head, set the van they were in on fire, and then killed himself in a nearby field.

In a second case, a father killed his two young children as they slept, then turned the gun on himself.

The result of these incidents, which occurred in the space of 2 weeks time—five children dead, all innocent victims of divorce and custody disputes. Of course, these are extreme cases, but they illustrate what can happen when custody disputes escalate.

That is why over the years, we have worked to ensure that the justice system works as smoothly and effectively as possible at handling custody matters, and in particular at making sure that interstate conflicts in custody orders are resolved quickly and appropriately.

Between 1969 and 1983, all 50 States adopted the Uniform Child Custody Jurisdiction Act, reducing the incentive for parents to abduct their children to another State in an attempt to obtain a favorable custody order.

The act spelled out when a State has jurisdiction to issue a custody order and when it has to enforce the order of another State.

We also addressed a second problem, because States had different views of when custody orders—which are subject to modification—were adequately final so as to trigger the full faith and credit requirements of the Constitution.

In 1980, Congress enacted the Parental Kidnapping Prevention Act to impose a Federal duty on the States to enforce and not modify the custody orders of sister States that issued orders consistent with the act.

This act gives priority to States with home State jurisdiction over States that have what is called significant connections jurisdiction.

It also provides that the State that issued the first custody order has continuing jurisdiction as long as the child or any contestant resides in that State.

Unfortunately, over the years, cracks have surfaced in the application of this law, and contrary to congressional intent, many State courts have continued to modify the custody orders of States that retain continuing jurisdiction.

Take for example a case in which a married couple obtained a divorce in Michigan in 1988. Custody of their child was awarded to the mother, with visitation rights to the father. The decree specifically set-out that Michigan would maintain jurisdiction over the parents and the child.

But 6 months later, the mother, who had moved with the child to Illinois, petitioned an Illinois court to modify the father's visitation rights under the Michigan order. The Illinois trial court denied her motion, ruling that it had no jurisdiction.

Yet the Illinois Court of Appeals reversed and remanded the case, holding in part that Illinois could "* * * modify a foreign custody judgment even if the other State has jurisdiction so long as the Illinois court has jurisdiction * * *"

The Child Custody Reform Act of 1995 that we introduce today makes it clear that in the case I just described, Illinois could not modify the Michigan court's grant of visitation rights because the father continued to reside in Michigan—and thus, Michigan maintained continuing jurisdiction to protect his interests.

The Child Custody Reform Act of 1995 will help prevent conflicting custody orders and jurisdictional deadlock. I would like to commend Senator DOMENICI for his leadership on this issue.

The act clarifies that a sister State may not enter a new custody order nor may it modify an existing custody order, as long as the original court acted pursuant to the Parental Kidnapping Prevention Act.

It also clarifies that continuing jurisdiction exists as long as the child or one of the contestants continues to reside in the State.

There are two exceptions to this rule:

If the State that issued the initial custody order declines to exercise jurisdiction to modify such determination; or

If the laws of the State that issued the initial custody order otherwise limit continuing jurisdiction when a child is absent from such a State.

Thus, the act we proposed today does not tread on a State's ability to formulate child custody policy. Instead, it merely provides a Federal obligation to give full faith and credit to the custody orders of sister States.

The importance of this legislation is that it sets a clear line to guide State decisions by requiring that a State cannot modify and must enforce a custody order issued by a sister State that retains jurisdiction under the Parental Kidnapping Prevention Act.

A second problem the legislation that we are introducing addresses is that judges do not now have a reliable, efficient way to know that a judge in another State may have already issued a custody order relating to a particular child.

In our age of advanced computer capabilities, we have the technology at our fingertips. So, let's put cyberspace to good use for our children. And we don't need to reinvent the wheel here—we can build on what we know works.

The Federal Parent Locator Service, which has operated effectively and efficiently under the Social Security Administration for the last decade, already works to enforce State child support obligations. This legislation will expand this service to establish a child custody registry.

We must give judges in different States the ability to communicate about custody cases, and computers are the tools to do that. State courts already are automated.

With modest additional effort, we can link this information and put it to work for our children to prevent interstate custody battles.

Finally, this legislation encourages local governments to take advantage of visitation centers funded under the 1994 crime law. We can never be 100 percent certain when, how, and even if children will return safely from visits with noncustodial parents.

But visitation centers can provide a safe haven where parents can transfer their children for visitation, or leave their children for court-ordered, supervised visits.

Such centers, which Senator WELLSTONE advocated successfully last year, should be established in communities in existing facilities, such as schools, neighborhood centers, in public housing complexes, and other convenient locations.

So, by clarifying and strengthening the Parental Kidnapping Prevention Act, by putting critical child custody information at the fingertips of judges, and by providing State and local governments with the funding to open visitation centers, Mr. President, we can go a long way toward protecting our children from being caught in the middle of painful, sometimes violent custody battles.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first, let me thank my colleague, someone whom I consider to be a good friend and someone I admire as a legislator and a Senator. I am very proud to be an original cosponsor of this legislation.

By Mr. PRYOR:

S. 633. A bill to amend the Federal Deposit Insurance Act to provide certain consumer protections if a depository institution engages in the sale of nondeposit investment products, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE BANK CUSTOMER CONFIDENTIALITY AND PROTECTION ACT OF 1995

Mr. PRYOR. Mr. President, I rise to introduce the Bank Customer Confidentiality and Protection Act of 1995. This legislation has been crafted to address problems in the area of bank sales of uninsured products, such as mutual funds, identified during a continuing investigation conducted by my staff on the U.S. Senate Special Committee on Aging.

After hearing the stories of numerous older Americans who claim they did not know what they were buying when they purchased an uninsured product through their bank and then lost much of their life savings, I am convinced that more stringent protections are needed to ensure that financially inexperienced bank customers fully understand what they are buying when they invest in uninsured products.

Mr. President, this legislation is intended to help those who really need its protections, such as the 72-year-old widow in Florida who had always put her savings into FDIC-insured certificates of deposit until she was contacted by telephone by an employee of her bank offering a product with a higher rate of return. This woman then went into her bank, listened to the advice of a man whom she thought was a banker, and then transferred all her savings into an uninsured government bond fund. Even though she did not exactly understand the risks associated with the product, she trusted the bank to do her right.

Two years later, the value of the fund declined and she lost about a quarter of her life savings, savings that she had intended to use in the years ahead to avoid being a burden to her children. It is this sort of tragedy, Mr. President, that this legislation is intended to prevent.

Mr. President, under our present banking system financially inexperienced customers have reason to be concerned about the safety of their deposits. During our investigation, my Senate Aging Committee staff found that some banks were, for example, routinely:

Sharing detailed customer financial information with people selling securities, without customers' explicit knowledge;

Avoiding full and clear disclosure about the risks associated with uninsured products;

Discouraging bank customers from investing in certificates of deposit [CD's], savings accounts, and other similar FDIC-insured investments;

Establishing commission structures that provide incentives for securities salespeople to offer the bank's in-house investment products, regardless of the products' suitability for a particular customer; and

Operating in a manner that leads some customers to not fully understand the relationship between the securities salesperson and the depository institution.

I and a number of my colleagues consider these to be questionable marketing practices and find them especially troubling because of the special place banks have in our communities.

Mr. President, many older bank customers hold their bank and the people who work there in high regard and feel comfortable about taking advice from them about where to put their money.

In addition, when some customers see the FDIC emblem—something analogous to the Good Housekeeping seal of approval for many—they may believe that the FDIC coverage applies to all products offered in the institution. As customers who have seen their principals drop have realized, this is not the case.

While all bank customers need to exercise caution, older customers need to be particularly vigilant when it comes to uninsured investments such as mutual funds, principally because the savings of the elderly do not represent a renewable resource and the loss of such savings cannot be written off as lessons learned for the future.

Mr. President, to explore the impact on older Americans further, in September 1994 I chaired a U.S. Senate Special Committee on Aging hearing entitled "Uninsured Bank Products: Risky Business for Seniors?" At this hearing, we had older bank customers, former bank-based brokers, and industry experts come and discuss how some banks' brokerage businesses are selling inappropriate products to older customers.

It is clear that something must be done about these questionable practices. While I would prefer to avoid legislation, it appears that there may be no other option. Although some banks

recently have taken steps to clean up their practices, many are continuing business as usual. In addition, the banking regulators' joint guidelines and the industry's voluntary guidelines, while well-intended, do not appear to have been totally effective in addressing marketing abuses.

Mr. President, let me address one part of these guidelines, the provision that banks have their customers sign "disclosure" documents before they make a purchase. One concern I have is that the format of these disclosure forms vary from bank to bank. Some banks or their investment subsidiaries do a fine job putting in plain English required disclosure information, such as the fact that uninsured investment products are not backed by the Federal Deposit Insurance Corporation. Other banks, however, present the information in such a way that you would have to be an attorney or an experienced investor and have great eyesight in order to understand what they mean.

Then there is the even more problematic issue of oral disclosure—what bank customers are told. More than a few financially inexperienced bank customers have told me that when they looked over the disclosure forms they did not understand what they meant. These customers typically would then ask the investment salespeople to interpret the forms for them. In these cases, the salespeople told their customers that the documents were just a formality to open the account or that the forms simply restated what the salespeople had told the customers. The problem is that in some cases the salespeople had made misleading or false statements about the nature of the uninsured products when they described them, such as that they were "as safe as the money in your pocket and will only lose money if the Federal Government goes bankrupt" or "backed by something better than the FDIC."

Mr. President, the legislation I am introducing, which has been crafted after numerous meetings with industry and consumer groups, would provide needed consumer protections for financially inexperienced customers.

The legislation would provide protections by:

Requiring full and clear disclosure about the risks associated with uninsured products;

Limiting the compensation that institution employees receive for making referrals to securities salespeople;

Establishing guidelines for uninsured products' promotional materials;

Requiring common-sense physical separation of deposit and nondeposit sales products;

Prohibiting the sharing of bank customers' personal financial information without customers' explicit consent; and

Improving the coordination of enforcement-related activities between the Federal banking agencies and the Securities and Exchange Commission.

These protections will be especially important if the remaining legal barriers that currently restrict banks' involvement in the securities and insurance industries are broken down, as called for by Treasury Secretary Robert E. Rubin and several congressional proposals. These changes to our banking system that Secretary Rubin and others are advocating are not necessarily bad ones, and I will consider them with an open mind if they come to the floor of the Senate. However, without the consumer protections called for by my legislation, dropping the remaining restrictions likely would create even more confusion among customers over which products at a bank are federally insured and which are not.

In the meantime, as we consider the legislation I am introducing today, we need to continue reminding all bank customers that not everything they put money in at the bank is backed by the FDIC or the bank—regardless of what somebody might lead them to believe.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 633

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 "Bank Customer Confidentiality and Protection Act of 1995".

SEC. 2. CUSTOMER PROTECTIONS REGARDING NONDEPOSIT INVESTMENT PRODUCTS.

(a) AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(q) SAFEGUARDS FOR SALE OF NONDEPOSIT INVESTMENT PRODUCTS.—

"(1) DEFINITIONS.—For purposes of this subsection—

"(A) the terms 'broker', 'dealer', and 'registered broker or dealer' have the same meanings as in section 3 of the Securities Act of 1934;

"(B) the term 'customer'—

"(i) means any person who maintains or establishes a deposit, trust, or credit relationship with an insured depository institution;

"(ii) includes any person who renews an account in an insured depository institution and any person who rolls over a deposit in any such account; and

"(iii) any person who contacts an insured depository institution, in person or otherwise, for the purpose of inquiring about or purchasing a nondeposit investment product;

"(C) the term 'Federal securities law' has the meaning given to the term 'securities laws' in section 3(a)(47) of the Securities Exchange Act of 1934;

"(D) the term 'nondeposit investment product'—

"(i) includes any investment product that is not a deposit; and

"(ii) does not include—

"(I) any loan or other extension of credit by an insured depository institution;

"(II) any letter of credit; or

"(III) any other instrument or investment product specifically excluded from the definition of such term by regulations prescribed jointly by the Federal banking agencies after consultation with the Securities and Exchange Commission;

"(E) the term 'nonpublic customer information'—

"(i) means information regarding any person which has been derived from any record of any insured depository institution and pertains to the person's relationship with the institution, including the provision or servicing of a credit card; and

"(ii) does not include information about a person that could be obtained from a credit reporting agency that is subject to the restrictions of the Fair Credit Reporting Act by a third party that is not entering into a credit relationship with the person, but that otherwise has a legitimate business need for that information in connection with a business transaction involving the person; and

"(F) the term 'self-regulatory organization' has the same meaning as in section 3(a)(26) of the Securities Exchange Act of 1934.

"(2) MISREPRESENTATION OF GUARANTEES.—It shall be unlawful for any insured depository institution sponsoring, selling, or soliciting the purchase of any nondeposit investment product to represent or imply in any manner whatsoever that such nondeposit investment product—

"(A) is guaranteed or approved by the United States or any agency or officer thereof; or

"(B) is insured under this Act.

"(3) CUSTOMER DISCLOSURE.—

"(A) IN GENERAL.—An insured depository institution shall, concurrently with the opening of an investment account by a customer or with the initial purchase of a nondeposit investment product by a customer, prominently disclose, in writing, to that customer—

"(i) that nondeposit investment products offered, recommended, sponsored, or sold by the institution—

"(I) are not deposits;

"(II) are not insured under this Act;

"(III) are not guaranteed by the insured depository institution; and

"(IV) carry risk of a loss of principal;

"(ii) the nature of the relationship between the insured depository institution and the broker or dealer;

"(iii) any fees that the customer will or may incur in connection with the nondeposit investment product;

"(iv) whether the broker or dealer would receive any higher or special compensation for the sale of certain types of nondeposit investment products; and

"(v) any other information that the Federal banking agencies jointly determine to be appropriate.

"(B) CUSTOMER ACKNOWLEDGMENT OF DISCLOSURE.—

"(i) IN GENERAL.—Concurrently with the opening of an investment account by a customer or with the initial purchase of a nondeposit investment product by a customer, an insured depository institution or other person required to make disclosures to the customer under subparagraph (A) shall obtain from each such customer a written acknowledgment of receipt of such disclosures, including the date of receipt and the name, address, account number, and signature of the customer.

"(ii) RECORDS OF CUSTOMER ACKNOWLEDGEMENT.—An insured depository institution shall maintain appropriate records of the written acknowledgement required by this subparagraph for an appropriate period, as determined by the Corporation. Such record shall include the date on which the acknowledgment was obtained and the customer's name and address.

"(iii) DURATION OF ACKNOWLEDGEMENT.—Written acknowledgement shall not be considered valid for purposes of this subparagraph for a period of more than 5 years, beginning on the date on which it was obtained.

"(C) PROHIBITION ON INCONSISTENT ORAL REPRESENTATIONS.—No employee of an insured depository institution shall make any oral representation to a customer of an insured depository institution that is contradictory or otherwise inconsistent with the information required to be disclosed to the customer under this paragraph.

"(D) MODEL FORMS AND REGULATIONS.—The Federal banking agencies, after consultation with the Securities and Exchange Commission, shall jointly issue appropriate regulations incorporating the requirements of this paragraph. Such regulations shall include a requirement for a model disclosure form solely for such purpose to be used by all insured depository institutions incorporating the disclosures required by this paragraph.

"(4) REFERRAL COMPENSATION.—A one-time nominal referral fee may be paid by an insured depository institution to any employee of that institution who refers a customer of that institution either to a broker or dealer or to another employee of that insured depository institution for services related to the sale of a nondeposit investment product, if the fee is not based upon whether or not the customer referred makes a purchase from the broker, dealer, or other employee.

"(5) PROHIBITION OF JOINT MARKETING ACTIVITIES.—No nondeposit investment product may be offered, recommended, or sold by a person unaffiliated with an insured depository institution on the premises of that institution as part of joint marketing activities, unless the person marketing such nondeposit investment product—

"(A) prominently discloses to its customers, in writing, in addition to the disclosures required in paragraph (3), that such person is not an insured depository institution and is separate and distinct from the insured depository institution with which it shares marketing activities; and

"(B) otherwise complies with the requirements of this subsection.

"(6) LIMITATIONS ON ADVERTISING.—

"(A) MISLEADING ADVERTISING.—No insured depository institution may employ any advertisement that would mislead or otherwise cause a reasonable person to believe mistakenly that an insured depository institution or the Federal Government is responsible for the activities of an affiliate of the institution, stands behind the affiliate's credit, guarantees any returns on nondeposit investment products, or is a source of payment of any obligation of or sold by the affiliate.

"(B) NAMES, LETTERHEADS, AND LOGOS.—In offering, recommending, sponsoring, or selling nondeposit investment products, an insured depository institution shall use names, letterheads, and logos that are sufficiently different from the names, letterheads, and logos of the institution so as to avoid the possibility of confusion.

"(C) SEPARATION OF LITERATURE.—All sales literature related to the marketing of nondeposit investment products by an insured depository institution shall be kept separate and apart from, and not be commingled with, the banking literature of that institution.

"(7) LIMITATIONS ON SOLICITATION.—The place of solicitation or sale of nondeposit investment products by an insured depository institution shall be—

"(A) physically separated from the banking activities of the institution; and

"(B) readily distinguishable by the public as separate and distinct from that of the institution.

"(8) SALES STAFF REQUIREMENT.—Solicitation for the purchase or sale of nondeposit investment products by any insured depository institution may only be conducted by a person—

"(A) who—

"(i) is a registered broker or dealer or a person affiliated with a registered broker or dealer; or

"(ii) has passed a qualification examination that the appropriate Federal banking agency, in consultation with the Securities and Exchange Commission, determines to be comparable to those used by a national security exchange registered under section 6 of the Securities Exchange Act of 1934, or a national securities association registered under section 15A of that Act, for persons required to be registered with the exchange or association; and

"(B) whose responsibilities are restricted to such nondeposit investment products.

"(9) NO FAVORING OF CAPTIVE AGENTS.—No insured depository institution may directly or indirectly require, as a condition of providing any product or service to any customer, or any renewal of any contract for providing such product or service, that the customer acquire, finance, negotiate, refinance, or renegotiate any nondeposit investment product through a named broker or dealer.

"(10) RESTRICTIONS ON USE OF NONPUBLIC CUSTOMER INFORMATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no insured depository institution may use or disclose to any person any nonpublic customer information for the purpose of soliciting the purchase or sale of nondeposit investment products.

"(B) EXCEPTION BASED ON DISCLOSURE.—An insured depository institution may use or disclose nonpublic customer information for the purpose of soliciting the purchase or sale of nondeposit investment products if, before such use or disclosure—

"(i) the customer gives explicit written consent to such use or disclosure; and

"(ii) such written consent is given after the institution has provided the customer with written disclosure that—

"(I) the information may be used to target the customer for marketing or advertising for nondeposit investment products;

"(II) such nondeposit investment products are not guaranteed or approved by the United States or any agency thereof; and

"(III) such nondeposit investment products are not insured under this Act.

"(C) RECORDS OF CUSTOMER CONSENT.—An insured depository institution shall maintain appropriate records of the written consent required by subparagraph (B) for an appropriate period, as determined by the Corporation. Such record shall include the date on which the consent was signed and the customer's name and address.

"(D) DURATION OF CONSENT.—Written consent shall not be considered valid for purposes of this paragraph for a period of more than 5 years, beginning on the date on which it was obtained.

"(E) ADDITIONAL RESTRICTIONS.—The Corporation may, by regulation or order, prescribe additional restrictions and requirements limiting the disclosure of nonpublic customer information, including information to be used in an evaluation of the credit worthiness of an issuer or other customer of that insured depository institution and such additional restrictions as may be necessary or appropriate to avoid any significant risk to insured depository institutions, protect customers, and avoid conflicts of interest or other abuses.

"(11) SCOPE OF APPLICATION.—

"(A) APPLICATION LIMITED TO RETAIL ACTIVITIES.—The Federal banking agencies, after consultation with the Securities and Exchange Commission, may waive the requirements of any provision of this subsection, other than paragraph (10), with respect to any transaction otherwise subject to such provision between—

"(i) any insured depository institution or any other person who is subject, directly or indirectly, to the requirements of this section; and

"(ii) any other insured depository institution, any registered broker or dealer, any person who is, or meets the requirements for, an accredited investor, as such term is defined in section 2(15)(i) of the Securities Act of 1933, or any other customer who the Federal banking agencies, after consultation with the Securities and Exchange Commission, jointly determine, on the basis of the financial sophistication of the customer, does not need the protection afforded by the requirements to be waived.

"(B) NO EFFECT ON OTHER AUTHORITY.—No provision of this subsection shall be construed as limiting or otherwise affecting—

"(i) any authority of the Securities and Exchange Commission, any self-regulatory organization, the Municipal Securities Rulemaking Board, or the Secretary of the Treasury under any Federal securities law;

"(ii) any authority of any State securities regulatory agency; or

"(iii) the applicability of any Federal securities law, or any rule or regulation prescribed by the Commission, any self-regulatory organization, the Municipal Securities Rulemaking Board, or the Secretary of the Treasury pursuant to any such law, to any person.

"(12) ENFORCEMENT.—The provisions of this subsection shall be enforced in accordance with section 8.".

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, after consultation with the Securities and Exchange Commission, the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) shall jointly promulgate appropriate regulations to implement section 18(q) of the Federal Deposit Insurance Act, as added by subsection (a) of this section.

SEC. 3. REGULATION BY THE SECURITIES AND EXCHANGE COMMISSION.

(a) SEC RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Securities and Exchange Commission shall, after consultation with the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), promulgate regulations that—

(1) would afford customers of brokers and dealers that affect transactions on behalf of insured depository institutions and customers of affiliates of insured depository institutions protections that are substantially similar to section 18(q) of the Federal Deposit Insurance Act (as added by section 2 of

this Act) and the regulations promulgated thereunder; and

(2) are consistent with the purposes of that section 18(q) and the protection of investors.

(b) ENFORCEMENT.—The Commission shall have the same authority to enforce rules or regulations promulgated under subsection (a) as it has to enforce the provisions of the Securities Exchange Act of 1934.

SEC. 4. ENFORCEMENT COORDINATION.

The Federal banking agencies and the Securities and Exchange Commission shall work together to develop comparable methods of securities enforcement and a process for the interagency exchange of enforcement-related information.

By Mr. D'AMATO:

S. 634. A bill to amend title XIX of the Social Security Act to provide a financial incentive for States to reduce expenditures under the Medicaid Program, and for other purposes; to the Committee on Finance.

THE STATE MEDICAID SAVINGS INCENTIVE ACT OF 1995

• Mr. D'AMATO. Mr. President, I introduce the State Medicaid Savings Incentive Act of 1995. This bill will reward States that act decisively to contain Medicaid spending by allowing such States to keep 20 percent of the resulting savings to the Federal Government.

This legislation is based on an idea put forward by New York's Governor, George Pataki, when he testified recently before the House Ways and Means Committee. New York is one of several States moving to trim the cost of their Medicaid programs through greater use of managed care. As a result of New York's efforts, the Federal Government stands to save nearly $2 billion. Governor Pataki is right in suggesting that if States like New York can save the Federal Government money through cost-saving initiatives such as Medicaid managed care, then the States should be allowed to share in that savings as a reward. This creates a strong incentive for States to put in place programs that can both improve the care of Medicaid beneficiaries and lower the bill for American taxpayers.

Federal Medicaid spending will cost American taxpayers an estimated $90 billion in 1995. Over the past 5 years it has grown at a rate of over 18 percent a year. And since 1984 it has grown from 18 percent of all Federal health spending to over 28 percent in 1993.

The Congressional Budget Office's current estimates are that the cost of Medicaid will nearly double by the year 2000. That should serve as a wake up call to all of us.

With Medicaid representing the largest portion of many State budgets, our Nation's Governors are increasingly beginning to employ strategies such as increased use of managed care in an effort to keep rising Medicaid costs in check. Forty-four States already use managed care plans to serve some portion of their Medicaid population. According to the Department of Health and Human Services, about 23 percent of the nearly 34 million people enrolled in Medicaid now receive their medical care through managed care delivery systems—up from 14 percent in 1993.

These efforts not only hold the potential to lower costs, they also provide an opportunity to improve the quality of care for many Medicaid beneficiaries. This is a point on which there is bipartisan agreement. It is a view shared by HCFA Administrator Bruce Vladeck, who has said that managed care programs can, in his view, meet the needs of Medicaid recipients especially well, particularly because they emphasize preventive and primary care. That means better health care for Medicaid recipients, and a reduction in the inappropriate use of hospital emergency rooms as a source of primary care services.

We need to do more to encourage States to make their Medicaid programs more efficient. That is what our bill would do.

Our proposal would give States a strong incentive to restrain their Medicaid spending by allowing them to keep a share of any Federal savings that are achieved as a result. Under our bill, the Secretary of HHS would establish a spending baseline for each State. States that are successful in holding Medicaid below the baseline would receive a payment equal to 20 percent of the resulting savings to the Federal Government.

No State would be penalized for spending above the baseline, but those that spend below the baseline would be rewarded. And rewarding States that save the Federal Government money makes sense.

Containing the growth of Medicaid can only be accomplished with the help and cooperation of our Nation's Governors. This bill sends the message that the Federal Government stands ready to work in partnership with those States that have the determination to do what must be done to bring Medicaid costs under control.

I am pleased that this bill has the support of the majority leader; I believe it deserves the strong support of each of my colleagues, and should be enacted without delay to encourage our Nation's Governors to carry out the important and difficult work of reforming Medicaid.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 634

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 "State Medicaid Savings Incentive Act of 1995".

SEC. 2. MEDICAID SAVINGS INCENTIVE PAYMENTS.

(a) INCENTIVE PAYMENTS.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(1) in paragraph (7), by striking the period and inserting "; plus"; and

(2) by adding at the end the following new paragraph:

"(8) in the case of a State to which subsection (x) applies, the amount of the incentive payment determined under such subsection.".

(b) INCENTIVE PAYMENT.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

"(x)(1) For purposes of subsection (a)(8), if a State achieves a rate of growth for a fiscal year which is less than the State baseline rate of growth for such fiscal year established under paragraph (3), the Secretary shall make an incentive payment to the State for the fiscal year in the amount determined under paragraph (2).

"(2) The amount of any incentive payment shall be equal to the amount that is 20 percent of the difference between the amount that the Federal Government would have paid to a State in a fiscal year for providing medical assistance in accordance with this title, if State expenditures for providing such assistance had increased by the State baseline rate of growth established under paragraph (3) for such fiscal year, and the amount that the Federal Government paid to such State in the fiscal year for providing medical assistance in accordance with this title using the actual State rate of growth for State expenditures for providing such assistance.

"(3) At the beginning of each fiscal year, the Secretary shall determine for that fiscal year a baseline rate of growth for medicaid expenditures for each State with a State plan approved under this title based on—

"(A) the historical rate of growth for such expenditures in the State; and

"(B) such other factors as the Secretary deems appropriate.".•

By Mrs. HUTCHISON (for herself, Mr. NUNN, Mr. THURMOND, and Mr. GRAHAM):

S. 635. A bill to amend title 10, United States Code, to provide uniformity in the criteria and procedures for retiring general and flag officers of the Armed Forces of the United States in the highest grade in which served, and for other purposes; to the Committee on Armed Services.

MILITARY RETIREMENT LEGISLATION

Mrs. HUTCHISON. Mr. President, the bill that we are introducing today will streamline the process for retirement of military officers who hold 3- or 4-star rank.

Under present law, the highest permanent rank that an officer may hold is that of two stars. All active duty appointments to 3- and 4-star rank are temporary appointments made by the President of the United States and must be approved by the Senate.

The President must also nominate every 3- and 4-star office for retirement in his highest grade, and the Senate must approve of that promotion again, or, under the law, the officer retires with two-star rank.

Mr. President, I am well aware of the historical precedents for the current law, but I feel that it is time that we conformed retirements for officers in the highest flag and general officer grades to those for general and flag officers in one and two star grades.

The bill we are introducing today will accomplish that. Once officers in 3- and 4-star grades have served 3 years in grade, they will be allowed to retire in grade without further action by the Senate. This will reduce the administrative work load of the Senate Armed Services Committee and the Department of Defense.

Our proposed bill will not, however, curtail Senate prerogative over the confirmation of senior military officers for active duty assignments. The President will still be required to nominate each 3- and 4-star officer for any new assignments. The Senate will have to review those nominations and approve each and every assignment while on active duty. We simply seek to expedite the ability of the Department of Defense to retire officers in grade who have completed a statutorily imposed period of honorable service and bring more equity into the system. In no other area of life does a person retire at a lower level than his or her highest rank.

The president of a business does not retire at vice president unless repromoted by the board. The GS-15 doe not retire as a GS-14—he or she retires at the grade last served, with pay based on the highest 3 years of service. I believe our highest military officers should have the same treatment.

If a person serves honorably in the last promotion in business, government, or the military—he or she should have retirement at that level.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNIFORM CRITERIA AND PROCEDURES FOR RETIRING GENERAL AND FLAG OFFICERS IN HIGHEST GRADE IN WHICH SERVED.

(a) APPLICABILITY OF TIME-IN-GRADE REQUIREMENTS.—Section 1370 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking out "and below lieutenant general or vice admiral"; and

(2) in the first sentence of subsection (d)(2)(B), by striking out "and below lieutenant general or vice admiral".

(b) REPEAL OF REQUIREMENTS FOR SENATE CONFIRMATION.—Sections 1370(c), 3962(a), 5034, and 8962(a) of title 10, United States Code, are repealed.

SEC. 2. TECHNICAL AND CLERICAL AMENDMENTS.

(a) REDESIGNATION OF SUBSECTIONS.—(1) Subsection (d) of section 1370 of such title is redesignated as subsection (c).

(2) Sections 3962(b) and 8962(b) of such title are amended by striking out "(b) Upon" and inserting in lieu thereof "Upon".

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 505 of such title is amended by striking out the item relating to section 5034.

SEC. 3. EFFECTIVE DATE FOR AMENDMENTS TO PROVISION TAKING EFFECT IN 1996.

The amendments made by sections 1(a)(2) and 2(a) shall take effect immediately after subsection (d) of section 1370 of title 10, United States Code, takes effect.

Mr. NUNN. Mr. President, I am pleased to join with Senator HUTCHISON in introducing legislation to establish equity in military retirement procedures. This legislation will provide that the retirement of 3- and 4-star officers will be considered under the same standards and procedures as other general and flag officers at the 1- and 2-star level. It will also ensure that 3- and 4-star officers facing retirement are not subjected to confirmation procedures that do not apply to their civilian superiors or other civilian government officials. In other words, this legislaion would apply the same procedures to 3- and 4-star officer retirements that apply to other military and civilian officials seeking retirement.

By way of background, promotions to 3- and 4-star positions are treated as temporary, rather than permanent promotions. This means that the individual holds the 3- or 4-star grade only while serving in the 3- or 4-star position. The member also may hold the grade for brief transitional periods to cover transfers between assignments, hospitalization, and before retirement.

Because these grades are temporary, an individual who is in a 3- or 4-star grade retains his or her permanent grade, which is typically a 2-star grade. This means that if the individual is not nominated, confirmed, or appointed to another 3- or 4-star position, the individual will revert to his or her permanent—for example, 2-star grade.

Under current law, these considerations apply to retirements as well as promotions. As a result, if a 3- or 4-star officer who retires is not nominated, confirmed, or appointed to retire in a permanent 3- or 4-star grade, the individual will revert to his or her permanent—for example, 2-star grade upon retirement—with the attendant loss of retired pay and status.

This situation applies uniquely to 3- and 4-star officers. Other flag and general officers, as well as other commissioned officers, retire in the highest grade held, subject to minimum time-in-grade requirements, without a requirement for nomination, Senate confirmation, and appointment to a retired grade.

Similarly, civilian officials who retire from the civil service are not required to face Senate confirmation, no matter how high their grade. Thus, a cabinet or subcabinent official, as well as career civil service officials, who qualify for civil service retirement will receive their full retired pay—based on years of service and high-3 years rate of pay—without action by the President or the Senate.

The effect is that 3- and 4-star officers are the only Government officials who are subject to losing retired pay and status as a result of a requirement that they be confirmed in a retired grade. Neither their civilian superiors nor any other Government officials can have their retired pay and status reduced through the confirmation process.

The proposal we are introducing today would end the requirement for retiring 3- and 4-star officers to be nominated, confirmed, and appointed in a permanent 3- and 4-star grade. The result would be that 3- and 4-star officers would retire under the same conditions as other officers—for example, 2-star officers. That is, they will retire in the highest grade they held, subject to minimum time in grade requirements.

The proposal would not change the current requirement for nomination and Senate confirmation of all 3- and 4-star active duty promotions, assignments, and reassignments.

Mr. President, I want to commend the Senator from Texas [Mrs. HUTCHISON] for preparing this proposal. I believe the concept warrants favorable consideration, but the details should receive careful review and study. The Committee on Armed Services will obtain the views of the Department of Defense, and the proposal will be considered by the Personnel Subcommittee. I look forward to working on this issue with Chairman THURMOND, and with Senator COATS, the chairman of the Personnel Subcommittee, and Senator BYRD, the ranking minority member of the subcommittee.

By Mr. DASCHLE (for himself and Mr. PRESSLER):

S. 636. A bill to require the Secretary of Agriculture to issue new term permits for grazing on National Forest System lands to replace previously issued term grazing permits that have expired, soon will expire, or are waived to the Secretary, and for other purposes; to the Committee on Energy and Natural Resources.

GRAZING PERMITS LEGISLATION

Mr. DASCHLE. Mr. President, as part of its management of the national grasslands, the U.S. Forest Service issues permits to ranchers so that they might graze livestock on those lands. Through these permits, the Forest Service ensures that ranchers who utilize these public lands obey basic stewardship requirements and other important standards. Typically, permits are issued for 10 years and therefore must be reviewed and reissued at the end of that period.

In many cases, the ability of ranchers to graze on national grasslands

means the difference between success and failure of their operations. Understandably, they are concerned, therefore, about reports that the Forest Service is facing shortfalls in funding needed to perform the National Environmental Policy Act [NEPA] analysis required to reissue grazing permits. Through no fault of their own, these ranchers may face the loss of their grazing privileges simply because the Federal bureaucracy is unable to fulfill its statutory responsibilities in a timely fashion.

As the Forest Service looks for funds to perform the required analysis, the resulting uncertainty leaves South Dakota ranchers, and indeed ranchers throughout the Nation, in an untenable economic situation. Moreover, this unfortunate predicament is compounded by the possibility that the Forest Service may divert funding allocated to other important activities, such as the timber program, research or recreation, for the permit renewal process. This prospect is akin to robbing Peter to pay Paul. At a time when there are insufficient resources to carry out basic management activities; diverting funds to perform the NEPA work on grazing allotments in a rushed manner could seriously jeopardize other priority programs.

In light of these concerns, I have drafted legislation to require the Forest Service to issue new permits for grazing on National Forest System lands where existing grazing permits have expired or will expire. This bill would assure ranchers that they could continue to graze livestock, even if the Forest Service is unable to complete the necessary NEPA analysis this year. Moreover, it would relieve pressure on the Forest Service to take funds away from other important activities such as timber sale preparation in the rush to complete this NEPA work.

My legislation would require the Forest Service to reissue permits to ranchers who are in compliance with the terms of their permits even if the NEPA work has not been completed. The terms of the new permits would be 3 years or until the necessary NEPA work is completed, whichever is sooner. It would not cover ranchers whose permits have been revoked for violations of the rules or new applications. These, I believe, are fair and reasonable conditions.

It is not my intention to overturn the requirements of NEPA. I believe that NEPA assessments provide valuable insight into the effects of range management, insights that in turn can be used to strengthen the entire grazing program. But it has become clear that in this time of funding constraints, some permits may not be reissued on time for procedural rather than substantive reasons. That is not acceptable.

Penalizing ranchers for a failure of the Federal Government to perform the necessary NEPA analysis is neither fair nor defensible. I hope that my colleagues will join me in supporting this effort to ensure the unbroken use of the range by ranchers who have complied with the terms of their permits and thus deserve to have them renewed. I ask unanimous consent that the entire text of the bill be printed in the RECORD.

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

S. 636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Agriculture (referred to in this Act as the "Secretary") administers the 191,000,000-acre National Forest System for multiple uses in accordance with Federal law;

(2) where suitable, 1 of the recognized multiple uses for National Forest System land is grazing by livestock;

(3) the Secretary authorizes grazing through the issuance of term grazing permits that have terms of not to exceed 10 years and that include terms and conditions necessary for the proper administration of National Forest System land and resources;

(4) as of the date of enactment of this Act, the Secretary has issued approximately 9,000 term grazing permits authorizing grazing on approximately 90,000,000 acres of National Forest System land;

(5) of the approximately 9,000 term grazing permits issued by the Secretary, approximately one-half have expired or will expire by the end of 1996;

(6) if the holder of an expiring term grazing permit has complied with the terms and conditions of the permit and remains eligible and qualified, that individual is considered to be a preferred applicant for a new term grazing permit in the event that the Secretary determines that grazing remains an appropriate use of the affected National Forest System land;

(7) in addition to the approximately 9,000 term grazing permits issued by the Secretary, it is estimated that as many as 1,600 term grazing permits may be waived by permit holders to the Secretary in favor of a purchaser of the permit holder's permitted livestock or base property by the end of 1996;

(8) to issue new term grazing permits, the Secretary must comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other laws;

(9) for a large percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the Secretary has devised a strategy that will result in compliance with the National Environmental Policy Act of 1969 and other applicable laws (including regulations) in a timely and efficient manner and enable the Secretary to issue new term grazing permits, where appropriate;

(10) for a small percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the strategy will not provide for the timely issuance of new term grazing permits; and

(11) in cases in which ranching operations involve the use of a term grazing permit issued by the Secretary, it is essential for new term grazing permits to be issued in a timely manner for financial and other reasons.

(b) PURPOSE.—The purpose of this Act is to ensure that grazing continues without interruption on National Forest System land in a manner that provides long-term protection of the environment and improvement of National Forest System rangeland resources while also providing short-term certainty to holders of expiring term grazing permits and purchasers of a permit holder's permitted livestock or base property.

SEC. 2. DEFINITIONS.

In this Act:

(1) EXPIRING TERM GRAZING PERMIT.—The term "expiring term grazing permit" means a term grazing permit—

(A) that expires in 1995 or 1996; or

(B) that expired in 1994 and was not replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed.

(2) FINAL AGENCY ACTION.—The term "final agency action" means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term "term grazing permit means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled "An Act to facilitate and simplify the work of the Forest Service, and for other purposes", approved April 24, 1950 (commonly known as the "Granger-Thye Act") (16 U.S.C. 580*l*), or other law.

SEC. 3. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit ; or

(2) to the purchaser of a term grazing permit holder's permitted livestock or base property if—

(A) between January 1, 1995, and December 1, 1996, the holder has waived the term grazing permit to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations; and

(B) the purchaser of the term grazing permit holder's permitted livestock or base property is eligible and qualified to hold a term grazing permit.

(b) TERMS AND CONDITIONS.—Except as provided in subsection (c)—

(1) a new term grazing permit under subsection (a)(1) shall contain the same terms and conditions as the expired term grazing permit; and

(2) a new term grazing permit under subsection (a)(2) shall contain the same terms and conditions as the waived permit.

(c) DURATION.—

(1) IN GENERAL.—A new term grazing permit under subsection (a) shall expire on the earlier of—

(A) the date that is 3 years after the date on which it is issued; or

(B) the date on which final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

(2) FINAL ACTION IN LESS THAN 3 YEARS.—If final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321

et seq.) and other applicable laws before the date that is 3 years after the date on which a new term grazing permit is issued under subsection (a), the Secretary shall—

(A) cancel the new term grazing permit; and

(B) if appropriate, issue a term grazing permit for a term not to exceed 10 years under terms and conditions as are necessary for the proper administration of National Forest System rangeland resources.

(d) DATE OF ISSUANCE.—

(1) EXPIRATION ON OR BEFORE DATE OF ENACTMENT.—In the case of an expiring term grazing permit that has expired on or before the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) not later than 15 days after the date of enactment of this Act.

(2) EXPIRATION AFTER DATE OF ENACTMENT.—In the case of an expiring term grazing permit that expires after the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) on expiration of the expiring term grazing permit.

(3) WAIVED PERMITS.—In the case of a term grazing permit waived to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations, between January 1, 1995, and December 31, 1996, the Secretary shall issue a new term grazing permit under subsection (a)(2) not later than 60 days after the date on which the holder waives a term grazing permit to the Secretary.

SEC. 4. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW.

The issuance of a new term grazing permit under section 3(a) shall not be subject to administrative appeal or judicial review.

SEC. 5. REPEAL.

This Act is repealed effective as of January 1, 2001.

By Mr. MCCAIN:

S. 637. A bill to remove barriers to interracial and interethnic adoptions, and for other purposes; to the Committee on Finance.

THE ADOPTION ANTIDISCRIMINATION ACT OF 1995

• Mr. MCCAIN. Mr. President, I am pleased to introduce the Adoption Antidiscrimination Act of 1995, a bill that will prevent discrimination on the basis of race, color, or national origin in the placement of children with adoptive families.

There are few situations in this world more tragic than a child without a family. Such children do not have the basic security of parents and a permanent home environment that most of us take for granted, and that is so important to social development. Consequently, there is little that a society could do that is more cruel to a child than to deny or delay his or her adoption by a loving family, particularly if the reason for the denial or delay is that the child and family are of different races. Yet, this is precisely what our public policy does.

In the late 1960's and early 1970's, over 10,000 children were adopted by families of a different race. This was before many adoption officials decided, without any empirical evidence, that it is essential for children to be matched with families of the same race, even if they have to wait for long periods for such a family to come along. The forces of political correctness declared interracial adoptions the equivalent of cultural genocide. This was, and continues to be, nonsense.

Sound social science research has found that interracial adoptions do not hurt the children or deprive them of their culture. According to Dr. Howard Alstein, who has studied 204 interracial adoptions since 1972, "We categorically have not found that white parents cannot prepare black kids culturally." He further concluded that "there are bumps along the way, but the transracial adoptees in our study are not angry, racially confused people" and that "They're happy and content adults."

Since the mid-1970's, there have been very few interracial adoptions. For example, African-American children who constitute about 14 percent of the child population currently comprise over 40 percent of the 100,000 children waiting in foster care. This is despite 20 years of Federal efforts to recruit African-American adoptive families and substantial efforts by the African-American community. As stated by Harvard Law Prof. Randall Kennedy concerning the situation in Massachusetts, "Even if you do a super job of recruiting, in a State where only 5 percent of the population is black and nearly half the kids in need of homes are black, you are going to have a problem."

The bottom line is that African-American children wait twice as long as other children to be adopted. Our discriminatory adoption policies discouraging interracial adoptions are hurting these children, and this is entirely unacceptable.

Last year, Senator METZENBAUM attempted to remedy this problem by introducing the Multi-Cultural Placement Act of 1994. That bill was conceived and introduced with the best of intentions. Its stated purpose was to promote the best interests of children by decreasing the time that they wait to be adopted, preventing discrimination in their placement on the basis of race, color, or national origin, and facilitating the identification and recruitment of foster and adoptive families that can meet children's needs.

Unfortunately, the Metzenbaum bill was weakened throughout the legislative process and eviscerated by the Clinton administration Department of HHS in conference. After the original bill was hijacked, a letter was sent from over 50 of the most prominent law professors in the country, including Randall Kennedy, imploring Congress to reject the bill. They warned that it "would give congressional backing to practices that have the effect of condemning large numbers of children—particularly children of color—to unnecessarily long stays in institutions or foster care." Their admonition was not heeded, and the bill was passed as part of the Goals 200 legislation last year.

As Senator METZENBAUM concluded, "HHS intervened and did the bill great harm." The legislation that was finally signed by the President does precisely the opposite of what was originally intended. It allows race to continue to be used as a major consideration and effectively reinforces the current practice of racial matching. Consequently, adoption agencies receiving Federal funds continue to discourage interracial adoptions, increasing the time children must wait to be adopted and permitting discrimination in the adoption process. I am informed that 43 States have laws that in some way keep children in foster care due to race.

The bill that I am introducing today repeals the Metzenbaum law and replaces it with a clear unambiguous requirement that adoption agencies which receive Federal funds may not discriminate on the basis of race, color, or national origin. By far the most important consideration concerning adoptions must be that children are placed without delay in homes with loving parents, irrespective of their particular racial or ethnic characteristics. This overriding goal must take precedence over any unproven social theories or notions of political correctness.

Mr. President, if we owe children without families anything, we owe them the right to be adopted by families that want them without being impeded by our social prejudices and preconceptions. Denying adoption on the basis of race is no less discrimination than denying employment on the basis of race. And the consequences are certainly no less severe. Let us, finally get beyond race and allow people who need each other—children and familes—to get together.

Mr. President, I request unanimous consent that the text of the bill, and a letter of support from the National Council for Adoption, be included in the RECORD. As a result of the efforts of Congressman BUNNING, similar legislative language has been incorporated into the Personal Responsibility Act, H.R. 4.

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

S. 637

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 "Adoption Antidiscrimination Act of 1995".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) nearly 500,000 children are in foster care in the United States;

(2) tens of thousands of children in foster care are waiting for adoption;

(3) 2 years and 8 months is the median length of time that children wait to be adopted, and minority children often wait

twice as long as other children to be adopted; and

(4) child welfare agencies should work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures.

(b) PURPOSE.—The purpose of this Act is to promote the best interests of children by—

(1) decreasing the length of time that children wait to be adopted; and

(2) preventing discrimination in the placement of children on the basis of race, color, or national origin.

SEC. 3. REMOVAL OF BARRIERS TO INTERRACIAL AND INTERETHNIC ADOPTIONS.

(a) PROHIBITION.—A State or other entity that receives funds from the Federal Government and is involved in adoption or foster care placements may not—

(1) deny to any person the opportunity to become an adoptive or a foster parent, on the basis of the race, color, or national origin of the person, or of the child, involved; or

(2) delay or deny the placement of a child for adoption or into foster care, or otherwise discriminate in making a placement decision, on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.

(b) PENALTIES.—

(1) STATE VIOLATORS.—A State that violates subsection (a) shall remit to the Secretary of Health and Human Services all funds that were paid to the State under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) (relating to foster care and adoption assistance) during the period of the violation.

(2) PRIVATE VIOLATORS.—Any other entity that violates subsection (a) shall remit to the Secretary of Health and Human Services all funds that were paid to the entity during the period of the violation by a State from funds provided under part E of title IV of the Social Security Act.

(c) PRIVATE CAUSE OF ACTION.—

(1) IN GENERAL.—Any individual or class of individuals aggrieved by a violation of subsection (a) by a State or other entity may bring an action seeking relief in any United States district court or State court of appropriate jurisdiction.

(2) STATUTE OF LIMITATIONS.—An action under this subsection may not be brought more than 2 years after the date the alleged violation occurred.

(d) ATTORNEY'S FEES.—In any action or proceeding under this Act, the court, in the discretion of the court, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including litigation expenses and costs, and the States and the United States shall be liable for the fee to the same extent as a private individual.

(e) STATE IMMUNITY.—A State shall not be immune under the 11th amendment to the Constitution from an action in Federal or State court of appropriate jurisdiction for a violation of this Act.

(f) NO EFFECT ON INDIAN CHILD WELFARE ACT OF 1978.—Nothing in this Act shall be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

SEC. 4. REPEAL.

Subpart 1 of part E of title V of the Improving America's Schools Act of 1994 (42 U.S.C. 5115a) is amended—

(1) by repealing sections 551 through 553; and

(2) by redesignating section 554 as section 551.

SEC. 5. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect 90 days after the date of enactment of this Act.

NATIONAL COUNCIL FOR ADOPTION,
Washington, DC, March 23, 1995.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The National Council For Adoption is very supportive of your proposed legislation to end racism in our child welfare system. The research on transracial adoptions shows that:

Children of color wait twice as long as white children for permanent loving homes simply because of the color of their skin.

While African-Americans make up to 12–14 percent of the population an overwhelming 40 percent of the estimated 100,000 children waiting for homes are black. The numbers don't match.

Children of color raised in white homes are not "lost" to their ethnic heritage, they do well academically, feel good about themselves and become productive citizens.

The Multi-Ethnic Placement Act of 1994 ought to be repealed as the legislative language and its purposes were hopelessly hijacked by amendments insisted upon by the Administration.

We applaud your interest and your proposed legislation which is aimed at reducing the time children of color spend without homes. We stand ready to work closely with you to ensure timely passage.

Sincerely,
CAROL STATUTO BEVAN, Ed.D.,
Vice President for Research and Public Policy.•

By Mr. MURKOWSKI (by request):

S. 638. A bill to authorize appropriations for United States insular areas, and for other purposes; to the Committee on Energy and Natural Resources.

THE INSULAR DEVELOPMENT ACT

• Mr. MURKOWSKI. Mr. President. At the request of the administration, I am today introducing legislation "to authorize appropriations for United States insular areas, and for other purposes". The legislation was transmitted by the Assistant Secretary of the Interior for Territorial and International Affairs to implement the funding recommendations contained in the President's proposed budget for fiscal year 1996. The legislation, if enacted, would replace the current annual guaranteed funding for the Commonwealth of the Northern Mariana Islands with a new program. The new program would complete the infrastructure funding contemplated under the agreement negotiated by the administration with the Commonwealth and redirect the balance of the funds to other territorial needs.

For the current fiscal year, Congress redirected a portion of the Commonwealth funding to support of efforts by tne Departments of Justice, Labor, and the Treasury to work with the Commonwealth government to address a variety of concerns that have arisen in the Commonwealth. A report on that effort is due from the Department of the Interior shortly, and we will want to consider the findings and recommendations in that report to determine whether some of these funds might be better spent in support of those activities. I am also concerned with that provision of the proposed legislation that would provide operational grants to Guam and the Commonwealth for compact impact assistance. I do not have any particular objections to providing that assistance if it is justified, if the budget limitations allow funding, and if that assistance is a higher priority than other needs. My concern is providing that assistance through an entitlement rather than through discretionary appropriations. The central objective of the current 7 year agreement with the Commonwealth is to eliminate operational assistance and focus on necessary infrastructure needs. Replacing one type of operational assistance with another seems to me to be a step back.

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

S. 638

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 Insular Development Act of 1995.

SEC. 2. NORTHERN MARIANA ISLANDS.

There is authorized to be appropriated to the Secretary of the Interior for the Commonwealth of the Northern Mariana Islands $6,140,000, backed by the full faith and credit of the United States, for each of fiscal years 1996 through 2001, for capital improvement projects in the environmental, health, and public safety areas, administration and enforcement of immigration and labor laws, and contribution toward costs of the compacts of free association (for the same duration and purposes as are applied to Guam in Public Law 99–239 as amended by section 3 of this Act).

SEC. 3. IMPACT OF THE COMPACT.

(a) Paragraph (6) of subsection (e) of section 104 of Public Law 99–239 (99 Stat. 1770, 48 U.S.C. 1681 note), is amended by striking everything after the word "after" and inserting in lieu thereof the following language: "September 30, 1995 and ending September 30, 2001, $4,580,000 annually, backed by the full faith and credit of the United States, for Guam, as a contribution toward costs that result from increased demands for education and social program benefits by immigrants from the Marshall Islands, the Federated States of Micronesia, and Palau."

SEC. 4. CAPITAL INFRASTRUCTURE.

There is authorized to be appropriated to the Secretary of the Interior $17,000,000 for each fiscal year beginning after September 30, 1995 and ending September 30, 2001, backed by the full faith and credit of the United States, for grants for capital infrastructure construction in American Samoa, Guam, and the United States Virgin Islands, *Provided*, That the annual grant to American Samoa shall not exceed $15,000,000 and the annual grants for Guam and the United States Virgin Islands shall not exceed $3,000,000 each.

SEC. 5. CAPITAL INFRASTRUCTURE FUNDING REQUIREMENTS.

(a) No funds shall be granted under this Act for capital improvement projects without the submission by the respective government of a master plan of capital needs that

(1) ranks proposed projects in order of priority, and (2) has been reviewed and approved by the Department of the Interior and the United States Army Corps of Engineers. The insular areas' individual master plans, with comments, shall be presented in the Department of the Interior's annual report on the State of the Islands, and shall be the basis for any requests for capital improvement funding through the Department of the Interior or the Congress.

(b) Each grant by the Department of the Interior shall include a five percent payment into a trust fund, to be administered by the Governor (as trustee) of the territory in which the project is located, solely for the maintenance of such project. No funds shall be paid pursuant to a grant under subsection (a) of this section without the prior appropriation and payment by the respective territorial government to the trustee, of an amount equal to the federal contribution for maintenance of the project. A maintenance plan covering the anticipated life of each project shall be adopted by the Governor of the respective insular area and approved by the Department of the Interior before any grant payment for construction is released by the Department of the Interior.

(c) The capital infrastructure funding authorized under this Act is authorized to be extended for an additional three-year phase-out period: *Provided*, That each grant during the additional period contains a dollar sharing by each grantee and the grantor in the following ratios: twenty-five/seventy-five percent for the first year, fifty/fifty percent for the second year, seventy-five/twenty-five percent for the third year; *Provided further*, That funding for capital infrastructure for the Commonwealth of the Northern Mariana Islands shall not exceed $3,000,000 annually during the period of such extension.

SEC. 6. REPEAL.

Effective after September 30, 1995, no additional funds shall be made available under subsection (b) of section 4 of Public Law 94-241 (90 Stat. 263, 48 U.S.C. 1681 note), and such subsection is repealed.

SECTION-BY-SECTION ANALYSIS

Section 1 states the short title of the Act to be the "Insular Development Act of 1995."

Section 2 authorizes a full faith and credit appropriation in an annual amount of $6.14 million for fiscal years 1996 through 2001 to the Secretary of the Interior for Commonwealth of the Northern Mariana Islands (CNMI) devoted to the following purposes: (1) capital improvement projects in environmental, health, and public safety areas, (2) administration and enforcement of immigration and labor laws, and (3) contribution toward costs of the compacts of free association incurred by the CNMI.

Section 3 amends the law authorizing payments to United States Pacific jurisdictions for costs associated with the compacts of free association to provide a specific $4.58 million annual full faith and credit payment to Guam as a contribution toward such costs incurred by Guam.

Section 4 authorizes a full faith and credit appropriation in the annual amount of $17 million for fiscal years 1996 through 2001 to the Secretary of the Interior for capital infrastructure construction in American Samoa, Guam, and the Virgin Islands. The insular area with the greatest need, American Samoa, would receive annual grants of between $11 million and $15 million; Guam and the Virgin Islands would each receive annual grants of up to $3 million.

Section 5(a) provides that capital infrastructure funds granted under sections 2, 4, and 5 of the bill would be subject to master plans developed by the respective government that rank projects in priority order. The plans would be subject to review and approval by the Department of the Interior and United States Army Corps of Engineers.

Section 5(b) provides that five percent of each Interior grant for capital infrastructure and a matching amount by the respective insular government be paid into trust funds solely for expenditure on maintenance of each project, according to a maintenance plan approved by Interior. The respective insular governor would be the trustee.

Section 5(c) provides for extension of only the capital infrastructure program, authorized in section 4, for an additional three-year phase-out period. The federal share of construction grants would decrease to seventy-five percent in the first year, fifty percent in the second year, and twenty-five percent in the third year, before termination of the program.

Section 6, repeals subsection (b) of section 4 of Public Law 94-241 (which mandates continuing payments of $27.7 million to the Commonwealth of the Northern Mariana Islands until otherwise provided by law). The provision explicitly states that no additional funds shall be made available under this subsection of the 1976 law after fiscal year 1995.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, DC, February 27, 1995.

Hon. ALBERT GORE,
President, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill "(t)o authorize appropriations for United States insular areas, and for other purposes."

The Department of the Interior recommends that the bill be introduced, referred to the appropriate committee, and enacted.

The bill would terminate the mandatory financial assistance paid to the Commonwealth of the Northern Mariana Islands (CNMI) and shift such mandatory assistance to more pressing territorial needs, i.e., contribution to Guam and the CNMI for impact of immigration caused by the Compacts of Free Association, and capital infrastructure construction. The bill would follow-through on a commitment by the Congress to contribute to the defraying of impact costs incurred by Guam and the CNMI, and would represent a commitment to the territories by President Clinton and the Congress to address the territories' most pressing capital infrastructure needs. The draft bill is consistent with the budgetary requirements under "Paygo."

The Covenant to Establish the Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Covenant) committed the federal government to mandatory funding for the CNMI for a period of seven years—1979 through 1985. A total of $228 million in full faith and credit funding for a subsequent seven-year period was approved by the Congress in legislation (Pub. L. 99-396, 100 Stat. 840) that provided—

"(u)pon the expiration of the period of Federal financial assistance . . ., payments of direct grant assistance shall continue at the annual level provided for the last fiscal year of the additional period of seven fiscal years until Congress otherwise provides by law."

Congress has not over the last two years approved a third and final financial assistance agreement, nor acted on Administration proposals transmitted with the 1994 and 1995 budgets.

With no additional provisions of law by the Congress, however, the CNMI continues to receive $27.7 million annually as it did in fiscal year 1992, the final year of the second seven-year period.

PROVISIONS OF THE DRAFT BILL

The draft bill addresses specific concerns shared by the Congress, the Administration and the insular areas.

CNMI

The bill would authorize $6,140,000 a year for the Commonwealth of the Northern Mariana Islands through the year 2001 for the purposes of capital improvement projects, administration and enforcement of immigration and labor laws, and contribution to costs of the compacts of free association. Flexibility would be accorded the CNMI in allocating the funding among such purposes. If authorized, the CNMI will have received a total of $120 million during the period of fiscal years 1993 through 2001—the equivalent of the 1992 agreement reached with the CNMI representatives.

The bill would shift remaining mandatory funding to other priority insular needs, i.e., territorial infrastructure needs, and the congressional commitment to reimburse United States jurisdictions for the impact of the compacts of free association.

Guam

When the Compact of Free Association for the Marshall Islands and the Federated States of Micronesia was approved by the Congress, section 104(e)(6) of the Public Law 99-239 authorized the payment of impact of the Compact costs incurred by United States Pacific island jurisdictions due to the extension of education and social services to immigrants from the freely associated states. The Palau Compact legislation (Public Law 99-658) included Palau by reference. The Governments of Guam and the CNMI contend that they have incurred costs in excess of $75 million. While definitions of eligible costs and the magnitude of the costs may be in question, all agree that Guam and the CNMI have sustained substantial expenses due to the Compact. With the implementation of the Palau Compact, which occurred on October 1, 1994, we anticipate that the problem will be compounded. Under the draft bill, funds to defray costs for the CNMI would be a part of the CNMI authorization contained in section 2 of the draft bill. Annual payments of $4.58 million for Guam would help defray Guam's expenses. The contributions would cease at the end of the Compact period, September 30, 2001.

Capital infrastructure

The remaining $17 million in mandatory funding would be redirected to pressing capital infrastructure needs in American Samoa, Guam and the Virgin Islands for a minimum period of six years. American Samoa has unfunded capital infrastructure needs well in excess of $100 million. Guam and the Virgin Islands have substantial needs in the environmental, health, and public safety areas.

The draft bill would give recognition to the fact that of the four small United States territories, American Samoa has the greatest need for capital infrastructure, but lacks resources for financing construction.

The bill would allow American Samoa to receive up to $15 million annually for capital infrastructure projects. Guam and the United States Virgin Islands would receive up to $3 million annually for capital infrastructure projects related to the environment, health, and public safety.

Capital infrastructure funds would be released only after an insular area—

Develops a capital infrastructure master plan approved by the Department of the Interior and the United States Army Corps of Engineers, and

Contributes five percent of the project cost to a maintenance fund for the project to be expended according to the project's maintenance plan.

Phase out

After the initial six years of mandatory funding, the program may be extended for an additional three-year, phase-out period, with grantee/federal sharing as follows: 25/75 percent in the first year, 50/50 percent in the second year, and 75/25 percent in the third year. Because section 2 of the draft bill which includes capital infrastructure funding for the Northern Mariana Islands will terminate at the end of the fiscal year 2001, the Northern Mariana Islands would participate in the phase-out years of the capital infrastructure program in annual amounts up to $3 million, like Guam and the Virgin Islands.

The proposed bill would have no negative effect on the Federal budget and meets "Paygo" requirements by shifting the purpose of existing mandatory funding. Discretionary savings would result by shifting existing discretionary infrastructure funding for the purposes identified in the bill to this proposed replacement program.

The Office of Management and Budget advises that there is no objection to presentation of this draft bill from the standpoint of the Administration's program.

Sincerely,

LESLIE M. TURNER,
Assistant Secretary, Territorial and International Affairs.●

By Mr. CAMPBELL (for himself and Mr. JOHNSTON):

S. 639. A bill to provide for the disposition of locatable minerals on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

THE LOCATABLE MINERAL MINING REFORM ACT OF 1995

● Mr. JOHNSTON. Mr. President, I am pleased to join my colleague from Colorado, Senator CAMPBELL, as a cosponsor of this legislation and I commend him for his leadership in this area. As a member of the Energy and Natural Resources Committee, the Senator has been very active in working for a mining law reform bill that will make needed reforms, get this issue behind us, and give the mining industry some certainty.

The bill we are introducing today, with one exception, is very similar to the so-called 8–2 chairman's mark which we crafted last summer during the House-Senate conference on mining law reform. While we were not able to enact this proposal, I think it embodied a balanced and middle ground approach to most of the key issues involved in this controversy. Frankly, I believe this bill represents a better starting point for our deliberations this year than either of the other proposals currently before the committee. Some may feel this bill goes too far in some areas; others may think it does not go far enough in addressing certain issues. While I am certain that this bill will undergo some changes, I think the measure Senator CAMPBELL and I are proposing will provide a vehicle which will facilitate the enactment of a mining law reform bill this year.

The one significant difference between this bill and last year's chairman's mark is in the area of State water rights. Senator CAMPBELL has replaced the water provisions of last summer's bill with language which protects the ability of the States to make decisions regarding water quality and quantity consistent with existing State and Federal law. Certainly the water issue was one of the most contentious issues we dealt with last year, and I am sure it will be again.

Mr. President, I look forward to working with Senator CAMPBELL, as well as Senator CRAIG and Senator BUMPERS, to confect a bill that can pass both the Senate and the House and that the President will sign.●

By Mr. WARNER (for himself, Mr. CHAFEE, Mr. REID, Mr. BOND, Mr. GRAHAM, and Mr. MCCONNELL):

S. 640. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

THE WATER RESOURCES DEVELOPMENT ACT OF 1995

Mr. WARNER. Mr. President, I am pleased to introduce today, along with my colleagues, Senator CHAFEE, Senator REID, Senator MCCONNELL, Senator BOND, and Senator GRAHAM, the Water Resources Development Act of 1995.

This legislation authorizes civil works programs for the U.S. Army Corps of Engineers which preserves the navigation of our harbors and channels so critical to the shipping of agricultural products and industrial goods. It also provides for flood control and storm damage reduction essential to protecting lives and property.

Mr. President, since 1986, when the Congress established the landmark principles for non-Federal cost-sharing of water resource projects, the authorization of the Corps of Engineers civil works programs has occurred on a biennial basis.

This 2-year authorization cycle has provided our local partners in water resources development a level of continuity which has aided their planning and budgeting needs.

Unfortunately, this 2-year cycle was broken by Congress last year when we failed to enact this legislation.

I believe my colleagues will find this bill to be a modest reauthorization proposal that maintains the uniform requirements of cost-sharing between the Federal Government and non-Federal project sponsors.

This legislation responds to water resource needs that are in the Federal interest and meet the benefit to cost ratio of 1 to 1. This means that for every Federal dollar invested in a project, the taxpayer receives more than a dollar in benefits in return.

Mr. President, this legislation also funds projects consistent with the requirements of current law. I must state that I do not support the recommendations contained in the President's fiscal year 1996 budget submittal to terminate Federal participation in local flood control and hurricane protection because I believe that there is significant justification for continuing an appropriate level of Federal funding for these projects.

Yes, the Corps of Engineers, like all Federal agencies, must achieve significant reductions in its budget. In Congress, we must give close scrutiny to water resource needs to determine if Federal funding is warranted under severe budget constraints. We must not, however, unwisely and abruptly abandon the corps' central mission: to protect lives and property.

Such a policy may only serve to shift costs to other Federal agencies and departments. We must recognize that there will always be unforeseen circumstances, times of national emergency, or situations too costly for economically strapped communities to handle expensive projects by themselves.

Mr. President, since I was first elected to the Senate in 1979, and for the following 7 years, I sponsored legislation in each Congress to provide for the deepening and maintenance of our deep-draft ports. Developing a strong partnership with our non-Federal sponsors through cost-sharing was the cornerstone of my legislation.

During the years, since 1976, the Congress and the executive branch had been gridlocked over the financing of water resource projects. Also at that time, global demand for steam coal skyrocketed. But, our ports could not respond to this world demand. In Hampton Roads Harbor, colliers were lined up in the Chesapeake Bay to enter the coal terminals. Upon loading, they would wait for high tide to leave the harbor.

The 1986 Water Resources Development Act [WRDA] was the culmination of our efforts to resolve many contentious issues—including cost-sharing.

I remain committed to the principle of cost-sharing which has become the cornerstone of a successful corps program. As intended, it has ensured that only those projects with strong local support are funded and it has leveraged substantial non-Federal money. Since the enactment of WRDA 1986, funding

for Virginia projects has totalled $590 million in Federal funds which has stimulated more than $343 million in non-Federal money.

It was no easy task to devise reasonably fair cost-sharing formulas which were mindful of the difficulty of small communities to contribute to the costs of constructing flood control projects, of our coastal communities to receive credit for the value of property to be protected from hurricanes and of our commercial ports and inland waterways to remain competitive in a shrinking global marketplace.

WRDA 1986 has worked well in three major respects. First, by requiring our local partners to share these costs, it has succeeded in ensuring that the most worthy projects receive Federal funding. Second, it has ensured that our commercial ports and inland waterways remain open for commercial traffic and are now able to serve the larger bulk cargo ships, including the super coal colliers. Third, it has allowed the United States to meet our national security commitments abroad.

Mr. President, these principles remain valid today as we judge those projects which will provide the greatest return for our investment of limited Federal dollars. For these reasons, it is appropriate that Congress continue the Corps' fundamental missions of navigation, flood control, floodplain management, and storm damage reduction.

Mr. CHAFEE. Mr. President, I am pleased to join with Senator JOHN WARNER and others in cosponsoring legislation to reauthorize the civil works program at the U.S. Army Corps of Engineers. With the exception of 1994, the Congress has authorized this necessary infrastructure program on a biennial basis since 1986.

WRDA 1986

As many in the Senate are aware, the 1970's and early 1980's brought a departure from the previous practice of approving omnibus authorization bills and predictable appropriations for the construction of water resources projects. In 1986, however, we broke the logjam. After years of legislative and executive policy confrontations over the role of the Federal Government in water policy, Congress approved the Water Resources Development Act of 1986. The legislation is often referred to as WRDA.

The 1986 Act was landmark legislation because we finally instituted a reasonable framework for local cost-sharing of Army Corps' projects and feasibility studies. This was a huge step in the right direction. I helped author those cost-sharing provisions because there was a real need to recognize our limited Federal resources and the financial responsibility of local project sponsors.

COST SHARING

In establishing cost-sharing formulas for these projects and studies, the Congress accomplished at least two important objectives. First, by reducing the Federal contribution toward individual projects, we have been able to use roughly the same level of total Federal funding for many additional proposals which, despite their particular merit, had previously gone by the wayside without full Federal funding.

Second, by requiring a local match, we have brought the locally affected parties into the decisionmaking process. Even though improvements are still necessary on that score, I think it is fair to say that our State and local partners have much greater input than they once did.

BUDGET REDUCTION

Now we face a period of even greater fiscal austerity. In an effort to find spending reductions in the out years, the administration has proposed to significantly reduce Federal involvement in the construction of new flood control and coastal storm protection projects. Also being discussed are plans to phase out the Federal maintenance of harbors and ports which do not contribute to the harbor maintenance trust fund.

Perhaps such dramatic change is necessary if we are to reverse the trend of debt spending in Washington. Perhaps this sort of reduction in Federal involvement is exactly what the voters called for last November. I happen to believe that a need still exists for Federal involvement in some of these areas. The interstate nature of flooding warrants Federal coordination and assistance.

Yet, spending reductions must be made. As in 1986, we are being called upon to make tough choices in the effort to define the appropriate Federal role for construction and management of water-related resources.

WRDA 1995

I believe that Senator WARNER has struck a careful balance in the legislation he is proposing today. This bill is cost conscious. Preliminary estimates conducted by the Congressional Budget Office score the authorization level of this measure at less than 50 percent of the nearly $3 billion authorized by WRDA 1992. Even though significant cost and scope reductions are made here—we still authorize a broad mix of navigation, flood control, shoreline protection, and environmental restoration projects and studies.

While the administration has every right to propose long-term savings through broad, overarching policy shifts and program phase-outs, I am convinced that we can achieve more significant and equitable spending reductions through the authorization process.

I am grateful that Senator WARNER has taken the lead this year on water resources reauthorization. Mr. President, with his direction and with the cooperation of colleagues, I am confident that we will see passage of this bill this year.

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, Mr. HATCH, Mr. JEFFORDS, Mr. FRIST, Mr. PELL, Mr. DODD, Mr. COATS, and Mr. SIMON):

S. 641. A bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes; to the Committee on Labor and Human Resources.

THE RYAN WHITE CARE REAUTHORIZATION ACT OF 1995

• Mrs. KASSEBAUM. Mr. President, on behalf of myself and Senators KENNEDY, HATCH, PELL, JEFFORDS, FRIST, DODD, COATS, and SIMON, I introduce the Ryan White CARE Reauthorization Act of 1995.

The CARE Act has played a critical role in improving the quality and availability of medical and support services for individuals with HIV disease and AIDS. The most significant assistance under this act is provided through titles I and II. Title I provides emergency relief grants to cities disproportionately affected by the HIV epidemic. Title II provides formula grants to States and territories to improve the quality, availability, and organization of health care and support services.

As the HIV epidemic continues, the need for this important legislation remains. There is a need as well to modify its provisions to take into account the changing face of the HIV epidemic since the CARE Act was first enacted in 1990. Once primarily a coastal urban area problem, the HIV epidemic now reaches the smallest and most rural areas of this country. In addition, minorities, women, and children are increasingly affected.

This reauthorization bill builds on the successful four-title structure of the current CARE Act and includes many important improvements. Chief among these are changes in the funding formulas which would ensure greater funding equity and which provide a single appropriation for titles I and II.

The General Accounting Office [GAO] has identified large disparities and inequities in the current distribution of CARE Act funding. This legislation, developed with GAO input, authorizes equity formulas for titles I and II based on an estimation of the number of individuals currently living with AIDS and the costs of providing services. In addition, the new title II formula includes an adjustment to offset the double-counting of individuals by States, when such States also include title I cities.

The purpose of these changes is to assure a more equitable allocation of funding, based on where people with the illness are currently living. With any formula change, there is always

the concern about the potential for disruption of services to individuals now receiving them. To address this concern, the bill maintains home-harmless floors designed to assure that no entity receives less than 92.5 percent of its 1995 allocation over the next 5 years.

In an effort to target resources to the areas in greatest need of assistance, the bill also limits the addition of new title I cities to the program. Beginning in fiscal year 1998, current provisions which establish eligibility for areas with a cumulative AIDS caseload in excess of 2,000 will be replaced with provisions offering eligibility only when over 2,000 cases emerge within a 5-year period.

The legislation makes a number of other important modifications:

First, it moves the Special Projects of National Significance Program to a new title V, funded by a 3-percent set-aside from each of the other four titles. In addition, it adds Native American communities to the current list of entities eligible for projects of national significance.

Second, it creates a statewide coordination and planning process to improve coordination of services, including services in title I cities and title II States.

Third, it extends the administrative expense caps for title I and II to subcontractors.

Fourth, it authorizes guidelines for a minimum State drug formulary.

Fifth, it modifies representation on the title I planning councils to more accurately reflect the demographics of the HIV epidemic in the eligible area.

Sixth, for the title I supplemental grants, a priority is established for eligible areas with the greatest prevalence of comorbid conditions, such as tuberculosis, which indicate a more severe need.

I believe that the changes proposed by this legislation will assure the continued effectiveness of the Ryan White CARE Act by maintaining its successful components and by strengthening its ability to meet emerging challenges. Putting together this legislation has involved the time and commitment of a wide variety of individuals and organizations. I want to acknowledge all of their efforts, and I particularly appreciate the constructive and cooperative approach which Senator KENNEDY has lent to the development of this legislation. It is my hope that the Senate can act promptly in approving this measure. I ask unanimous consent a summary of this bill be made a part of the RECORD.

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

SUMMARY OF THE REAUTHORIZATION ACT

1. The current four-title structure of the Ryan White CARE Act is maintained.

Title I: Provides emergency relief grants to eligible metropolitan areas (EMAs) disproportionately affected by the HIV epidemic. One-half of the Title I funds are distributed by formula; the remaining one-half is distributed competitively.

Title II: Provides grants to states and territories to improve the quality, availability, and organization of health care and support services for individuals with HIV disease and their families. The funds are used: to provide medical support services for individuals who are not included in the Title I areas; to continue insurance payments; to provide home care services; and to purchase medications necessary for the care of these individuals. Funding for Title II is distributed by formula.

Title III(b): Supports early intervention services on an out-patient basis—including counseling, testing, referrals, and clinical, diagnostic, and other therapeutic services. This funding is distributed by competitive grants.

Title IV: Provides grants for research and services for pediatric patients.

2. A single appropriation for Title I grants to eligible metropolitan areas and Title II grants to states is authorized for fiscal year 1996.

A single appropriation should help unify the interest of grantees in assuring funding for all individuals living with AIDS, regardless of whether they live in EMAs or states.

The appropriation is divided between the two titles based on the ratio of fiscal year 1995 appropriations for each title. Sixty-four percent is designated for Title I. The Secretary is authorized to develop and implement a method to adjust the distribution of funding for Title I and Title II to account for new Title I cities and other relevant factors for fiscal year 1997 through fiscal year 2000. If the Secretary does not implement such a method, separate appropriations for titles I and II are authorized, beginning in fiscal year 1997 and extending through fiscal year 2000.

3. Equity formulas are authorized for Titles I and II based on an estimation of the number of individuals living with AIDS and the costs of providing services.

The present distribution formulas have led to disparity in funding for individuals living with AIDS based on where they live. This is due to: a caseload measure which is cumulative, the absence of any measure of service costs, and the counting of EMA cases by both the Titles I and II formulas.

The equity formulas will include an estimate of living cases of AIDS. This estimate is calculated by applying a different weight to each year of cases reported to the Centers for Disease Control and Prevention over the most recent ten-year period. A cost index is determined by using the average Medicare hospital wage index for the three-year period immediately preceding the grant award. Over a five-year period, hold-harmless floors for the formulas are provided in order to assure that no entity receives less than 92.5 percent of its 1995 allocation. The phase-in is provided to avoid disruption of services to beneficiaries, while still allowing for the redistribution of funds.

4. The addition of new Title I cities will be limited.

The current designation criteria for Title I cities was developed to target emergency areas. Five years after the initial enactment of the Ryan White CARE Act, the epidemic persists. However, the needs have changed from emergency relief to maintenance of existing efforts. In addition, Title II funding has been used to develop infrastructure in large metropolitan areas, decreasing the relative need for emergency Title I funding.

However, to allow for true future emergencies, the Title I definition is refined to include only those areas which have a population of at least 500,000 individuals and a cumulative total of more than 2,000 cases of AIDS in the preceding five years. This requirement will not apply to any area that is deemed eligible before fiscal year 1998.

5. A priority for the Title I supplementary grants is established.

The severity of illness has a major impact on the delivery of services. The reauthorization establishes a priority for the distribution of funds which accounts for co-morbid conditions as indicators of more severe HIV-disease. Such conditions include sexually transmitted diseases, substance abuse, tuberculosis, severe mental illness, and homelessness.

6. The Special Projects of National Significance (SPNS) and the AIDS Education and Training Centers are included in a new Title V.

Currently, SPNS is part of Title II and is funded by a 10 percent Title II set-aside. The reauthorization bill provides that the SPNS program will receive a 3 percent set-aside from each of the other four titles. The SPNS project will address the needs of special populations, assist in the development of essential community-based service infrastructure, and ensure the availability of services for Native American communities.

The AIDS Education and Training Centers program is transferred from federal health professions education legislation. This program provides funding for the training of health personnel in the diagnosis, treatment, and prevention of HIV disease. Its purpose is to assure the availability of a cadre of trained individuals for the CARE Act programs.

7. A statewide coordination and planning process is created to improve coordination of services, including services in Title I cities and Title II states.

8. Representation on the Title I planning councils is changed to more accurately reflect the demographics of the HIV epidemic.

9. Guidelines for a minimum state drug formulary are authorized.

Therapeutics improve the quality of life of patients with HIV disease and minimize the need for costly inpatient medical care. The medical state of the art is constantly changing. The guidelines will help states to keep abreast of these changes and to develop a drug formulary which is composed of available Food and Drug Administration approved therapies.

10. Administrative caps for Titles I and II are extended to contractors and subcontractors.

Administrative costs for grantees and subcontractors are tightly defined and limited. This limitation will ensure monies are utilized to provide services for people living with AIDS rather than subsidizing excessive administrative expenses.

BACKGROUND ON THE AIDS EPIDEMIC

1. The HIV epidemic continues to be a national problem:

The number of AIDS cases has increased to 441,000; one-fifth of the new cases occurred in 1994.

AIDS is now the leading cause of death for all Americans between the ages of 25 to 44.

Cases are distributed across the United States—with only relative sparing of a few Northern Plains and Mountain states.

2. Trends:

The Northeast incidence is higher for the injecting drug user than for other populations.

The Southern region cases remain primarily among the gay male population.

The proportion of the epidemic among gay males in the Midwest and the West has stabilized.

The heterosexual AIDS epidemic is increasing dramatically.

Heterosexual transmission is now the leading cause of AIDS in women.

The highest concentration of infected women is in the coastal Northeast, the mid-atlantic, and the Southeast.

Cases in the Northeast remain primarily within urban centers, while cases in the Southeast are more likely to be located in small towns and cities.

3. Minorities:

Blacks and latinos comprise nearly 75 percent of all women infected.

The rates of infection for black women range from 7 to 27 times higher than the rates for caucasian women.

4. Adolescents:

Adolescents have the fastest growing rate of infection.

The rates of infection among adolescents are similar among women and men, but the rates are the highest among blacks.•

Mr. KENNEDY. Mr. President, it is a privilege to join Senator KASSEBAUM in introducing the Ryan White CARE Reauthorization Act of 1995.

For 15 years, America has been struggling with the devastating effects of AIDS. More than a million citizens are infected with the AIDS virus. AIDS itself has now become the leading killer of young Americans ages 25 to 44. AIDS is killing brothers and sisters, children and parents, friends and loved ones—all in the prime of their lives.

More than 400,000 Americans have been diagnosed with AIDS. Over half have already died—and yet the epidemic marches on unabated.

As the crisis continues year after year, it has become more and more difficult for anyone to claim that AIDS is someone else's problem.

The epidemic has cost the Nation immeasurable talent and energy in young and promising lives struck down long before their time. We must do better to provide care and support for those caught in the epidemic's path. And with this legislation, we will.

Five years ago, in the name of Ryan White and all the other Americans who had lost their battle against AIDS, Congress passed and President Bush signed into law the Comprehensive AIDS Resources Emergency Act.

Since then, the CARE Act has been a model of bipartisan cooperation and effective Federal leadership. Today that bipartisan tradition continues.

The CARE Act provides emergency relief for cities hardest hit by the AIDS epidemic, and additional funding for all States to provide health care, early intervention, and support services for individuals and families with HIV disease in both urban and rural areas.

In Boston, the CARE Act has led to dramatically increased access to essential services. This year, because of Ryan White, 15,000 individuals are receiving primary care, 8,000 are receiving dental care, and 9,000 are receiving mental health services. An additional 700 are receiving case management services and nutrition supplements. This assistance is reducing hospitalizations, and is making an extraordinary difference in people's lives.

While much has changed since 1990, the brutality of the epidemic remains the same. When the act first took effect, only 16 cities qualified for "emergency relief." In the past 5 years, that number has more than tripled—and by next year it will have quadrupled.

This crisis is not limited to major urban centers. Caseloads are now growing in small towns and rural communities, along the coasts and in America's heartland. From Weymouth to Wichita, no community will avoid the epidemic's reach.

We are literally fighting for the lives of hundreds of thousands of our fellow citizens. These realities challenge us to move forward together in the best interest of all people living with HIV. And that is what Senator KASSEBAUM and I have attempted to do.

The compromise in this legislation acknowledges that the HIV epidemic has expanded its reach but we have not forgotten its roots. While new faces and new places are now affected, the epidemic rages on in the areas of the country hit hardest and longest.

The pain and suffering of individuals and families with HIV is real, widespread, and growing. All community-based organizations, cities, and States need additional support from the Federal Government to meet the needs of those they serve.

The revised formulas in this legislation will make these desperately needed resources available based on the relative number of people living with HIV disease—and the relative cost of providing these essential services.

The new formula will increase the medical care and the support services available to individuals with HIV in many cities, including Boston, Los Angeles, Philadelphia, and Seattle, and in many States.

Equally important, the compromise will ensure the ongoing stability of the existing AIDS care system in areas of the country with the greatest incidence of AIDS. The HIV epidemic in New York, San Francisco, Miami, and Newark is far from over—and in many ways, the worst is yet to come.

This legislation represents a compromise, and like most compromises, it is not perfect and it will not please everyone. But on balance—it is a good bill—and its enactment will benefit all people living with HIV everywhere in the Nation. We have sought common ground. We have listened to those on the frontlines. We have attempted to support their efforts, not tie their hands.

Congress and the AIDS community must put aside political, geographic, and institutional differences to face this important challenge squarely and successfully. The structure of the CARE Act—affirmed in this reauthorization—provides a sound and solid foundation on which to build that unity.

Hundreds of health, social service, labor, and religious organizations helped to shape the act's provisions and have made its promise a reality. The act has been praised by Governors, mayors, county executives, and local and State AIDS directors and health officers. It has required all levels of government to join together in providing services and resources. And success stories of this coordination are now plentiful.

Community-based AIDS service organizations and people living with HIV have had critically important roles in the development and implementation of humane and cost-effective service delivery networks responsive to local needs.

Although the resources fall far short of meeting the growing need, the act is working. It has provided life-saving care and support for hundreds of thousands of individuals and families affected by HIV and AIDS. Through its unique structure, it has quickly and efficiently directed assistance to those who need it most.

The Ryan White CARE Reauthorization Act, however, is about more than Federal funds and health care services. It is also about caring and the American tradition of reaching out to people who are suffering and in need of help. Ryan White would be proud of what has happened in his name. His example, and the hard work of so many others, are bringing help and hope to our American family with AIDS. I urge my colleagues to support this vital initiative.

By Mr. DODD (for himself and Mr. ROCKEFELLER):

S. 642. A bill to provide for demonstration projects in six States to establish or improve a system of assured minimum child support payments, and for other purposes; to the Committee on Finance.

THE CHILD SUPPORT ASSURANCE ACT OF 1995

• Mr. DODD. Mr. President, I reintroduce a piece of legislation whose subject should be central to our debate over welfare reform. I say this because the Child Support Assurance Act of 1995 promotes work, family, self-sufficiency, and personal responsibility. At the same time, it seeks to put a stop to one of the principal causes of child poverty in this country, lack of financial support from absent parents. I am delighted to be joined in this effort by my colleague from West Virginia, Senator ROCKEFELLER, who has long been a champion of children's causes and this concept in particular.

WELFARE REFORM, WELFARE PREVENTION

I firmly believe we will not succeed in reforming welfare until we succeed in reforming child support. Of course, we need welfare reform that will encourage people to become self-sufficient and leave Government assistance. But just as important, we need welfare prevention policies to allow people to avoid welfare in the first place. We need to seriously ask ourselves, what can we as a nation do to support families in danger of sliding into poverty?

At or near the top of our list of answers should be putting some teeth and some assurances into our child support system. Lack of child support is one of the principal causes of poverty for one-parent families. The Census Bureau illustrated this fact when it estimated that between 1984 and 1986 approximately half a million children fell into poverty after their father left home.

In 1989 alone, the children and single parents of America were owed $5.1 billion in unpaid child support. If every single-parent family had an award and the awards were paid in full, it would mean $30 billion a year for the children of America. Can you imagine the difference it would make if our kids received the sums they are being cheated out of annually?

Connecticut is no different from any other State. Despite a child support enforcement system that ranks among the best in the Nation, its child support delinquencies now total nearly half a billion dollars. That is half a billion dollars in a State of only 3½ million people.

The clear connection between child support and welfare was illustrated during a hearing of the Subcommittee on Children I chaired in the last Congress. Geraldine Jensen testified about struggling as a single mother and receiving no help from her exhusband. She had to work 60 hours a week just to make ends meet. One day she realized her kids had gone from two parents to one parent when her husband left, and then from one parent to none when she had to take her second job. She was working so much that she had no time for her children.

So Ms. Jensen quit her jobs and went on AFDC. She finally collected the child support owed her 7 years later, and she was able to get back on her feet.

CHILD SUPPORT AND POVERTY

Unfortunately, the reality today is that there are far too many families out there like Ms. Jensen's. And far too many children are plunged into poverty when their parents do not live up to their responsibilities. The poverty rate for single-parent families headed by women is nearly 33 percent. This compares to a poverty rate of under 8 percent for two-parent families.

Why is the poverty rate so high for households led by single women? The primary reason is a lack of support from absent fathers—42 percent of single mothers do not even have child support orders for their children. For poor women, this figure is 57 percent. And even a child support order is no guarantee of support. In 1989, half of all mother-led families with child support orders received no support at all or less than the amount due.

We have known for some time now that our child support system needs a major overhaul. The Child Support Amendments of 1984 and the Family Support Act of 1988 made modest improvements. For every 100 child support cases in 1983, there were 15 in which there was a collection. In 1990, there were 18. Out of 100, 15 to 18 is a step in the right direction, but we clearly have a long, long way to go.

ENFORCEMENT AND ASSURANCE CRITICAL

As the Senate considers proposals for welfare reform, I suggest that putting teeth into our child support enforcement system is absolutely critical to the goal of moving people off welfare and into self-sufficiency.

It is time for us to stop this slide toward public assistance by insisting that parents meet the responsibilities they have for the children they bring into the world. The children of America will be the true winners of such a policy, but the taxpayers will also come out ahead because of reduced welfare expenditures. Toward this end, Senator BRADLEY, myself, and others have introduced a tough enforcement bill, supported by Members on both sides of the aisle.

The bill I am introducing today would take us further down the road toward an effective child support system. It would create incentives for responsible behavior: incentives for custodial parents to seek child support orders, incentives for noncustodial parents to follow those orders, and incentives for States to make sure this whole process works. As a last resort, it would provide a minimum level of support for all children not living with both parents.

Right now, the poor children of America are the ones paying for the failings of our families and the failings of our child support system. It is my view that the welfare reform bill passed by the House of Representatives last week takes us further in the direction of punishing children. I strongly believe that welfare reform that does not try to prevent families from slipping into welfare dependency is doomed to failure.

RIGOROUS REQUIREMENTS

The child support assurance bill would authorize demonstration grants to six States for use in guaranteeing child support benefits. Participating States would have to meet a rigorous set of requirements. To qualify, States would already have to be doing a good job of collecting child support and would have to be at, or above, the national median for paternity establishment. And during the course of the grant, the State would have to show real, measurable improvement in paternity establishment, child support orders, and collections.

Just as the Child Support Assurance Act calls on participating States to meet their obligations, it would do the same for participating families. To qualify, the custodial parent would have to possess, or be seeking, a child support award or have a good reason not to.

We hope that this approach will serve as a model for the country. To test this proposition, the Department of Health and Human Services would conduct 3- and 5-year evaluations of the demonstration programs to gauge the effectiveness of the approach.

I hope my colleagues will join Senator ROCKEFELLER and me in supporting this legislation and demanding that we all meet our responsibilities to America's children.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 642

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 "Child Support Assurance Act of 1995".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the number of single-parent households has increased significantly;

(2) there is a high correlation between childhood poverty and growing up in a single-parent household;

(3) family dissolution often brings the economic consequence of a lower standard of living for the custodian and children;

(4) children are nearly twice as likely to be in poverty after a family dissolution as before a family dissolution;

(5) one-fourth of the single mothers who are owed child support receive none and another one-fourth of such mothers receive only partial child support payments;

(6) single mothers above and below the poverty line are equally likely to receive none of the child support they are owed; and

(7) the failure of children to receive an adequate level of child support limits the ability of such children to thrive and to develop their potential and leads to long-term societal costs in terms of health care, welfare, and loss in labor force productivity.

(b) PURPOSE.—It is the purpose of this Act to enable participating States to establish child support assurance systems in order to improve the economic circumstances of children who do not receive a minimum level of child support from the noncustodial parents of such children and to strengthen the establishment and enforcement of child support awards. The child support assurance approach is structured on a demonstration basis in order to implement and evaluate different options with respect to the provision of intensive support services and mechanisms for administering the program on a national basis.

SEC. 3. ESTABLISHMENT OF CHILD SUPPORT ASSURANCE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—In order to encourage States to provide a guaranteed minimum level of child support for every eligible child not receiving such support, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall make grants to not more than 6 States to conduct demonstration projects for the purpose of establishing or improving a system of assured minimum child support payments in accordance with this section.

(b) CONTENTS OF APPLICATION.—An application for a grant under this section shall be submitted by the Chief Executive Officer of a State and shall—

(1) contain a description of the proposed child support assurance project to be established, implemented, or improved using amounts provided under this section, including the level of the assured benefit to be provided, the specific activities to be undertaken, and the agencies that will be involved;

(2) specify whether the project will be carried out throughout the State or in limited areas of the State;

(3) estimate the number of children who will be eligible for assured minimum child support payments under the project, and the amounts to which they will be entitled on average as individuals and in the aggregate;

(4) describe the child support guidelines and review procedures which are in use in the State and any expected modifications;

(5) contain a commitment by the State to carry out the project during a period of not less than 3 and not more than 5 consecutive fiscal years beginning with fiscal year 1997;

(6) contain assurances that the State—

(A) is currently at or above the national median paternity establishment percentage (as defined in section 452(g)(2) of the Social Security Act (42 U.S.C. 652(g)(2));

(B) will improve the performance of the agency designated by the State to carry out the requirements under part D of title IV of the Social Security Act by at least 4 percent each year in which the State operates a child support assurance project under this section in—

(i) the number of cases in which paternity is established when required;

(ii) the number of cases in which child support orders are obtained; and

(iii) the number of cases with child support orders in which collections are made; and

(C) to the maximum extent possible under current law, will use Federal, State, and local job training assistance to assist individuals who have been determined to be unable to meet such individuals' child support obligations;

(7) describe the extent to which multiple agencies, including those responsible for administering the Aid to Families With Dependent Children Program under part A of title IV of the Social Security Act and child support collection, enforcement, and payment under part D of such title, will be involved in the design and operation of the child support assurance project; and

(8) contain such other information as the Secretary may require by regulation.

(c) USE OF FUNDS.—A State shall use amounts provided under a grant awarded under this section to carry out a child support assurance project designed to provide a minimum monthly child support benefit for each eligible child in the State to the extent that such minimum child support is not paid in a month by the noncustodial parent.

(d) REQUIREMENTS.—

(1) IN GENERAL.—A child support assurance project funded under this section shall provide that—

(A) any child (as defined in paragraph (2)) with a living noncustodial parent for whom a child support order has been sought (as defined in paragraph (3)) or obtained and any child who meets "good cause" criteria for not seeking or enforcing a support order is eligible for the assured child support benefit;

(B) the assured child support benefit shall be paid promptly to the custodial parent at least once a month and shall be—

(i) an amount determined by the State which is—

(I) not less than $1,500 per year for the first child, $1,000 per year for the second child, and $500 per year for the third and each subsequent child; and

(II) not more than $3,000 per year for the first child and $1,000 per year for the second and each subsequent child;

(ii) offset and reduced to the extent that the custodial parent receives child support in a month from the noncustodial parent;

(iii) indexed and adjusted for inflation; and

(iv) in the case of a family of children with multiple noncustodial parents, calculated in the same manner as if all such children were full siblings, but any child support payment from a particular noncustodial parent shall only be applied against the assured child support benefit for the child or children of that particular noncustodial parent;

(C) for purposes of determining the need of a child or relative and the level of assistance, one-half of the amount received as a child support payment shall be disregarded from income until the total amount of child support and Aid to Families With Dependent Children benefit received under part A of title IV of the Social Security Act equals the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) that is applicable to a family of the size involved;

(D) in the event that the family as a whole becomes ineligible for aid to families with dependent children under part A of title IV of the Social Security Act due to consideration of assured child support benefits, the continuing eligibility of the caretaker for aid to families with dependent children under such title shall be calculated without consideration of the assured child support benefit; and

(E) in order to participate in the child support assurance project, the child's caretaker shall apply for services of the State's child support enforcement program under part D of title IV of the Social Security Act.

(2) DEFINITION OF CHILD.—For purposes of this section, the term "child" means an individual who is of such an age, disability, or educational status as to be eligible for child support as provided for by the law of the State in which such individual resides.

(3) DETERMINATION OF SEEKING A CHILD SUPPORT ORDER.—For purposes of this section, a child support order shall be deemed to have been "sought" where an individual has applied for services from the State agency designated by the State to carry out the requirements of part D of title IV of the Social Security Act or has sought a child support order through representation by private or public counsel or pro se.

(e) CONSIDERATION AND PRIORITY OF APPLICATIONS.—

(1) SELECTION CRITERIA.—The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this section and shall approve not more than 6 applications which appear likely to contribute significantly to the achievement of the purpose of this section. In selecting States to conduct demonstration projects under this section, the Secretary shall—

(A) ensure that the applications selected represent a diversity of minimum benefits distributed throughout the range specified in subsection (d)(1)(B)(i);

(B) consider the geographic dispersion and variation in population of the applicants;

(C) give priority to States with applications that demonstrate—

(i) significant recent improvements in—

(I) establishing paternity and child support awards;

(II) enforcement of child support awards; and

(III) collection of child support payments;

(ii) a record of effective automation; and

(iii) that efforts will be made to link child support systems with other service delivery systems;

(D) ensure that the proposed projects will be of a size sufficient to obtain a meaningful measure of the effects of child support assurance;

(E) give priority, first, to States intending to operate a child support assurance project on a statewide basis, and, second, to States that are committed to phasing in an expansion of such project to the entire State, if interim evaluations suggest such expansion is warranted; and

(F) ensure that, if feasible, the States selected use a variety of approaches for child support guidelines.

(2) REQUIREMENTS FOR GRANTEES.—Of the States selected to participate in the demonstration projects conducted under this section, the Secretary shall require, if feasible—

(A) that at least 2 provide intensive integrated social services for low-income participants in the child support assurance project, for the purpose of assisting such participants in improving their employment, housing, health, and educational status; and

(B) that at least 2 have adopted the Uniform Interstate Family Support Act.

(f) DURATION.—During fiscal year 1996, the Secretary shall develop criteria, select the States to participate in the demonstration, and plan for the evaluation required under subsection (h). The demonstration projects conducted under this section shall commence on October 1, 1996, and shall be conducted for not less than 3 and not more than 5 consecutive fiscal years, except that the Secretary may terminate a project before the end of such period if the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the application approved by the Secretary under this section.

(g) COST SAVINGS RECOVERY.—The Secretary shall develop a methodology to identify any State cost savings realized in connection with the implementation of a child support assurance project conducted under this Act. Any such savings realized as a result of the implementation of a child support assurance project shall be utilized for child support enforcement improvements or expansions and improvements in the Aid to Families With Dependent Children Program conducted under part A of title IV of the Social Security Act within the participating State.

(h) EVALUATION AND REPORT TO CONGRESS.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the effectiveness of the

demonstration projects funded under this section. The evaluation shall include an assessment of the effect of an assured benefit on—

(A) income from nongovernment sources and the number of hours worked;

(B) the use and amount of government supports;

(C) the ability to accumulate resources;

(D) the well-being of the children, including educational attainment and school behavior; and

(E) the State's rates of establishing paternity and support orders and of collecting support.

(2) REPORTS.—Three and 5 years after commencement of the demonstration projects, the Secretary shall submit an interim and final report based on the evaluation to the Committee on Finance and the Committee on Labor and Human Resources of the Senate, and the Committee on Ways and Means and the Committee on Economic and Educational Opportunities of the House of Representatives concerning the effectiveness of the child support assurance projects funded under this section.

(i) STATE REPORTS.—The Secretary shall require each State that conducts a demonstration project under this section to annually report such information on the project's operation as the Secretary may require, except that all such information shall be reported according to a uniform format prescribed by the Secretary.

(j) RESTRICTIONS ON MATCHING AND USE OF FUNDS.—

(1) IN GENERAL.—A State conducting a demonstration project under this section shall be required—

(A) except as provided in paragraph (2), to provide not less than 20 percent of the total amounts expended in each calendar year of the project to pay the costs associated with the project funded under this section;

(B) to maintain its level of expenditures for child support collection, enforcement, and payment at the same level, or at a higher level, than such expenditures were prior to such State's participation in a demonstration project provided by this section; and

(C) to maintain the Aid to Families With Dependent Children benefits provided under part A of title IV of the Social Security Act at the same level, or at a higher level, as the level of such benefits on the date of the enactment of this Act.

(2) EXCEPTION.—A State participating in a demonstration project under this section may provide not less than 10 percent of the total amounts expended to pay the costs associated with the project funded under this section in years after the first year such project is conducted in a State if the State meets the improvements specified in subsection (b)(6)(B).

(k) COORDINATION WITH CERTAIN MEANS-TESTED PROGRAMS.—For purposes of—

(1) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.);

(2) title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.);

(3) section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

(4) sections 221(d)(3), 235, and 236 of the National Housing Act (12 U.S.C. 1715*l*(d)(3), 1715z, 1715z–1);

(5) the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(6) title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(7) child care assistance provided through—

(A) part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(B) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.); or

(C) title XX of the Social Security Act (42 U.S.C. 1397 et seq.),

any payment made to an individual within the demonstration project area for child support up to the amount which an assured child support benefit would provide shall not be treated as income and shall not be taken into account in determining resources for the month of its receipt and the following month.

(l) TREATMENT OF CHILD SUPPORT BENEFIT.—Any assured child support benefit received by an individual under this Act shall be considered child support for purposes of the Internal Revenue Code of 1986.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of fiscal years 1996, 1997, 1998, 1999, 2000, and 2001 to carry out the purposes of this Act.●

● Mr. ROCKEFELLER. Mr. President, as we focus on the issues of welfare reform and child support enforcement, I am proud to join my distinguished colleague from Connecticut, Senator CHRIS DODD, in introducing a demonstration project to explore the merits of child support assurance. This is a bipartisan idea to ensure minimum support to single parents as a way to promote work and responsibility.

I first became interested in the innovative idea of child support assurance as Chairman of the bipartisan National Commission on Children which endorsed a demonstration of child support assurance in its unanimous 1991 report, "Beyond Rhetoric, a New American Agenda for Children and Families."

The Commission urged the Federal Government, in partnership with several States, to undertake a demonstration to design and test the effects of an assured child support plan that combines enhanced child support enforcement with a Government-insured minimum benefit for children.

Under our demonstration, eligible parents would have to have a child support award in place or be fully cooperating in establishing paternity which would create a real incentive for parents to get a child support award. Once such an award is established, the Federal and State Government can aggressively seek to collect the payments from absent parents. But the minimum assured benefit will protect the innocent child from hardship and economic uncertainty when one parent is shirking his/her obligation.

Such stable, consistent support is vital for children. A 1994 study by the National Institute of Child Health and Human Development noted that children of single-parent families are at increased risk. It notes that the single most important factor in accounting for the lower achievement of children in single-parent families is poverty and economic insecurity. Income differences account for half of the increased risk for disadvantages. The researchers noted that because income is such an important factor in the increased risk for disadvantages among children in single-parent families, policies that serve to minimize the negative economic impact on children may help reduce their difficulties.

The National Child Support Assurance Consortium issued a compelling report called "Childhood's End" in January 1993 that outlined what happens to children when child support payments are missing, or just plain late. Let me share just a few of the report's significant findings about what happens to children when child support is not paid.

Fifty-five percent of mothers reported that their children missed regular health check-ups;

Thirty-six percent of mothers reported that their children did not get medical care when they became ill; and

Fifty-seven percent of the mothers reported that their children lost their regular child care.

The list goes and on, and it is tragic that absent parents are not living up to their financial obligations and placing their own children at risk. President Clinton estimates that 800,000 people could leave the welfare system and dependency if they were paid the child support that they are owed. It is wrong to penalize these families and push them into dependency. Rather we must aggressively move on child support enforcement and explore the benefits of providing a minimum Government benefit in cases where our State enforcement efforts fail to timely collect child support owed to children.

As Chairman of the National Commission on Children, I want to put this child support assurance demonstration project into perspective. Our bipartisan commission report clearly stated that children do best in stable, two-percent families. I wish that every child could grow up in a caring home with both parents and financial security.

But in reality, over 15.7 million children are living in a single-parent household and in need of child support. Demographers warn us that 1 out of every 2 children growing up today will spend some time living with only one parent; and, therefore, half of children today will depend on child support at some point.

I strongly believe that both parents—mothers and fathers—have a moral obligation to financially and emotionally support their children.

The Government has a role to play in ensuring that parents accept their financial obligations to support their children. This does not ignore or discount the importance of emotional support from both parents. But realistically, the Federal Government is limited in its ability to address parental involvement and emotional support. I support other legislation to encourage demonstrations projects to improve meditation and visitation issues among

parents as way to respond to this other key facet.

But the Federal Government can have a major effect on child support enforcement and child support assurance. It must be involved because families that do not get the child support payments they deserve, often turn to Federal assistance programs including Aid to Families with Dependent Children [AFDC] and food stamps to make ends meet. Instead of allowing families to slip into dependency, I believe it would be better to invest in systems and incentives to collect the more than $30 billion in unpaid child support.

I want to emphasize that this is a bipartisan idea intended to promote work and independence. In its 1991 report, "Moving Ahead: Initiatives for Expanding Opportunity in America," the House Wednesday Group recommended Federal funding for large-scale demonstrations of child support assurance and time-limited welfare. The report notes that:

Child support assurance has several attractive features. First it is not welfare. The benefit would be universal; all single-parent families would be eligible for the assured benefit. For most families, the absent parent would pay more than the assured benefit; the government would then recapture its expenditure and the rest would be forwarded to the child. For families in which the absent parent did not pay at least the amount of the assured benefit, the government would pay the amount guaranteed to the child and then attempt to recoup its outlays by vigorous child support enforcement. One way to think of the assured benefit, then, is government's commitment to guarantee at least a given level of cash support to all custodial parents.

The assured benefit can also be seen as a program that encourages independence . . . The assured benefit is a blanket of insulation between a single mother and dependency on welfare. Equally important, unlike welfare payments, the assured benefit may have the attractive feature of minimizing work disincentive.

While noting some questions about child support assurance, the House Wednesday Group did support a demonstration project to test the potential of this innovative concept. Other groups supporting our proposal include: the Center for Law and Social Policy, the Women's Legal Defense Fund, and the Children's Defense Fund.

Mr. President, as we consider dramatic reform of our welfare system, we also should focus on child support enforcement and child support assurance as promising alternatives to promote responsibility and work over welfare and dependence.●

By Mr. JEFFORDS (for himself and Mrs. MURRAY):

S. 643. A bill to assist in implementing the plan of action adopted by the World Summit for Children; to the Committee on Foreign Relations.

WORLD SUMMIT FOR CHILDREN IMPLEMENTATION ACT

Mr. JEFFORDS. Mr. President, I rise today to introduce, on behalf of myself and Senator MURRAY, the James P. Grant World Summit for Children Implementation Act of 1995.

This is a bill designed to help the United States implement its commitment to our children and to children at risk throughout the world.

In 1990, the United States and 158 other nations participated in the World Summit for Children at which they signed a plan of action setting goals to be reached by the year 2000. Those goals were: To reduce child death rates by at least one-third; to reduce maternal deaths and child malnutrition by one-half; to provide all children access to basic education; to provide all families access to clean water, safe sanitation, and family planning information; and to reduce medical costs for children.

Our legislation also urges full funding by the year 2001 for Head Start, a program that dramatically improves the performance of children in their early years in school.

Internationally, this bill would shift funds within the U.S. foreign assistance budget to meet the urgent needs of children. Specifically, it would increase allocations in foreign assistance for a few cost-effective programs: Child survival, basic education, nutrition programs, UNICEF, AIDS prevention, CARE, refugee assistance, and family planning.

If we are truly concerned about the kind of future we leave for our children, we must look beyond our borders to the world they will inherit as they come of age. If we want our Nation to be prosperous, we must invest in our future. In times of fiscal restraint, it is more important than ever we clearly focus on our top priorities. Children, both here and throughout the world, are the top priority.

Mrs. MURRAY. Mr. President, I am proud to join my colleague from Vermont, Senator JEFFORDS, in introducing the James P. Grant World Summit for Children Implementation Act of 1995. I take this opportunity to commend Senator JEFFORDS for his leadership on this issue, and I am proud to be associated with this effort.

Because the nations of the world have become so interdependent, there can be no doubt that the well-being of children around the globe affects us here in the United States. Children are the foundation of our society, of our economy, of our future.

It seems obvious, then, that we would provide adequately for the world's children, but sadly we do not.

According to UNICEF, every week, more than 250,000 children die of easily preventable illness and malnutrition.

Every day, measles, whooping cough, and tetanus—all of which can be prevented by an inexpensive course of vaccines—kill nearly 8,000 children.

Every day, diarrheal dehydration—preventable at almost no cost—kills almost 7,000 children.

Every day, pneumonia—fully treatable by low-cost antibiotics—kills more than 6,000 children.

And for every child that dies, several more live on with poor growth, ill health, and diminished potential.

The world's political leadership can ill-afford to ignore these statistics. We are all in this together. The success or failure of economies thousands of miles away can directly affect us here at home. This is especially true in my trade-dependent home State of Washington.

As the old saying goes, we are only as strong as our weakest link. If our trading partners in Asia or Latin America cannot provide the necessary education or health care for their children, we will not have strong partners to trade with in the next generation. And in the end, alleviating poverty promotes economic development, which serves us all.

So it is extremely important that we continue to work to implement the plan of action adopted at the 1990 U.N. World Summit for Children, which rightly placed the needs of children at the top of the world's development agenda.

That is why Senator JEFFORDS and I are introducing the James P. Grant World Summit for Children Implementation Act of 1995, legislation that supports life-saving, cost-effective programs to protect the health and well-being of children worldwide.

The world's children have a right to adequate nutrition, full immunization, education, and health care. The United States must continue to lead the world in promoting that message.

To reach children, of course, we must reach out to the world's women—who are often overlooked in traditional development programs. Fortunately, the World Summit for Children recognized that to improve the lot of the world's children, the status of the world's women also had to improve.

For example, recognizing the important link between child survival and family planning, the world summit for children called for universal access to family planning education and services by the end of this decade.

Family planning saves the lives of both women and children. We know that babies born in quick succession, to a mother whose body has not yet recovered from a previous birth, are the least likely to survive. Increasing funds in this area has been a top priority for me in my work in the U.S. Senate, and is addressed in the legislation we are introducing today.

I realize that in this current political climate, foreign aid is often under attack and misunderstood. While foreign aid has never been popular, it has always served our Nation well. The money needed to support the kinds of programs we are concerned about in this bill is not large in the scope of our

budget—indeed, our total foreign aid program represents less than 1 percent of our entire Federal budget. In my view, our foreign aid dollars are best spent when we are investing in programs that strengthen families around the globe, and give a special helping hand to women and children.

For these reasons, I urge my colleagues to join Senator JEFFORDS and me in support of this important legislation.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. DOLE, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 5, a bill to clarify the war powers of Congress and the President in the post-cold war period.

S. 254

At the request of Mr. LOTT, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 256

At the request of Mr. DOLE, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 442

At the request of Ms. SNOWE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 442, a bill to improve and strengthen the child support collection system, and for other purposes.

S. 530

At the request of Mr. GREGG, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor 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. 539

At the request of Mr. COCHRAN, the names of the Senator from Mississippi [Mr. LOTT], the Senator from South Carolina [Mr. THURMOND], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 539, a bill to amend the Internal Revenue Code of 1986 to provide a tax exemption for health risk pools.

S. 565

At the request of Mr. PRESSLER, the names of the Senator from Montana [Mr. BURNS] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 565, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 578

At the request of Mr. D'AMATO, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 578, 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.

S. 631

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 631, a bill to prevent handgun violence and illegal commerce in firearms.

SENATE RESOLUTION 95—RELATIVE TO COMMITTEE APPOINTMENT

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 95

Resolved, That the following shall constitute the minority party's membership on the following Senate committees for the 104th Congress, or until their successors are appointed:

Energy and Natural Resources: Mr. Johnston, Mr. Bumpers, Mr. Ford, Mr. Bradley, Mr. Bingaman, Mr. Akaka, Mr. Wellstone, Mr. Heflin, and Mr. Dorgan.

Veterans' Affairs: Mr. Rockefeller, Mr. Graham, Mr. Akaka, Mr. Dorgan, and Mr. Wellstone.

AMENDMENTS SUBMITTED

THE REGULATORY TRANSITION ACT OF 1995

NICKLES (AND OTHERS) AMENDMENT NO. 410

Mr. NICKLES (for himself, Mr. REID, Mr. BOND, Mrs. HUTCHISON, Mr. LEVIN, and Mr. HATFIELD) proposed an amendment to the bill (S. 219) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Transition Act of 1995".

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the effectiveness of certain significant final rules is imposed in order to provide Congress an opportunity for review.

SEC. 3. MORATORIUM ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) REPORTING AND REVIEW OF REGULATIONS.—

(1) REPORTING TO CONGRESS.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) the proposed effective date of the rule; and

(iv) a complete copy of the cost-benefit analysis of the rule, if any.

(B) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) EFFECTIVE DATE OF SIGNIFICANT RULES.—A significant rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

(A) the later of the date occurring 45 days after the date on which—

(i) the Congress receives the report submitted under paragraph (1); or

(ii) the rule is published in the Federal Register;

(B) if the Congress passes a joint resolution of disapproval described under section 4 relating to the rule, and the President signs a veto of such resolution, the earlier date—

(i) on which either House of Congress votes and fails to override the veto of the President; or

(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 4 is enacted).

(3) EFFECTIVE DATE FOR OTHER RULES.—Except for a significant rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

(b) TERMINATION OF DISAPPROVED RULEMAKING.—A rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 4.

(c) PRESIDENTIAL WAIVER AUTHORITY.—

(1) PRESIDENTIAL DETERMINATIONS.—Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this Act may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) GROUNDS FOR DETERMINATIONS.—Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(3) WAIVER NOT TO AFFECT CONGRESSIONAL DISAPPROVALS.—An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 4 or the effect of a joint resolution of disapproval under this section. —

(d) TREATMENT OF RULES ISSUED AT END OF CONGRESS.—

(1) ADDITIONAL OPPORTUNITY FOR REVIEW.—In addition to the opportunity for review otherwise provided under this Act, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns sine die through the date on which the succeeding Congress first

convenes, section 4 shall apply to such rule in the succeeding Congress.

(2) TREATMENT UNDER SECTION 4.—

(A) In applying section 4 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report must be submitted to Congress before a final rule can take effect.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

(e) TREATMENT OF RULES ISSUED BEFORE THIS ACT.—

(1) OPPORTUNITY FOR CONGRESSIONAL REVIEW.—The provisions of section 4 shall apply to any significant rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on November 20, 1994, through the date on which this Act takes effect.

(2) TREATMENT UNDER SECTION 4.—In applying section 4 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of the enactment of this Act; and

(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 4.

(f) NULLIFICATION OF RULES DISAPPROVED BY CONGRESS.—Any rule that takes effect and later is made of no force or effect by the enactment of a joint resolution under section 4 shall be treated as though such rule had never taken effect.

(g) NO INFERENCE TO BE DRAWN WHERE RULES NOT DISAPPROVED.—If the Congress does not enact a joint resolution of disapproval under section 4, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

SEC. 4. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term "joint resolution" means only a joint resolution introduced after the date on which the report referred to in section 3(a) is received by Congress the matter after the resolving clause of which is as follows: "That Congress disapproves the rule submitted by the ___ relating to ___, and such rule shall have no force or effect." (The blank spaces being appropriately filled in.)

(b) REFERRAL.—

(1) IN GENERAL.—A resolution described in paragraph (1) shall be referred to the committees in each House of Congress with jurisdiction. Such a resolution may not be reported before the eighth day after its submission or publication date.

(2) SUBMISSION DATE.—For purposes of this subsection the term "submission or publication date" means the later of the date on which—

(A) the Congress receives the report submitted under section 3(a)(1); or

(B) the rule is published in the Federal Register.

(c) DISCHARGE.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged by the Majority Leader of the Senate or the Majority Leader of the House of Representatives, as the case may be, from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(d) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) TREATMENT IF OTHER HOUSE HAS ACTED.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(1) NONREFERRAL.—The resolution of the other House shall not be referred to a committee.

(2) FINAL PASSAGE.—With respect to a resolution described in subsection (a) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 5. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—In the case of any deadline for, relating to, or involving any significant rule which does not take effect (or the effectiveness of which is terminated) because of the enactment of a joint resolution under section 4, that deadline is extended until the date 12 months after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 3(a).

(b) DEADLINE DEFINED.—The term "deadline" means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL AGENCY.—The term "Federal agency" means any "agency" as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) SIGNIFICANT RULE.—The term "significant rule" means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(A) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(C) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(3) FINAL RULE.—The term "final rule" means any final rule or interim final rule. As used in this paragraph, "rule" has the meaning given such term by section 551 of title 5, United States Code.

SEC. 7. CIVIL ACTION.

An Executive order issued by the President under section 3(c), and any determination under section 3(a)(2), shall not be subject to judicial review by a court of the United States.

SEC. 8. APPLICABILITY; SEVERABILITY.

(a) APPLICABILITY.—This Act shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this Act, or the application of any provision of

this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 9. EXEMPTION FOR MONETARY POLICY.

Nothing in this Act shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act and shall apply to any significant rule that takes effect as a final rule on or after such effective date.

HARKIN (AND OTHERS) AMENDMENT NO. 411

Mr. HARKIN (for himself, Mr. GRAHAM, and Mr. D'AMATO) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF SENATE REGARDING AMERICAN CITIZENS HELD IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) On Saturday, March 25, 1995, an Iraqi court sentenced two Americans, William Barloon and David Daliberti, to eight years imprisonment for allegedly entering Iraq without permission.

(2) The two men were tried, convicted, and sentenced in what was reported to be a very brief period during that day with no other Americans present and with their only legal counsel having been appointed by the Government of Iraq.

(3) The Department of State has stated that the two Americans have committed no offense justifying imprisonment and has demanded that they be released immediately.

(4) This injustice worsens already strained relations between the United States and Iraq and makes resolution of differences with Iraq more difficult.

(b) SENSE OF SENATE.—The Senate strongly condemns the unjustified actions taken by the Government of Iraq against American citizens William Barloon and David Daliberti and urges their immediate release from prison and safe exit from Iraq. Further, the Senate urges the President of the United States to take all appropriate action to assure their prompt release and safe exit from Iraq.

LEVIN (AND GLENN) AMENDMENT NO. 412

Mr. LEVIN (for himself and Mr. GLENN) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 9, line 2, strike everything after "discharged" through the period on line 6 and insert the following: "from further consideration of such resolution in the Senate upon a petition supported in writing by 30 Members of the Senate or by motion of the Majority Leader supported by the Minority Leader, and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved."

DOMENICI (AND NICKLES) AMENDMENT NO. 413

Mr. DOMENICI (for himself and Mr. NICKLES) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 2, strike lines 6 through 20, and insert in lieu thereof and renumber accordingly:

"(1) REPORTING TO CONGRESS AND THE COMPTROLLER GENERAL.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule; and

(iii) the proposed effective date of the rule.

(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request:

(i) a complete copy of the cost-benefit analysis of the rule, if any;

(ii) the agency's actions relevant to section 603, section 604 section 605 section 607, and section 609 of P.L. 96–354;

(iii) the agency's actions relevant to title II, section 202, section 203, section 204, and section 205 of P.L. 104–4; and

(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders, such as Executive Order 12866.

(C) Upon receipt, each House shall provide copies to the chairman and Ranking Member of each committee with jurisdiction.

(2) REPORTING BY THE COMPTROLLER GENERAL.—

(A) The Comptroller General shall provide a report on each significant rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 4(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required with subsection (A)(iv) through (vii).

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subsection (2)(A) of this section."

On page 14, at the beginning of line 5, insert, "section 3(a)(1)–(2) and", and on line 5 strike "3(a)(2)" and insert in lieu thereof "3(a)(3)".

DASCHLE (AND PRESSLER) AMENDMENT NO. 414

Mr. REID (for Mr. DASCHLE and Mr. PRESSLER) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

At the appropriate place insert the following:

TITLE ___—TERM GRAZING PERMITS

SEC. ___01. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Secretary of Agriculture (referred to in this Act as the "Secretary") administers the 191,000,000-acre National Forest System for multiple uses in accordance with Federal law;

(2) where suitable, 1 of the recognized multiple uses for National Forest System land is grazing by livestock;

(3) the Secretary authorizes grazing through the issuance of term grazing permits that have terms of not to exceed 10 years and that include terms and conditions necessary for the proper administration of National Forest System land and resources;

(4) as of the date of enactment of this Act, the Secretary has issued approximately 9,000 term grazing permits authorizing grazing on approximately 90,000,000 acres of National Forest System land;

(5) of the approximately 9,000 term grazing permits issued by the Secretary, approximately one-half have expired or will expire by the end of 1996;

(6) if the holder of an expiring term grazing permit has complied with the terms and conditions of the permit and remains eligible and qualified, that individual is considered to be a preferred applicant for a new term grazing permit in the event that the Secretary determines that grazing remains an appropriate use of the affected National Forest System land;

(7) in addition to the approximately 9,000 term grazing permits issued by the Secretary, it is estimated that as many as 1,600 term grazing permits may be waived by permit holders to the Secretary in favor of a purchaser of the permit holder's permitted livestock or base property by the end of 1996;

(8) to issue new term grazing permits, the Secretary must comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other laws;

(9) for a large percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the Secretary has devised a strategy that will result in compliance with the National Environmental Policy Act of 1969 and other applicable laws (including regulations) in a timely and efficient manner and enable the Secretary to issue new term grazing permits, where appropriate;

(10) for a small percentage of the grazing permits that will expire or be waived to the Secretary by the end of 1996, the strategy will not provide for the timely issuance of new term grazing permits; and

(11) in cases in which ranching operations involve the use of a term grazing permit issued by the Secretary, it is essential for new term grazing permits to be issued in a timely manner for financial and other reasons.

(b) PURPOSE.—The purpose of this Act is to ensure that grazing continues without interruption on National Forest System land in a manner that provides long-term protection of the environment and improvement of National Forest System rangeland resources while also providing short-term certainty to holders of expiring term grazing permits and purchasers of a permit holder's permitted livestock or base property.

SEC. ___02. DEFINITIONS.

In this Act:

(1) EXPIRING TERM GRAZING PERMIT.—The term "expiring term grazing permit" means a term grazing permit—

(A) that expires in 1995 or 1996; or

(B) that expired in 1994 and was not replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed.

(2) FINAL AGENCY ACTION.—The term "final agency action" means agency action with respect to which all available administrative remedies have been exhausted.

(3) TERM GRAZING PERMIT.—The term "term grazing permit means a term grazing permit or grazing agreement issued by the Secretary under section 402 of the Federal Land

Policy and Management Act of 1976 (43 U.S.C. 1752), section 19 of the Act entitled "An Act to facilitate and simplify the work of the Forest Service, and for other purposes", approved April 24, 1950 (commonly known as the "Granger-Thye Act") (16 U.S.C. 580*l*), or other law.

SEC. ___03. ISSUANCE OF NEW TERM GRAZING PERMITS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary shall issue a new term grazing permit without regard to whether the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has been completed, or final agency action respecting the analysis has been taken—

(1) to the holder of an expiring term grazing permit ; or

(2) to the purchaser of a term grazing permit holder's permitted livestock or base property if—

(A) between January 1, 1995, and December 1, 1996, the holder has waived the term grazing permit to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations; and

(B) the purchaser of the term grazing permit holder's permitted livestock or base property is eligible and qualified to hold a term grazing permit.

(b) TERMS AND CONDITIONS.—Except as provided in subsection (c)—

(1) a new term grazing permit under subsection (a)(1) shall contain the same terms and conditions as the expired term grazing permit; and

(2) a new term grazing permit under subsection (a)(2) shall contain the same terms and conditions as the waived permit.

(c) DURATION.—

(1) IN GENERAL.—A new term grazing permit under subsection (a) shall expire on the earlier of—

(A) the date that is 3 years after the date on which it is issued; or

(B) the date on which final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

(2) FINAL ACTION IN LESS THAN 3 YEARS.—If final agency action is taken with respect to the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws before the date that is 3 years after the date on which a new term grazing permit is issued under subsection (a), the Secretary shall—

(A) cancel the new term grazing permit; and

(B) if appropriate, issue a term grazing permit for a term not to exceed 10 years under terms and conditions as are necessary for the proper administration of National Forest System rangeland resources.

(d) DATE OF ISSUANCE.—

(1) EXPIRATION ON OR BEFORE DATE OF ENACTMENT.—In the case of an expiring term grazing permit that has expired on or before the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) not later than 15 days after the date of enactment of this Act.

(2) EXPIRATION AFTER DATE OF ENACTMENT.—In the case of an expiring term grazing permit that expires after the date of enactment of this Act, the Secretary shall issue a new term grazing permit under subsection (a)(1) on expiration of the expiring term grazing permit.

(3) WAIVED PERMITS.—In the case of a term grazing permit waived to the Secretary pursuant to section 222.3(c)(1)(iv) of title 36, Code of Federal Regulations, between January 1, 1995, and December 31, 1996, the Secretary shall issue a new term grazing permit under subsection (a)(2) not later than 60 days after the date on which the holder waives a term grazing permit to the Secretary.

SEC. ___04. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW.

The issuance of a new term grazing permit under section ___03(a) shall not be subject to administrative appeal or judicial review.

SEC. ___05. REPEAL.

This Act is repealed effective as of January 1, 2001.

PRYOR (AND OTHERS) AMENDMENT NO. 415

Mr. PRYOR (for himself, Mr. STEVENS, Mr. PRESSLER, Mr. WELLSTONE, and Mr. COCHRAN) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 13, beginning on line 12, strike all through line 8 on page 14 and insert in lieu thereof the following:

"(2) SIGNIFICANT RULE.—The term "significant rule"—

(A) means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(i) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(iii) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(B) does not include 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."

LEVIN (AND GLENN) AMENDMENT NO. 416

Mr. LEVIN (for himself and Mr. GLENN) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 14, strike lines 3 through 7, and insert in lieu thereof:

"SECTION 7. JUDICIAL REVIEW.

No determination, finding, action, or omission under this Act shall be subject to judicial review."

LEVIN (AND GLENN) AMENDMENT NO. 417

Mr. LEVIN (for himself and Mr. GLENN) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 14 of the amendment, line 2, strike the period and insert: ", except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matters."

WELLSTONE AMENDMENT NO. 418

Mr. REID (for Mr. WELLSTONE) proposed an amendment to amendment No. 410 proposed by Mr. NICKLES to the bill S. 219, supra; as follows:

On page 8, line 4, delete everything from "after" through "Congress" on line 5 and insert "during the period beginning on the date on which the report referred to in section 3(a), is received by Congress and ending 45 days thereafter,".

NICKLES AMENDMENT NO. 419

Mr. NICKLES proposed an amendment to amendment No. 410 proposed by him to the bill S. 219, supra; as follows:

On page 12, line 7, strike the word "significant";

On page 13, line 2, of amendment No. 415 strike the words ", issued after November 9, 1994,";

On page 14, line 23, strike the word "significant".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a markup on Wednesday, March 29, 1995, beginning at 10:30 a.m., in room 485 of the Russell Senate Office Building on S. 325, a bill to make certain technical corrections in laws relative to native Americans, and for other purposes; S. 441, a bill to reauthorize Public Law 101-630, the Indian Child Protection and Family Violence Prevention Act; S. 349, a bill to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program; S. 510, a bill to extend the reauthorization for certain programs under the Native American Programs Act of 1974, and for other purposes; and to approve the committee's budget views and estimates.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., in SR-301, Russell Senate Office Building, on Thursday, March 30, 1995, to hold a markup.

The Committee will consider the following legislative item: Senate Resolution 24, providing for the broadcasting of press briefings on the floor prior to

the Senate's daily convening, and an amendment in the nature of a substitute to Senate Resolution 24.

For further information concerning these hearings, please contact Mark Mackie of the committee staff on 224-3448.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 28, 1995, at 9:30 a.m. on pending committee business.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 28, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to consider the nomination of Daniel R. Glickman to be Secretary of Agriculture.

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

COMMITTEE ON FINANCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Tuesday, March 28, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on child support enforcement.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NICKLES. 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 28, 1995, at 10 a.m. to hold a hearing on U.S. Assistance to Europe and the NIS.

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

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 28, 1995, at 11 a.m. to hold a hearing on judicial nominees.

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

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 28, at 2 p.m. to hold hearing on "Federal Habeas Corpus Reform: Eliminating Prisoners' Abuse of the Judiciary Process."

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a Hearing on S. 454—Health Care Liability Reform and Quality Assurance Act of 1995, during the session of the Senate on Tuesday, March 28, 1995, at 9:30 a.m.

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

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, March 28, 1995, in open session, to receive testimony on the defense technology and industrial base policy in review of the Defense authorization request for fiscal year 1996 and the future year's defense program.

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

SUBCOMMITTEE ON INTERNATIONAL FINANCE

Mr. NICKLES. 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 28, 1995, at 2:30 p.m. to conduct a hearing on the reauthorization of the export-import banks tied aid warchest.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management and the District of Columbia be permitted to meet during a session of the Senate on Tuesday, March 28, 1995, at 9:30 a.m., to hold a hearing on reducing the cost of Pentagon travel processing.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Tuesday, March 28, 1995, at 9:30 a.m., in open session to receive testimony on U.S. ballistic missile defense requirements and programs in review of the Defense authorization request for fiscal year 1996 and the future year's defense program.

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

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of Congressional action on the budget through March 24, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 218), show that current level spending is below the budget resolution by $2.3 billion in budget authority and $0.4 billion in outlays. Current level is $0.8 billion over the revenue floor in 1995 and below by $8.2 billion over the 5 years 1995–99. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $238.7 billion. $2.3 billion below the maximum deficit amount for 1995 of $241.0 billion.

Since my last report, dated March 13, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 27, 1995.

Hon. PETE DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through March 24, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 13, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS MAR. 24, 1995

[In billions of dollars]

	Budget resolution (H. Con. Res. 218)[1]	Current level[2]	Current level over/under resolution
On-budget:			
Budget authority	$1,238.7	$1,236.5	$−2.3
Outlays	1,217.6	1,217.2	−0.4
Revenues:			
1995	977.7	978.5	0.8
1995–99[3]	5,415.2	5,407.0	−8.2
Maximum deficit amount	241.0	238.7	−2.3
Debt subject to limit	4,965.1	4,756.4	−208.7
Off-budget:			
1995	287.6	287.5	−0.1
1995–99	1,562.6	1,562.6	*0
Social Security Revenues:			
1995	360.5	360.3	−0.2

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS MAR. 24, 1995—Continued

[In billions of dollars]

	Budget resolution (H. Con. Res. 218)[1]	Current level[2]	Current level over/under resolution
1995–99	1,998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve funded.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Includes effects, beginning in fiscal year 1996, of the International Antitrust Enforcement Act of 1994 (P.L. 103–438).

* Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS MAR. 24, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions			
Revenues	(*)	(*)	$978,466
Permanents and other spending legislation	$750,307	$706,236	(*)
Appropriation legislation	738,096	757,783	(*)
Offsetting receipts	(250,027)	(250,027)	(*)
Total previously enacted	1,238,376	1,213,992	978,466
Entitlements and mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,887)	3,189	(*)
Total current level[1]	1,236,489	1,217,181	978,466
Total budget resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under budget resolution	2,255	424	(*)
Over budget resolution	(*)	(*)	766

[1] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

* Less than $500 thousand.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.•

TURKEY'S INVASION OF IRAQ

• Mr. KERRY. Mr. President, I commend the Senator from Rhode Island for his principled stand on this issue and I'm pleased to join him as an original cosponsor of Senate Resolution No. 91, which condemns Turkey's invasion of Iraq.

On March 20, an estimated 35,000 Turkish troops poured across Iraq's northern border in a massive assault on the Kurdish guerrilla group known as the Kurdistan Workers' Party, or PKK. Although Turkish Prime Minister Tansu Ciller defended the invasion as a legitimate act of self-defense, the nature and extent of Turkey's invasion of northern Iraq belie this assertion. Accordingly, this resolution calls on President Clinton to express strong opposition to Turkey's invasion and to request that the United Nations Security Council condemn the invasion and seek an immediate and unconditional withdrawal of Turkey's forces back to Turkey.

Turkey's invasion contradicts its obligations under the United Nations Charter and the Organization for Security and Cooperation in Europe which oblige Turkey to respect the territorial integrity of other states, and to support the human rights, fundamental freedoms, and the self-determination of all peoples.

I and many of my colleagues sympathize with Turkey's struggle to defeat the Marxist PKK which has been engaged in a struggle for over a decade to establish an independent Kurkish state and has adopted terrorism as the principle means toward that end. However, the nature and brutality of the tactics Prime Minister Ciller and the military have adopted to combat the PKK are unacceptable, counterproductive, and unlikely to succeed.

The invasion, besides violating the fundamentals of international law, is likely to exacerbate the conflict rather than calm it. Moreover, Turkey's action seriously detracts from its standing in the international community. For a nation seeking to convince the world—and the European Union in particular—that it is committed to democracy, the rule of law, and respect for human rights, the invasion of Iraq and the ongoing military campaign to eliminate the PKK undermine Turkey's commitment to these principles and raises legitimate questions about the nature and extent of our relationship with Turkey.

Turkey, I fear, has fallen victim to the temptation to combat terrorism with reciprocal and punitive acts of violence more destructive than PKK acts of terrorism. The Turkish military has systematically emptied Kurdish villages and uprooted many Kurdish citizens from their homes. Human rights organizations have documented extensive human rights abuses, including torture and political assassination. The military's actions often wreak havoc and destruction on innocent Kurds and provide an incentive for Kurds to support the PKK.

I fear that relations between our two nations will deteriorate unless Turkey takes demonstrable steps to improve its human rights record, abandon the military campaign, and seek alternative solutions to the Kurdish problem. Turkey's recognition, that its Kurdish civilians have civil, cultural, political, and human rights is an essential first step. Failure to recognize these rights would be folly, for it is simply inconceivable for Turkey, if it is to remain committed to the fundamentals of democracy, the rule of law, and respect for human rights, to seek a military solution where one-fifth of the Turkish population—15 million—is Kurdish.

Turkey has long been a loyal and trusted allay and a valuable member of NATO. Like all nations, Turkey is struggling with the difficult task of defining its diplomatic, security, and economic roles in the post-cold-war era. This task is compounded by the need to combat PKK terrorism and the expansion of violent Islamic fundamentalism. However, these challenges, difficult though they may be, in no way legitimize Turkey's invasion of northern Iraq, and the United States must make it clear to Turkey that such behavior is damaging to our relationship and inconsistent with the announced goals of democracy, human rights, and the rule of law.•

SOCIAL SECURITY FUNDS NOT IMMUNE FOREVER

• Mr. SIMON. Mr. President, one of the interests of all Members of the House and Senate, I am sure, is to preserve Social Security. We may differ on the avenue to achieve that, but we share that concern.

What should be clear to anyone who looks at the Social Security matter with any serious concern is that the national debt is the threat to Social Security.

I have just finished reading an editorial column in Congressional Quarterly written by David S. Cloud, titled "Social Security Funds Not Immune Forever."

In that article he says what is the simple reality: "The longer Congress and the White House delay dealing with the deficit, the greater the threat to Social Security's long-term existence."

No one can seriously question the validity of that statement.

I hope that sometime between now and the time this Congress adjourns, we can get one more vote for the balanced budget amendment.

At this point, I ask unanimous consent to print the complete David Cloud editorial column in the RECORD.

The column follows:

CQ ROUNDTABLE—SOCIAL SECURITY FUNDS NOT IMMUNE FOREVER

(By David S. Cloud)

If Republicans and Democrats in Congress are as dedicated to eliminating the federal deficit as they profess, someday soon they will have to answer serious questions about the future of Social Security. Otherwise, neither party's promise to preserve Social Security—or to balance the budget—can be considered altogether credible.

Congressional debates about Social Security center almost entirely on charges that one party or the other is plotting to deny benefits to retirees or is looting the trust funds of payroll tax revenue. While deep cuts in Social Security are certainly possible in coming years, it won't happen because of some secret desire by elected officials; it will happen because Congress is left with no other choice.

The relationship between Social Security and the deficit is not obvious. Thanks to big payroll tax increases enacted in 1977 and 1983, Social Security recovered from near-

bankruptcy and is now taking in more revenue from workers' paychecks than it pays out in benefits every year. The result is a growing trust fund balance, expected to be about $900 billion by 2000, that many view as a nest egg to pay benefits for baby boomer retirees next century. The surplus is often used as justification for leaving Social Security alone.

There are indeed good reasons to view Social Security as unique. No other program has such a broad base or such a strongly implied contract: Workers sacrifice now in the form of payroll deductions for the security of benefits after they retire. And the program has an uncontested record of sharply reducing poverty among the elderly.

But defending Social Security in isolation from the rest of the federal budget is as misleading as it is enticing. Politicians are especially prone to try.

House Speaker Newt Gingrich, R-Ga., has singled out Social Security as the only program immune from cuts as Republicans work to balance the budget by 2002. Senate Democrats recently killed the constitutional amendment to require a balanced budget after they failed to win special protections for Social Security.

But all this ignores a central fact: It is unlikely that the budget can be balanced without affecting a program that now constitutes more than a fifth of federal spending.

Why can't Social Security be left alone as long as it is self-financing? For openers, a program of Social Security's immenity—$330 billion in fiscal 1994—consumes tax revenue that could otherwise go toward reducing the deficit, if Congress didn't have to keep payroll taxes at such high levels to finance the Social Security system. Some of those benefits are going to retirees who, by any definition, are well-off. In 1990, families with income above $100,000 received more than $8 billion in Social Security benefits.

The logic of capturing some of that money for deficit reduction proved inescapable in 1993, when Congress raised taxes on some upper-income retirees by taxing more of their Social Security benefits. (House Republicans now want to repeal that tax increase.) There seems to be no appetite for undertaking a bolder attempt at scaling back Social Security benefits among recipients further down the income scale. The other option—increasing payroll taxes—does not seem likely.

Yet the longer Congress and the White House delay dealing with the deficit, the greater the threat to Social Security's long-term existence.

The reason rests with what is happening to all those surplus dollars Social Security is now accumulating. The trust funds are being invested in U.S. Treasury bonds, with the promise that the money plus interest will be paid back next century. In other words, the government is borrowing from the Social Security trust funds and eventually will have to repay those funds.

But continuation of massive borrowing from now until then will only make it harder to repay the obligations when the baby boomers retire.

When will this demongraphic crunch hit? Baby boomers will begin to retire around 2010. According to the 1994 Social Security Board of Trustees report, the trust funds will not run dry until 2036, absent further congressional action. But the fiscal strain will actually arrive much sooner—beginning around 2013, when the Social Security system starts drawing heavily on interest payments from the Treasury to pay for benefits.

If the federal government is still running a deficit, making those interest payments to the Social Security trust funds will necessitate a massive addition to government borrowing, or a big income tax increase.

All of the choices will be unappetizing—a mountain of additional debt, angry workers asked to more heavily subsidize retirees, or sharp cuts in Social Security benefits. And any effort by today's politicians to segregate Social Security from the rest of the budget will matter not a whit.•

STEWART L. BELL: A NEW FACE IN POLITICS

• Mr. REID. Mr. President, it is a pleasure for me to rise today to congratulate a good friend of mine and of the State of Nevada for a lifetime of outstanding achievement, Clark County District Attorney Stewart Bell.

Stew Bell has been a resident of southern Nevada since 1954. He graduated from Western High School with honors in 1963 while also distinguishing himself as the Nevada State High School Mathematics Champion. In 1967, he graduated with distinction from the University of Nevada, Las Vegas and, 3 years later, was awarded a Juris Doctorate from UCLA.

He returned to Las Vegas to work in the Clark County Public Defender's Office and, in 1973, he went into private practice and became a senior partner of one of the State's most prestigious firms.

Throughout his entire legal career, Stew Bell has distinguished himself as an outstanding trial attorney, defending thousands of criminal, civil, business, and domestic cases. He is one of the few attorneys to receive the Martindale-Hubbell A V Rating, the highest possible attorney rating for professional competence and ethics.

In addition to professional achievements, Stew Bell has also been a committed leader in the legal and civic community of Nevada. He has served as president and vice president of both the Nevada bar and the Clark County Bar Associations, on numerous State legal panels, as a court appointed special prosecutor, and as an alternate municipal judge and juvenile court referee.

Stew has also contributed hundreds of hours to youth programs such as the Variety Club for Handicapped Children, the Boys and Girls Club, and the Vegas Girls Soccer League. His list of civic achievements is too lengthy to enumerate, and I have always been amazed at his ability to juggle his civic, church, family, and professional responsibilities. Yet he has always done so with energy, enthusiasm, and zest.

A dedicated family man, Stew is married to Jeanne Bell and together, they have raised four wonderful children: Linda, a recent graduate of the University of San Diego School of Law; Kristen, who is currently attending the University of Nevada, Reno; Stephen, a student at Bonanza High School, and Greg, who is attending Cashman Junior High.

Last year, Stew Bell entered into his first political campaign, for the prestigious position of district attorney for Clark County. Because of his ernest reputation and his commitment to hard work, Stew was able to win the election handily.

On Sunday, April 2, the Paradise Democratic Club will be honoring Stewart Bell with the "Outstanding Democrat of the Year Award." I can think of no one more deserving of this award. Stew Bell represents all that is good about public service, and he is an excellent role model for the children and adults of our State.•

PERSPECTIVE: BACKS DR. HENRY FOSTER'S NOMINATION

• Mr. SIMON. Mr. President, the President of the United States has nominated Dr. Henry Foster to become Surgeon General of the United States.

I have had the chance to visit with him and see him at one public meeting in action, and I have been favorably impressed.

I believe there has been great distortion of who he is and what he stands for.

I was interested in seeing in the Chicago Defender the other day, a statement by the president of Fisk University on the Henry Foster nomination.

Because of its insights, I ask that the statement be printed in the RECORD.

The statement follows:

[From the Chicago Defender, Mar. 13, 1995]

BACKS DR. HENRY FOSTER'S NOMINATION

(By Dr. Henry Ponder)

I support Dr. Henry Foster's nomination to become the next surgeon general of the United States.

I would speak against the three most-mentioned reasons why he should not be confirmed. They are: (1) the number of abortion procedures he has performed over the last 30 years; (2) his integrity; and (3) the bungling of his nomination by the White House.

Regarding the first point, it is yet to be proven that Foster committee any crime or illegalities in the years that he has practiced medicine as one of America's premier board-certified obstetrician/gynecologists.

It must be reiterated that abortion is not considered illegal in America for, under *Roe* vs. *Wade*, the Supreme Court has ruled that abortion procedures performed by a doctor, however abhorrent and immoral it is to a sizable portion of Americans, is still constitutionally acceptable. Until that ruling is reversed, Foster and any number of other doctors will not be in violation of the law.

Ironically, Foster pointed out recently on "Nightline" with Ted Koppel, that he "abhors abortion." In cases which he had to perform abortion procedures, he said they were only "for rape, incest and saving the life of the mother." Should a man be castigated for something his society allows or permits as lawful, or should his society confer good behavior upon him for being law-abiding? I think rational men and women would agree with the latter rather than the former.

It can be clearly shown that Foster has done nothing wrong, illegal or unconstitutional. He has stayed within the confines of

his professional ethical code and parameters and societal jurisprudence. He should be commended and not assailed.

The second issue being used to stop Foster's nomination is integrity. It is said that, at different times. Foster said he performed about 12, 39 or some 700 abortions over the last 30 years. Foster said that he misspoke about the number of abortion procedures he has performed in his career. How many of us have not misspoken and corrected ourselves when we learned the facts?

I think the worst kind of man is the one who refuses upon learning he is mistaken to correct himself. Foster, before the nation and on "Nightline," stated that upon reflection and in hindsight, he should have consulted his records more thoroughly about it. When Foster had the chance to reexamine his files, he, as any man with integrity will do, correct himself and apologized for the error.

This should not taint one's character. It should rather brighten it. But, unfortunately, in today's America, contrition on the part of anyone is a sign of "a damaged good" that is irreparable.

Even the good book, the Holy Bible, says that one should be forgiven in their contrition. Integrity to me is being able to say you are wrong when you discover that you are.

Foster should not be raked over the coals for admitting error, if in the process, he sets his records straight.

Thirdly, there is no question that the White House bungled this nomination. They have said as much. this whole affair could have been handled better in a straight and clearer manner by presenting Foster as a nationally renowned medical practitioner who, over 30 years, has performed abortion procedures to save the life of the mother, or due to rape or incest. It would also have been communicated that he abhors abortions and only performed them under the rarest of such cases.

I accept the statements by the president's staff that they made a mistake in handling the nomination and concur with them that the strong credentials Foster brings to the position of surgeon general outweighs presidential staff bungling and error or at worst misjudgment.

I wholeheartedly support foster's nomination and I ask the Senate to confirm him and for the country to stand by the president's excellent choice. He shouldn't be punished or scapegoated for the controversy and the tensions that abortion brings to the political arena for there are rational people on both sides of the battle.

Better yet, there are some who are working to eliminate at the root, the instances that lead to teenage pregnancy. Foster is a general in this army and he deserves to be confirmed as surgeon general.•

PEACE IN NORTHERN IRELAND

• Mr. LEAHY. Mr. President, I recently returned from a short visit to Ireland, Northern Ireland, and London, England, where I met with government officials and representatives of the political parties in Northern Ireland, on developments in the peace process there. This is an exciting time in Northern Ireland, where a ceasefire is holding for the first time in a quarter century. I ask that the report of my trip be printed in the RECORD.

The report follows:

CODEL LEAHY—TRIP REPORT, REPUBLIC OF IRELAND, NORTHERN IRELAND, ENGLAND, FEBRUARY 17–21

From February 17–21, I traveled to the Republic of Ireland, Northern Ireland, and London, England, to meet with leaders of Irish and British Governments and representatives of the political parties in Northern Ireland, and to observe the use of funds administered by the International Fund for Ireland (IFI). In London, in addition to meeting with British and American officials on developments in Northern Ireland, I also discussed efforts to limit the proliferation and use of antipersonnel landmines. I was accompanied by Tim Rieser and Kevin McDonald of my personal staff. Travel was by commercial air and rental car.

INTRODUCTION

I have closely followed the situation in Northern Ireland for many years. I was among those who last year urged President Clinton to grant Gerry Adams, leader of Sinn Fein, the political arm of the Irish Republican Army (IRA), a visa to travel to the US. That decision is widely credited with having led to the IRA ceasefire and the peace process that is now unfolding.

The timing of this trip was important because of developments in Northern Ireland since the December 1993 Joint Declaration between former Irish Prime Minister Reynolds and British Prime Minister Majors. That Declaration initiated the latest attempt to resolve the Northern Ireland conflict which has claimed over 3,200 lives in the past 25 years. Most importantly, the two leaders agreed that any change in the status of the North could only occur with the consent of a majority of the people there.

In August 1994, shortly after Gerry Adams received a visa to visit the US, the IRA announced a unilateral cease-fire which led to October cease-fires by Protestant paramilitary groups. Since then, informal talks have been conducted between the Irish Government and Sinn Fein. I arrived in the Republic just six days before the publication of a controversial "Framework Document," which contains proposals put forth jointly by Irish and British Governments aimed at bringing about a permanent settlement of the conflict.

DUBLIN

Meeting with Tainiste Dick Spring: I arrived in Dublin on February 17. Senator George Mitchell, who last December was appointed the President's Special Advisor on Economic Initiatives in Ireland, was also in Dublin that day accompanied by a delegation of officials from the White House and Commerce Department, and our two delegations met over lunch with Tainiste Dick Spring. Our discussions focused on the Framework Document, which Tainiste Spring has had a central role in negotiating, and plans for the May 1995 Trade and Investment Conference.

Representatives of the Irish and American business communities, and the political parties, will meet in Washington over a three day period to discuss potential American-Irish joint ventures and other investment opportunities in the Republic and Northern Ireland.

There is universal agreement among all factions that economic development, especially in areas of high unemployment in the North, is key to any lasting peace since there is a direct correlation between high levels of unemployment and violence. There is also widespread recognition of the crucial role that the United States can play in promoting economic investment. Four areas with high potential have already been identified: tourism, food processing; pharmaceuticals; and telecommunications.

Senator Mitchell, after quoting President Franklin Roosevelt that "the best social program is a job," stressed that this is to be an economic conference, not a political conference, although it is inevitable that politics will play a part. Ireland has much to recommend it, including its highly trained, English-speaking workforce and location at the gateway to 350 million European consumers. Setting up follow-up mechanisms to assist potential investors will be particularly important. Senator Mitchell and I stressed that while the U.S. can help facilitate investment in Northern Ireland, this is a long-term endeavor which depends on the sustained efforts of all the people on the island.

There was also a general discussion about the important role the International Fund for Ireland has played in bringing economic development to disadvantaged areas during a period when the Northern Ireland violence caused many potential investors to go elsewhere.

Address to peace and Reconciliation Forum: Shortly after the IRA cease-fire, the Irish Government initiated a "Peace and Reconciliation Forum" as a way to quickly bring Sinn Fein into informal discussions with the government and other political parties. Although the Unionist parties complained that the Forum was an Irish Government affair and declined to participate, the Forum has provided a bridge between the cease-fire and formal all-party talks which are anticipated in the future.

Senator Mitchell and I were each invited to address the Forum, which is held each Friday at Dublin Castle. Among the audience of approximately two hundred were Tainiste Spring of the Irish Government, Gerry Adams of Sinn Fein, and John Alderdice of the Alliance Party. After introductions by Forum Chair Judge Catherine McGinness and Ambassador Jean Kennedy Smith, I explained that I had come at this pivotal time to give encouragement to all the parties involved in the peace process, and to emphasize that the United States would fully support their efforts in an even-handed way. I stressed that the Framework Document, portions of which had been leaked to the press and were already the focus of much debate and intense criticism from Unionists, should be treated as a discussion document rather than a final blueprint. I said that as long as it was based on the principle of consent, it should threaten no one.

Senator Mitchell, who was in the final day of his visit, described the strong desire he had sensed among the people for a better life and the importance of moving quickly to attract economic investment. He noted that the majority of the 44 million Irish immigrants in the U.S. are non-Catholics, and that economic hardship in Northern Ireland is felt by both Catholics and Protestants. He mentioned several items that will be on the May conference agenda, including: establishment of U.S.-owned plants; support for community banking; tax free regimes for U.S. investors; duty free status for Irish imports; addressing the problem of under-represented communities in the workforce; the problem of dual currencies in North an South; and the MacBride principles.

Our speeches were followed by a general discussion among the participants, which included several appreciative comments about the important role of the United States in moving the peace process forward.

Meeting with Taoiseach John Bruton: Although there was some initial speculation in

the press that Taoiseach Bruton might not be as seized with the peace process as his predecessor, he has won praise for keeping the process moving steadily forward. Senator Mitchell and I met privately with the Taoiseach for approximately 45 minutes. We discussed the Framework Document and events leading up to it, and how he thought it would be received. We also emphasized President Clinton's strong, personal interest in the peace process and the importance of pressing ahead despite Unionist threats to boycott the talks.

Dinner hosted by Ambassador Smith: A dinner hosted by the Ambassador included Judge Catherine McGinness, Senator Maurice Manning, Reverend Roy Magee, and Dr. Martin Mansergh, all of whom have had a role in the peace process. I discussed the British Government's demand that the IRA decommission some of its weapons before Sinn Fein is rewarded with a seat at the negotiating table. The general view was that Prime Minister Major has backed away from this position somewhat, recognizing that the IRA is unlikely to respond favorably at this point and that it would be a mistake to link further progress in the peace talks to this single issue. The point was made that turning over weapons by one side has never happened in Irish history, and that the aim should be to keep the dialogue moving forward. The issue of disarmament by all parties will be dealt with in the process of the talks. (Since my return, Sinn Fein leader Gerry Adams, in response to President Clinton's decision to permit him to raise funds in the United States, agreed to discuss the issue of disarmament with the British Government at the ministerial level. Although the President's decision was criticized by British officials, I am hopeful that it will lead to further progress towards peace which would be to everyone's advantage.)

The Northern Ireland conflict has been winding down since about 1989. The IRA concluded that violence was accomplishing very little, and that the political process might offer more. On the other hand, the Unionists, lacking imaginative and dynamic leadership, have lost touch with the people, who desperately want peace. But while the war is over, the guns are not going to be relinquished immediately. As the British move their troops out, the IRA and Protestant paramilitary groups will surrender their weapons incrementally as further progress is made towards a final peace agreement. It was also suggested that the British Government exaggerated the amount of weapons possessed by the IRA to suit their own ends, and it also coincidently benefitted the IRA. Now it is a problem for both, and there is no way to prove how many weapons they have. Giving up a small amount of semtex to a third party such as the United Nations or the United States, as I and others have suggested, would be a positive gesture that could help build confidence.

Meeting with former Taoiseach Albert Reynolds: Without the forceful leadership of former Taoiseach Reynolds it is doubtful that there would be a cease-fire or peace process today. Reynolds told me that the Unionists, who claim they were not consulted on the text of the Framework Document, had significant input into the 1993 Joint Declaration. Reynolds said it was his idea to replace Article 3 of the Irish Constitution, which contains Britain's claim of sovereignty over Northern Ireland, with the principle of consent. The aim was to shift responsibility for the status of the North to a majority of the people there. This was a crucial initiative that has become the cornerstone of the Framework Document.

Reynolds described the future as unpredictable. The demographics of the North are changing. Today, 57 percent are Protestant, down from 63 percent a decade ago. In another generation the majority may be Catholic. But not all Catholics want to be part of the Republic.

Reynolds said that both sides accept the reality that the weapons will have to be surrendered, but it will take time. As the process develops it will become less of an issue. He said the IRA will never turn over their weapons to the British, since it would imply surrender. It will have to be to a third party. Reynolds said United States support for the peace process has been critical. He said the decision to grant Adams a visa was what led to the cease-fire, but that there was no way Adams would or could renounce terrorism at that time and that anyone who thought so was naive. He agreed with the view that the Unionist leadership is out of touch. They never thought a cease-fire would happen, and in the unlikely event that it did they assumed it would be short-lived. They have not thought about what they would do in the absence of violence, and were unprepared for the situation they now find themselves in.

BELFAST

The trip from Dublin to Belfast was notable for the dramatic change that has occurred at the border, where just six months ago a British military checkpoint slowed traffic to a crawl and subjected travelers to close scrutiny by armed soldiers and searches of any suspicious vehicles. Today, the checkpoint is unmanned and vehicles pass through without delay. Although British military observation posts still protrude from the tops of hills, the military presence generally is far from what it was. In Belfast, where armored troop carriers and helmeted troops regularly patrolled the streets in large numbers, daytime patrols there have ended. British troops now wear berets instead of helmets.

The reduced British military presence in Northern Ireland has won wide acclaim from Catholics. However, the day before I arrived in Northern Ireland heavily armed British troops conducted a raid in the IRA-stronghold are of Crossmaglen near the border, which drew strong criticism from Sinn Fein as well as Irish Government officials, who felt that the eve of publication of the Framework Document was a time for both sides to show restraint.

Dairy Farm IFI Project: Shortly after arriving in Belfast I toured the 'Dairy Farm'' shopping center with International Fund for Ireland Chairman Willie McCarter, and IFI Joint Directors General Chris Todd and Brendan Scannell. The center, located in a Catholic area of West Belfast, is a community-owned project developed with $3.8 million from the IFI. It includes a retail complex with a large supermarket, multi-purpose civic center, library, retail units, and service businesses that have brought life to a depressed community that lacked any of these facilities.

In later meetings with IFI officials, I discussed past management problems with the Fund and reports that the House and Senate Budget Committees have proposed to eliminate United States funding for the IFI in FY 1996. They assured me that the IFI is no longer financing golf courses and other kinds of projects that drew past criticism, including from myself. It targets disadvantaged communities, Catholic and Protestant, in the North and in border counties in the Republic. Since its inception a decade ago, the IFI, with total contributions of about $400 million from the US and the European Community, has leveraged twice that amount in private sector investment. These funds have been used to support economic regeneration projects in some 300 communities.

I pointed out that whether or not there is an earmark for the IFI in the foreign aid appropriation, the President has said he will provide a $30 million contribution to it in each of FY 1996 and FY 1997, a $10 million increase from FY 1995. IFI officials, and indeed everyone I spoke to in Dublin, Belfast and London concerned with the situation in Northern Ireland, argued persuasively that continued United States funding is an important measure of its support for the peace process.

Comber Orange Lodge: In preparation for my visit to Northern Ireland, I requested the opportunity to speak to a Unionist audience. Arrangements were made for me to address the Orange Order in Comber, a middle-class community near Belfast. The Orange Order is the oldest and largest Protestant organization in Northern Ireland, with over 80,000 active members, and some 4,000 members in the Republic. They regard themselves as British subjects and are intensely pro-Unionist.

My purpose in addressing the Orange Order was, as an Irish American Catholic, to attempt to counter the impression that the United States Government, and especially Irish American Catholics like myself, seek a particular outcome in the North. I stressed that the United States has one goal only, peace, and that it will support the peace process even-handedly. I expressed support for the principle that the status of the North should not change without the consent of a majority of its people. I also stressed the importance of protecting the civil rights of all people, majority and minority.

Several people in the audience vigorously criticized the Framework Document. I responded that rather than reject a document that has not yet been published, they should look towards bringing their ideas and concerns to the negotiating table and to treat the Framework for what it is, a discussion paper rather than a final settlement.

Unionists fear that the British Government's real purpose in seeking a resolution to the Northern Ireland conflict is to abandon them, and they see the United States as part of a pro-Nationalist plot. They fear being isolated—foresaken by Britain and unwilling to become Irish. Lacking dynamic and imaginative leadership, they are at risk of history passing them by. Many long for a past that never was, dream of a future that never would be, and they fear a present they do not understand.

Members of the Comber Orange Lodge were impassioned, but respectful. They claimed to support tolerance and jobs for all people, and pointed out that many Protestants are as bad off as Catholics. Several complained about not being able to interest the US media in their cause, although they refuse the press access to their own meetings.

Meeting with Gerry Adams: I spent about an hour with Gerry Adams. I commended the efforts he, John Hume and Albert Reynolds have made to seize this opportunity for peace. We discussed Adams' request to raise funds in the United States, which at the time was under consideration by the Clinton Administration. He felt that British opposition to it was nothing more than an effort to control the peace talks, since it is even inconsistent with their own policy of letting

him raise funds there. He added that Sinn Fein can already raise funds in the United States, only he and certain other leaders are banned from doing so. I told him that the fundraising issue is an issue primarily because the British have made it one.

Adams said the United States contribution to the IFI enables the Administration and the Congress to speak with credibility on the peace process. He added that the Catholics were organized and ready to make proposals to the Fund, unlike the Protestants, but that Protestant leaders have since been impressed by the Fund's accomplishments.

Adams raised the case of an IRA prisoner in Tucson, Arizona, who is charged with buying explosive detonators. He expressed concern about the conditions of his imprisonment.

Meeting with West Belfast Catholics: On Sunday morning, after meeting with Sister Mary Turley and Father Myles Kavanaugh of the Flax Trust, which like the IFI funds projects in disadvantaged neighborhoods in Belfast, I met with a group of Catholic community workers in West Belfast. Geraldine McAteer, the spokesperson for the group, explained that they work in both Catholic and Protestant neighborhoods. She said there was a great desire for peace, and that with the ceasefire they were finally able to stop living in fear of seeing their children beaten or killed. She said people of both traditions want equal social and cultural rights. She emphasized the importance of equal self-esteem. She said Unionists should be able to act British if they choose, and Nationalists should be able to act and feel Irish. She said there is room on the island for both, and that both have much in common.

We talked about why there was a sense that this time the conflict might really be over. They said that working class Protestants have come to recognize that although they always thought being tied to Britain would make them better off, it has not turned out that way. Their kids are doing worse in school than Catholics. They said the Unionists need to learn to fend for themselves, because the government is not going to do it for them. Catholics realized that a long time ago.

They said the Unionists fear that a united Irish Catholic majority would mistreat them as they have mistreated the Catholic minority in the North. At the same time, when they as Catholics imagine a united Ireland, they become concerned about being part of a religious state. They favor separation between church and state, and the right of all to worship as they please.

Ms. McAteer mentioned the planned construction of a public university on land within their community, funded in part with £5 million from the IFI. She expressed support for the project because of the economic benefits it will bring, but concern that too little has been done to involve community members in the planning of the project. She fears that many of the high paying jobs will go to outsiders, and local people will be left only the menial jobs. I later conveyed her concern to IFI Chairman Willie McCarter.

LONDON

Meeting with Ambassador William Crowe and Under Secretary Peter Tarnoff: At an evening meeting with Ambassador Crowe and Under Secretary Tarnoff, we discussed a wide range of issues including Northern Ireland and the problem of the proliferation of antipersonnel landmines. The issue of Gerry Adams' request to raise funds in the United States came up, and the Ambassador expressed concern that the IRA has done nothing since the cease-fire to enhance confidence in its commitment to peace. Ambassador Crowe also expressed concern about the landmine problem and described some of his own experiences with landmines in combat.

Meeting with Under Secretary Sir Timothy Daunt: I met for approximately 90 minutes with Under Secretary Daunt and three members of his staff on funding for UN peacekeeping operations, international efforts to stop the proliferation and use of antipersonnel landmines, and developments in Northern Ireland.

Sir Timothy and his staff expressed alarm at proposals under consideration in Congress which would have the effect of drastically reducing United States funding for UN peacekeeping operations. They specifically mentioned legislation that would apply the cost of in-kind contributions, such as transport costs and materiel, towards UN assessments. They said the effect of this, if applied to Britain, would be that the UN would owe Britain hundreds of millions of dollars it does not have and UN peacekeeping would quickly end. The logical results would be greater direct United States military involvement in regional peacekeeping activities. I told them that I agreed that these proposals are misguided, and that what is needed is a permanent UN logistical force that can respond to humanitarian crises without unnecessary delay.

On the subject of landmines, Sir Timothy said that Britain and the US are near agreement on a comprehensive agreement ("control regime") on the production, use and transfer of antipersonnel landmines. He said Britain accepts elimination of antipersonnel landmines as the final goal. They favor restructuring landmine stockpiles in favor of mines that self-destruct or deactivate within 48–72 hours, if they are not in marked and guarded minefields.

I explained the problems posed by such an approach, namely, that they do not always self-destruct and that it assures the continued use of non-self-destruct mines by countries that cannot afford the more expensive alternative. Sir Timothy said that while Britain recognizes these arguments, which are also put forward by certain Members of Parliament and nongovernmental organizations, the government continues to regard landmines as a legitimate and necessary weapon. He said that in the future there may be alternatives and changes in military strategy, but that elimination of these weapons is not feasible in the short or medium term. He added that the British military believes they can assure a failure rate of self-destruct mines of not more than 1/1000. I said that while the United States and British Governments can say they will use only self-destruct mines, Third World governments will be unmoved. They are not going to declare war against either of our countries, but they are going to keep using them against their own people and their neighbors.

The British officials expressed concern that insurgent groups would not comply with a complete ban on antipersonnel mines. I said that while there will always be some who ignore a ban, if the use of landmines is treated as a war crime they will be rarely used. This is what we have seen with chemical weapons. Sir Timothy said they are afraid to take an "all or nothing approach" that could jeopardize support in the Third World for less drastic measures. I pointed out that the approach being advanced involves an elaborate, largely unenforceable scheme that will not solve the problem.

The subject of demining was discussed. I was told that Britain has contributed £7 million towards this effort, and that 67 British troops are involved in training deminers in Cambodia. While this is important, all agreed it was a far cry from what is needed.

Finally, we discussed the Northern Ireland situation. Sir Timothy spoke of the strong sense of alienation felt by Unionists in the North. He said the overwhelming majority of people in Britain want to get out, but they also have a sense of responsibility that is reflected in the £4.5 billion in aid Britain sends to Northern Ireland annually.

Meeting with Member of Parliament Paul Murphy: Paul Murphy is the Labour Party's chief spokesman on Northern Ireland. He began the meeting by describing his contacts with leaders of Sinn Fein, who he said are skillful and well-informed, if somewhat unsure of how to proceed. They clearly want to get back into the political process, and are anxious to be treated as politicians although they control only 8–12 percent of the vote. He said Sinn Fein is a growing political threat to John Hume's Social Democratic and Labour Party. He said he is encouraged that Protestant gunmen have also spoken about the need to solve social problems. The armed groups have become used to peace, to being able to walk around without fear. He believes that anyone who threatens that will be harshly criticized.

I told Murphy that I was very impressed with Prime Minister Major's leadership on the Northern Ireland issue, and Murphy confirmed that the British Labour Party fully supports the British government's policy. He said both have strong Unionists in their ranks, but agree on the principles in the Framework Document. He added that there may be some disagreement over the pace of moving ahead. He said the Ulster Unionist Party is facing a successionist vote, and that it's current head, James Molyneaux, may resign in favor of David Trimble who has been a vocal opponent of the Framework. He said no Unionist can embrace any kind of "all Ireland" structures, although the obvious and intelligent solution is to have one approach in such areas as energy, tourism, trade, and agriculture. He said he understands the Unionists' fear of being absorbed into a theocracy, but questioned why they are so upset when they know the Framework enshrines the principle of consent and they constitute a majority. He said the Unionists will complain about the Framework but they will be under considerable pressure from their constituents, who want peace, to join the process.

We discussed the issue of Gerry Adams' request to raise funds in the United States. Murphy said he has no objection to this as long as the proceeds are not used to buy weapons. We also discussed the need for reform of the Royal Ulster Constabulary, the Protestant police force in Belfast which is hated and feared by Catholics. Murphy said that any Catholic who joined the RUC would be killed. Sinn Fein favors disbanding the RUC and creating a new, united police force for the whole island.

Meeting with Minister of State Tony Baldry: Minister Baldry's portfolio includes North America, foreign assistance, and international counternarcotics programs. We discussed recent changes in the Congress, and the need for more interaction between legislators from our two countries. We also discussed Northern Ireland, and the use of the British Virgin Islands as a transhipment point by narcotics traffickers.

CONCLUSIONS

The single most compelling message I heard from the people of the Irish Republic and Northern Ireland was that they are done with violence, and that anyone who returns to violence would be condemned by a majority of people of both traditions. I could feel an intense desire on the island to find a way for both Catholics and Protestants to coexist. However, I also sensed that some Unionists, who have willingly seen themselves as British subjects their whole lives, are so fearful that their way of life is coming to an end that they could ignite renewed violence if they are not reassured otherwise.

Despite this danger, I was very impressed with the momentum the peace process has gained. The visionary leadership of John Hume coupled with the courageous decision of British Prime Minister Major, former Irish Prime Minister Reynolds, and Prime Minister Bruton, to seize this opportunity, have constructed a process that I am optimistic will lead to lasting peace.

The much-anticipated Framework Document was published the day after I arrived back in Washington, where it was very well received. Since then, President Clinton has agreed to permit Gerry Adams to raise funds in the United States, and Adams responded by declaring his readiness to discuss the decommissioning of arms with the British Government. The British Government reciprocated by withdrawing 400 of its troops from Northern Ireland. Ministerial level talks between Britain and Sinn Fein are expected soon. I believe this is crucial to reassuring Unionists that they will not be left defenseless to a renewed IRA threat.

The role of the United States in this effort cannot be overstated. After a somewhat inauspicious beginning, the International Fund for Ireland has served a vital role in creating jobs—29,000 at last count, and bringing hope to hundreds of the most depressed communities, both Catholic and Protestant, in Northern Ireland and the border countries of the Republic. The IFI is clearly a short-term solution. If peace takes hold, private investment should replace the IFI as the engine of economic development within two or three years. Until then, the IFI is an important symbol of U.S. support for the peace process and a tangible way to support that process during this fragile period.

In addition, President Clinton's willingness to take political risks that the Irish and British Governments were either unwilling or unable to take themselves, has made an enormous difference. My hope is that my reinforcing his message in Dublin, Belfast and London I was able to give some added impetus towards lasting peace in the land of my father's father.•

REGULATORY REFORM

• Mr. SIMON. Mr. President, the March 6, 1995 edition of the New Yorker included a thoughtful piece on regulatory reform by James Kunen. He recalls the history that led to the enactment of laws and agency regulations designed to protect the public from unsafe foods and warns against regulatory reforms that will doom us to repeat that history.

This article deserves the attention of the Senate as we prepare for the upcoming debate on regulatory reform so I ask that it be printed in the RECORD.

The article follows:

[From the New Yorker, Mar. 6, 1995]

RATS: WHAT'S FOR DINNER? DON'T ASK.

Ninety years ago, Upton Sinclair's immensely popular documentary novel "The Jungle" exposed the conditions then prevailing in the American meat-packing industry. "Rats were nuisances, and the packers would put poisoned bread out for them; they would die, and then rats, bread, and meat would go into the hoppers together," Sinclair wrote, in one of many vivid passages based on his research in Chicago, and he added, "There were things that went into the sausage in comparison with which a poisoned rat was a tidbit."

Peering back in time from the moral heights of the present, we may find it hard to make out why the captains of industry circa 1905 conducted their businesses so rapaciously. Were their hearts more resistant to the promptings of conscience than those of today's corporate executives? Or did Sinclair's villains do what they did because it kept costs down and, besides, they could get away with it? Such questions are of more than just literary interest right now, for what can be got away with may be on the brink of vast expansion.

Sinclair's best-seller helped spur the passage by Congress, in 1906, of America's first great consumer-protection measures—a federal meat-inspection law and the Pure Food and Drug Act, which together prohibited the shipment of adulterated or mislabeled foods in interstate commerce. The first great political obstruction of consumer protection quickly ensued. When producers of dried fruit complained that limits on the use of sulfur as a preservative might hurt sales, President Roosevelt's Secretary of Agriculture, James Wilson, backed down. "We have not learned quite enough in Washington to guide your business without destroying it," Mr. Wilson explained to them apologetically, no doubt omitting to deride the inside-the-Beltway outlook of the Department's scientists only because the Beltway had yet to be built. Pro- and anti-regulatory forces have grappled for advantage ever since. This week, the House Republicans, as part of their Contract with America, are striving to rout the rulemakers once and for all with a set of measures they imaginatively call the Job Creation and Wage Enhancement Act of 1995. The legislation would erect new obstacles in the already tortuous path of risk assessment.

GLENCOE STUDENTS WIN ENGINEERING AWARD

• Mr. SIMON. Mr. President, more than 1.8 million Americans are employed as engineers, making it the Nation's second largest profession.

National Engineers Week has been celebrated annually since 1951 in order to increase recognition of the contributions that engineering and technology make in the quality of our lives. During the week of February 19 to 25, more than 40 well-known engineers participated in a variety of activities to help promote engineering.

Among those activities was the national engineers week future city competition. This competition encourages middle-school students to help envision solutions to facing our Nation's cities. These seventh- and eighth-grade students use math and science skills to design tabletop models of futuristic cities, and each group of students is assisted by a teacher and a volunteer engineer.

This year a team of students from Glencoe, IL, was among the seven teams from around the country that went to the final competition at the National Science Foundation, and I was pleased when they took third place in the competition.

Those deserving special recognition are Stephanie Richart, Alexandra Wang, and Denise Armbruster, and their teacher, Barbara James, of Central School in Glencoe, and also Bob Armbruster who volunteered his services in helping the group with their project.•

MAKING MINORITY APPOINTMENTS TO COMMITTEES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 95 at the desk, which was submitted earlier by the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 95) making minority party appointments to the Committee on Energy and Natural Resources, and the Committee on Veterans' Affairs.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

So the resolution (S. Res. 95) was agreed to, as follows:

Resolved, That the following shall constitute the minority party's membership on the following Senate committees for the 104th Congress, or until their successors are appointed:

Energy and Natural Resources: Mr. Johnston, Mr. Bumpers, Mr. Ford, Mr. Bradley, Mr. Bingaman, Mr. Akaka, Mr. Wellstone, Mr. Heflin, and Mr. Dorgan.

Veterans' Affairs: Mr. Rockefeller, Mr. Graham, Mr. Akaka, Mr. Dorgan, and Mr. Wellstone.

ORDERS FOR WEDNESDAY, MARCH 29, 1995

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:45 a.m., Wednesday, March 29, 1995, and that following the prayer, the Journal of the proceedings be deemed to be approved to date, the time for the two leaders be reserved for their use later in the day; that the Senate proceed to a period of routine morning business not to extend beyond the hour of 10:45 a.m., with Members recognized to speak for up to 5 minutes each, with the following exceptions: Senator CAMPBELL, 10 minutes; Senator

MOSELEY-BRAUN, 40 minutes; Senators NICKLES and REID, for a combination of 10 minutes.

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

Mr. NICKLES. Under the previous order, at 10:45 a.m., a rollcall vote will occur on the passage of the regulatory moratorium bill, S. 219.

Mr. REID. Mr. President, I would like to take this opportunity to express to my friend from Oklahoma, my appreciation for his patience, perseverance, and his diligence in arriving at this point.

I think the bill to be voted on, as amended by the substitute, is a very important piece of legislation for this country. This could not have been done but for the leadership of my friend from Oklahoma. I have enjoyed the process. I think it has been one that has been educational for us all, and I think as we proceed through the calendar this year, we will look back to this as a significant improvement in the lives of the American public.

I say that the American public should understand that it is possible to do things on a bipartisan basis. My friend from Oklahoma is chairman of the conference committee. I have a like position on the Democratic side. Again, I publicly commend and applaud the Senator from Oklahoma for his work in this matter.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator REID. We have worked together on many issues over the years in the Senate. It has been a pleasure to work with him on this issue. I think this is a significant bill and one that has been improved because it has been bipartisan. I again thank Senator LEVIN and Senator GLENN, and many other colleagues on this side of the aisle, for some of their amendments that we agreed to today. I think we have improved the bill as well.

ORDER TO PROCEED TO H.R. 1158

Mr. NICKLES. I ask unanimous consent that the Senate begin consideration of H.R. 1158 immediately following passage of S. 219.

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

PROGRAM

Mr. NICKLES. For the information of all Senators, a vote will occur tomorrow at 10:45 on passage of the regulatory moratorium bill, and the Senate will then begin the supplemental disaster assistance bill.

Therefore, votes can be expected to occur throughout Wednesday's session of the Senate. The Senate could also be asked to remain in session into the evening on Wednesday in order to make progress on the appropriations bill.

ORDER TO RECESS

Mr. NICKLES. I now ask that following the remarks of Senator JEFFORDS, the Senate stand in recess under the previous order.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. Mr. President, I ask unanimous consent that I may proceed for a period not to exceed 5 minutes as in morning business.

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

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

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 643 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JEFFORDS. Mr. President, I yield the floor.

RECESS UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess.

Thereupon, the Senate, at 7:14 p.m., recessed until Wednesday, March 29, 1995, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate March 28, 1995:

DEPARTMENT OF ENERGY

JAMES JOHN HOECKER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2000. (REAPPOINTMENT.)

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LLOYD W. NEWTON [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5137:

CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL

To be vice admiral

HAROLD M. KOENIG, MEDICAL CORPS [redacted]

HOUSE OF REPRESENTATIVES—*Tuesday, March 28, 1995*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. LONGLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 28, 1995.

I hereby designate the Honorable JAMES B. LONGLEY, Jr. to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore (Mr. LONGLEY). Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from American Samoa [Mr. FALEOMAVAEGA] for 5 minutes.

IN WELCOME OF THE PRIME MINISTER OF NEW ZEALAND, THE HONORABLE JIM BOLGER

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today on behalf of my colleagues in the Congress to extend a warm and heartfelt welcome to the Honorable Jim Bolger, the Prime Minister of New Zealand and members of his delegation. This is indeed an historic occasion, as it has been over a decade since New Zealand's Prime Minister has been invited to Washington to meet with our President. And I want to commend President Clinton, Secretary of State Warren Christopher, Secretary of Defense William Perry, and Assistant Secretary Winston Lord for bringing about this normalization of our relations with the leaders and good people of New Zealand. I also want to welcome our Nation's Ambassador to New Zealand, the Honorable Josiah Beeman, who is also in Washington.

As some of our colleagues may know, in 1987, the United States Government restricted political, military, and security contacts with the nation of New Zealand in response to her adoption of antinuclear legislation that was perceived to be inconsistent with United States military interests in the South Pacific.

Although I can understand why our defense ties and Anzus obligations to New Zealand were terminated, I have never supported an across-the-board snubbing that our country forced New Zealand to endure for years. While we restricted high-level contacts with New Zealand, I find it ironic that our Government had no problem in meeting with leaders from totalitarian states and Communist regimes.

New Zealand is a longstanding and respected democracy that shares our values, and has historically been a close friend of the United States for most of this century. The people of New Zealand and America are much alike and have much in common—including a shared language, a common heritage of multiculturalism, and a firm commitment to the principles of free market economies.

Our two nations, as allies, have fought at each others' side against aggression in virtually every major conflict in recent times. From World War I and World War II, to the Korean, Vietnam, and the Persian Gulf wars, New Zealand has joined with America to combat those forces that have threatened democracy and undermined international security and peace.

As a member of the U.N. Security Council, New Zealand has actively supported the United States in multilateral collective security efforts. This has included joint operations with America in U.N. peacekeeping missions to Cambodia, Somalia, Rwanda, and Haiti, as well as contributions to U.N. peacekeeping efforts in Bosnia, Angola, and Mozambique.

In the Asia-Pacific, both New Zealand and the United States support the Asean Regional Forum, which provides the best promise for engaging the major Pacific powers in a new multilateral security architecture for the region. In furtherance of nonproliferation controls, New Zealand early on supported United States negotiations resolving the North Korean nuclear crisis, and has strongly worked with the United States for indefinite extension of the Nuclear Nonproliferation Treaty.

Moreover, New Zealand has played an active and positive role in supporting United States efforts in international economic fora, such as the Uruguay round of GATT, APEC, the Pacific Economic Cooperation Council, and the Pacific Basin Economic Committee.

Given the nature of this long and extraordinarily deep relationship between our democracies, I strongly applauded the Clinton administration's policy change last year to resume senior-level diplomatic contacts with New Zealand for discussion of political, strategic, and broad security matters. The removal of New Zealand's diplomatic handcuffs has been long overdue.

Although several Members in both Houses of Congress lobbied the administration for years to lift the unfair restrictions, certainly Prime Minister Bolger deserves a good part of the credit. During the Seattle APEC summit, his brief meeting with President Clinton resulted in a promise to review the relationship between our nations. No doubt their personal exchange expedited the review process, resulting in removal of constraints between our governments and resumption of high level dialog.

The Honorable Jim Bolger has been Prime Minister of New Zealand since 1990. Although the breakthrough in bilateral relations with the United States has been a significant accomplishment during his tenure, certainly Prime Minister Bolger must also be commended for the dramatic and dynamic revitalization of New Zealand's economy. Under Prime Minister Bolger's leadership, New Zealand has undergone comprehensive economic reforms, changing from one of the most insulated and restrictive economies in the OECD to one of the most open and competitive.

Today, New Zealand stands as a model for the rest of the world as to the benefits of free market reforms. The country's annual GDP exceeds 6 percent, inflation has been curbed at 2 percent, unemployment is rapidly declining along with foreign debt, while government budget surpluses are increasing.

To accomplish this feat, New Zealand has undertaken several initiatives, such as liberalizing trade by slashing tariffs and removing imports quotas, encouraging financial liberalization by eliminating controls on prices, interest rates, and wages, while introducing a floating exchange rate, broadening the tax base, by implementing a value-added tax, while cutting corporate and personal tax rates, reducing government budgets by privatizing public enterprises and removing subsidies, and substantial deregulation across most sectors of the economy, with a monetary policy targeting price stability as the major objective.

These free market reforms have culminated in the World Competitiveness Report in 1994 ranking New Zealand first for long-term competitiveness among the advanced economic nations of the OECD.

Mr. Speaker, in recognition of this historic trip to Washington, it is my distinct privilege and pleasure to congratulate Prime Minister Bolger and the good people of New Zealand for their unwavering commitment to democracy and outstanding economic accomplishments of its government.

On this great occasion, Mr. Speaker, I submit to my distinguished colleagues in this Chamber, to join me by welcoming Prime Minister Bolger and members of his delegation to our Nation's Capital. As my Polynesian cousins, the Maoris of New Zealand would say, "Kia ora."

Tinei mauriora! Tena koutou, tena koutou, tena koutou katoa. Te whare e tu nei, temarae e takoto nei, tena korua. Nga hau e wha, nga iwi e tau nei, tena koutou katoa. The breath of life! Greetings, greetings, greetings! To the House, to the land, greetings to you both. People of the four winds, people gathered here, greetings to all of you.

UNITED STATES OCCUPATION OF HAITI

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, today is day 191 of the United States occupation of Haiti. The United States occupation of Haiti is scheduled to end in 3 days. The invasion will be over.

What will we be leaving behind in Haiti besides one billion United States taxpayers' dollars? Are we leaving a stable and secure government? I think not. Unfortunately, the evidence is in, and we are leaving a mess. We are leaving 2,500 of our troops there to do some peacekeeping with some other troops from some other countries in a situation that is far from optimistic.

There is a requirement that Congress has put on the White House for regular reporting about what is going on, and I asked for that report as we neared the end of this occupation time.

The White House tells us that things are fine in Haiti. Quoting from a letter from President Clinton to the Speaker, dated the 21st of March, it says: "Overall, Haiti has remained calm and relatively incident-free since the deployment of United States and MF forces. The level of political violence has decreased substantially since the departure of the de facto government," et cetera, et cetera.

I think it is time that the folks in the White House started reading the newspaper. Things are not quite that way.

I go back to a New York Times article that came out just as recently as this Sunday, and I say, quoting, "Only a week before the responsibility for maintaining security here is to shift from the United States to the United Nations, the Haitian government is struggling to contain a sudden surge in crime and street violence. Frustration over the crime wave, which has included slaying of political figures as well as robberies and break-ins, has led to a series of vigilante attacks against suspected lawbreakers," et cetera, et cetera.

Reading on from the same New York Times article last week, that was a week ago, after a series of daring daylight holdups and car thefts, the capital was hit by spasms of vigilante violence. Over 2 days, 21 suspected thieves were beaten, stoned or hacked to death by enraged groups, mainly residents of working class neighborhoods.

This seems to belie the statement that calm has returned to Haiti. This seems to belie the statement that we now have a secure and stable environment, as the United Nations asserts. I guess it is all right for them to assert it since we are maintaining the maximum exposure, we as the Americans, and our forces down there.

I think that the media is breaking down the misrepresentations that are coming out of the administration on why we are in Haiti and what we are about there. What is important for Haiti is that we do establish democracy and we try to help it in an intelligent way.

The implications for our upcoming elections, given this wave of violence and the breakdown that is going on there, are not good. Candidates have been killed.

We have got elections for parliament in June. We need a parliament in Haiti. We do not have one; and, in fact, we have a de facto dictatorship. We have no justice system and no parliament, so we have a de facto dictatorship.

And where people are being discouraged, they are not only being discouraged, they are being assassinated if they run for office. That is pretty strong discouragement.

The implications for business, we have had 20,000 of our combat troops down there. If we cannot get prosperity, security, and create an investment climate with that kind of stability, what is going to happen when those troops leave in 3 days?

So, clearly, we are not doing well in the area of encouraging investor, and unfortunately the facts show that very well also.

The implications for security are not so good, either. President Aristide, quoting him from another newspaper report, said, "Mr. Aristide was particularly critical of the remaining Haitian police and judicial authorities, whom he described as, 'cowardly and derelict in their duties'."

When the President of your country gets up there and says you cannot count on your police, that does not contribute to calm. When he goes further than that and says, "Look, folks, you better be prepared to take care of yourselves and the workers down in the slum part of Port-au-Prince, down in Cite Soleil, are encouraged to go out and take care of themselves, that means they are down there sharpening their machetes."

And indeed we do have exactly that report, that the people in Cite Soleil are back, going back to protect their homes, are sharpening up their machetes and are preparing for even more violence. This is not a stable and secure environment by any stretch of the imagination.

We do not have a parliament. We are pulling out American troops. We do not have a government that has got any confidence in its police force for stability. The justice system is breaking down.

They found that when they went to one prison out of something like 527 inmates only 15 of them had actually been convicted. So they turned loose 200 people who are actually people who should have been brought to justice but the system had broken down. And then the decent folk in Haiti were enraged that they were turning criminals loose on the streets. That is another system that has broken down.

It is critical in a democracy to have the three branches of government working, and in Haiti not any of the branches of Government are working. Rather than delude ourselves and declare victory, let us look at the real situation and get a foreign policy that is comprehensive, works and does build democracy in Haiti and stop kidding ourselves with these false reports from the White House.

THE CONTRACT IS HURTING AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Oregon [Ms. FURSE] is recognized during morning business for 2 minutes.

Ms. FURSE. Mr. Speaker, it is day 83 of the Republican contract. And every day a Republican has come down on this floor and told us what part of the contract they passed. But what they have not told us is what it did to us. So I am here to tell you who got hurt in the contract and who didn't. Who are the winners. Who are the losers.

Well, kids got hurt. Changes in the School Lunch Program made it harder for them to learn.

Single parents got hurt. Child care was cut. Now working families, maybe just a single mom or a single dad at home, they won't have somebody to look after their kids when they are out working.

And then pregnant women, they got hurt. At a time when good nutrition is essential, we cut the WIC Program. Children will suffer, and the taxpayer will suffer because they will be paying for those expensive low-birth-weight babies.

Seniors got hurt. Housing assistance, heating assistance, those programs got cut in the contract.

Students got hurt. If they were hoping to go to college, they will find fewer student loans to help them.

And the disabled, they got hurt. Fewer will receive assistance, and many parents with disabled children will have their stipend eliminated. Consumers got hurt. Their ability to redress wrongs has been reduced. All poor people got hurt, and most middle-income people got hurt.

The Coast Guard got hurt. That means less safety for boaters and fishers, less drug interdiction. And, of course, the environment, that got hurt. Clean air and water safety, that has been cut. Fish and wildlife programs cut.

And veterans, they got hurt. Their medical benefits and housing assistance has been cut.

The taxpayers got hurt.

And, most of all, America got hurt.

Well, now I want to tell you about who did not get hurt. Who were the winners under the contract?

Well, the very wealthy, they did fine. There are tax breaks coming their way.

The Pentagon did fine, no cuts, not even the $1 cut I asked or the $8 billion cut I asked.

Corporations didn't get hurt. They did fine.

Polluters did fine.

I suggest to my Republican colleagues when they go back for the Easter break that they realize that they represent all Americans, not just the wealthy, the polluters, and the corporations.

CAPTIVITY IN IRAQ OF DAVID DALIBERTI

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. STEARNS] is recognized during morning business for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to protest the treatment of David Daliberti and his fellow American, William Barloon, by the nation of Iraq. After accidentally straying across the Iraqi border, these two men were tried in a questionable court and sentenced to a prison term that lends new meaning to the phrase "cruel and unusual punishment."

Mr. Daliberti and Mr. Barloon are private United States citizens employed by an American company doing business in Kuwait. On their way to visit friends with the U.N. peacekeeping force patrolling the border, they were misdirected by the U.N. Iraq-Kuwait observer mission and found themselves in Iraqi territory. As even their Iraqi court-appointed attorney said at their trial, they were carrying no weapons, no cameras, no maps, no compasses—nothing that could indicate these men were anything other than innocent victims of an unintentional mistake. And, according to the Polish diplomat who attended the trial on behalf of the United States, even the judge in the case was sympathetic to their plight. Nevertheless, Iraqi law is Iraqi law and the men were sentenced to 8 years.

Mr. Speaker, I don't want to see these men used as political pawns. If the statement yesterday by the Iraqi Parliament leader is truthful, it is a good sign when he said, and I quote, "we don't think that we are going to facilitate the question of the sanctions through detaining these two Americans."

As Mr. Daliberti and Mr. Barloon languish in an Iraqi prison, I urge the White House, State Department and foreign diplomats working on our behalf to spare no effort in securing their release at the earliest possible date. I also recommend that the Clinton administration dispatch a high-level delegation to Iraq to negotiate for the release of these men. And although I am fully aware that we have no diplomatic relations with Iraq, I call upon the Iraqi authorities to do the right and humane thing and release these American citizens today.

The trial of these two men was wrong, their sentence was unfair, and their release is imperative. The wives and families of these men, especially Kathy Daliberti with whom I've already spoken to express my support—are counting on their Government to employ whatever means necessary to bring them safely home.

TERM LIMITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Ohio [Ms. KAPTUR] is recognized during morning business for 2 minutes.

Ms. KAPTUR. Mr. Speaker, I would ask today whether you would like to fly with an experienced pilot or an inexperienced pilot? Or would you like to go to an experienced dentist or an inexperienced dentist?

Today, I rise in opposition to all the proposals that will be debated here for term limits on Members of this body as a direct undermining of our Constitution. There are many days here when I know I am the only voice the people in my district have here in the Congress of the United States, and I know that I am better, I am smarter, I am more experienced than I was when first elected.

I think it is important to say for the record that the problem of politics in Washington isn't the number of years that people are elected. It is the amount of money that is being put into campaigns, trying to influence people's views when they get elected here.

Campaign financing reform is not in the contract. It is one of the important missing elements in the contract. It does not matter if you serve here for 6 years or 60 years. If we do not limit and control the money that is controlling this political process, term limits won't matter.

For you say in whose interest is it to have term limits? In whose interest is to have juvenile representation here, to have constant upheaval where Members do not even know one another on the floor?

There has been a two-thirds change in this Chamber just in the last 6 years. In whose interest is it to have this place in constant upheaval?

We have had turnover. People have been thrown out of office. But, for one, I do not want to give up JOHN GLENN in the Senate. Who knows more about the defense of this Nation? Or RALPH REGULA of Ohio on trade or SAM NUNN and JACK MURTHA on defense?

Or even though I do not agree with these gentleman, JOHN CHAFEE in the Senate and BILL ARCHER in this House on tax and budget policy? Or PAT LEAHY on agriculture or NICKY RAHALL on mining or ALAN SIMPSON with that acrid sense of humor that sometimes keeps us in balance here or OLYMPIA SNOWE in the Senate or LEE HAMILTON or DALE BUMPERS or RON DELLUMS or RICHARD LUGAR on foreign policy or JERRY SOLOMON on veterans?

I, for one, do not want to undermine the Constitution. I, for one, want a blend of experience and people who cannot be bought in this Chamber.

I do not support term limits. It undermines the Constitution, and we ought to stand up for what is right for the American people and once and for all put a limit on campaign spending.

CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, as we are drawing near to this 100-day closure, I think it is very important to talk about what we have done and look at this.

I think for children what we have done has been absolutely outrageous. It is like we tied them to the tracks, the railroad tracks, and let the contract roll over them like it was a huge, huge freight train.

Why do I say they were tied to the tracks? Well, first of all, we did things that were not quite as serious, I suppose, but the taking away of things or

the cutting of the wings of Big Bird and some of the only decent programming on television, cutting of nutrition programs all across the board, the absolute zeroing out of summer jobs for adolescents in the city, strangling the National Service Program which was a way many young people got their college education. We absolutely almost zeroed that out totally, attacking math and science programs in the public schools when heaven only knows we need that, taking on student loans, one of the main ways that young people today are able to get their college education.

Yes, all of those things have been put on the table, and all of those things have been chopped during this first 100 days. And why? Why? To create this great crown jewel of the contract, tax cuts, tax cuts for the special interests that sent people here. It is tax cuts for the rich, and the kids pay the bill.

And I think there is something terribly wrong with that math, and so I am not happy about this first 100 days.

But there is another part of this first 100 days that I think is very troubling. For everyone else in the contract, this contract went rolling along like mad, but when it came to the politicians' interests, the contract comes to a screeching halt.

Watch it come to a screeching halt today on term limits. You are going to find that is the one area of the contract they are going to decide to amend or play with or whatever.

Now I do not happen to be for term limits. I believe the Constitution and this great Republic have lived over 200 years without this and so I do not think it needs to be there. But many people played on the cynicism that was out there and said this was important.

And yet we are seeing cynicism piled up at the door of this body every single day. We are seeing admissions in Time magazine that they are letting special interests into Members' offices to write the legislation and to write amendments.

Never seen that before. Absolutely rotten, I think. And that may be why kids were on the line. They do not have anybody giving big money that could get into Members' offices and write this legislation.

We saw the gift ban turned down. On the very, very first day of this body, the gift ban got turned down. Nobody wanted to stop the gifts. Well, I did, and I think that is an important reform that we needed.

We have seen nothing moving on campaign finance reform that the gentlewoman from Ohio was talking about that is so important. And we have seen the Committee on Standards of Official Conduct play all sorts of games with the rules. They have changed the rules. And we see ethics violations that are allegedly being piled up at the door, and nothing happening.

So it is very interesting. For everyone else, you are going to get your crown jewel. Special interests, you are getting to write the legislation. The kids are going to pay the bill. And for politicians things aren't going to change.

I do not think that is what the American people had in mind when they started into this whole contract. But I certainly hope they look at this and look at it very carefully.

Because I think if we are going to see more of this after this 100 days, we are in deep trouble in this country as we are breaking all sorts of commitments we shouldn't be breaking to the only hope we have for the next century and that is our children, that is our young people, and to treat them this way and this rashly in the name of paying back the folks who paid the campaign winners' bills in the last election is positively wrong morally and every other way.

TERM LIMITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. MCCOLLUM] is recognized during morning business for 5 minutes.

Mr. MCCOLLUM. I have heard quite a bit of discussion our here today about all the pain that is going on. I have not seen much of it, quite frankly, in the first 100 days except the difficulty of spending the hours that it takes for us to write those programs into law, at least get them passed through the House and sent on to the Senate that we promised as Republicans in the campaign to do.

As you know, I am sure my colleagues do, nothing that we have suggested is all that dramatic a departure except that we are sending things back to the States where I think, and most of us on this side think, that there is much greater wisdom about how to do those things than there is here in Washington, especially things like crime fighting, which is primarily local, and welfare which can be best handled by those back home who know how to do it.

But the money and the resources are going back there. Nobody is going to be destitute because of what we are doing, a lot of hand wringing going on about what we have not gotten to. Well, gosh, we have done more in the first 100 days than any Congress in 50, 60, 70 years has, maybe in the history of this country.

But I come to the point of what we are going to discuss today and tomorrow as the legislative agenda, and that is term limits.

Some on the other side of the aisle, including a couple of the speakers this morning, have alluded to the idea somehow we are not going to be able to fulfill this part of the contract. I do not know if we are going to get to 290 votes, but I know if about 50 percent of the Democrats would help us, we would get there.

We have 85 percent or better of the Republicans who are going to vote for term limits out here, hopefully vote for final passage. I believe they will on whatever version. But in order to succeed it takes two-thirds of the Congress.

We have only 230 Republicans. And quite a number, 30 or more, out of conviction really genuinely do not believe in term limits, are going to vote no.

We need to get a balance on the other side. Fifty percent is at least what it is in the populous out there. Because with nearly 80 percent of the American public supporting term limits, we know that is evenly divided between Democrats and Republicans in the general public, but it has not been in this House.

And maybe that is a reflection of why this is the first time in history we have had a term limits debate out here. The Democrats have controlled the U.S. House of Representatives for 40 consecutive years, and only with a lot of pressure in the last Congress did they even hold hearings in committee, let alone consider bringing a bill to the floor of the House for debate that would provide a constitutional amendment to limit the terms of House and Senate Members.

It is time to make this change. It is time to do it deliberatively. And let's think about why for a minute.

First of all, if we look back in history, the Founding Fathers of this country could not have envisioned when they wrote the Constitution the kind of full-time Congress we have today or the career orientation that Members have developed.

If you think about it, Congressmen in the early days, in fact for the first 100-plus years of our country, only served 1 or 2 months a year up here in Washington. And they went back home and did their businesses and did the ordinary things they do in the community. And, very frequently, they only served one or two terms. It was a rare exception for them to serve longer.

Then beginning about the middle of this century, moving on until now, Congress became a full-time, year-around job, partly because the size and scope of the Federal Government became exceptionally big.

□ 1300

While I would like to reduce it, we are not going to immediately reduce it. The truth of the matter is, when that occurred there became a different breed of attitude in Congressmen here in the sense that men and women could not do the jobs back home. They basically had to give them up.

Today, there are actually laws in the books that prohibit certain occupations like attorneys and accountants

from practicing their professions, and most Members of Congress today have no outside earnings outside of those investments that a few may have.

Mr. Speaker, today we have a career-oriented Congress, Congressmen who come here thinking that they have to give up a job. And many of them, for security reasons or otherwise, are looking to stay here for longer periods of time.

That has been the pattern with committee chairmen, requiring you to be in service for 12, 15 years to be one, and sometimes committee chairmen serving for 15 or 20 years. That is wrong, and it has led to rather poor decision-making.

Members seeking to make a career out of this place tend to want to please every interest group to get reelected, not to get campaign funds but to please the groups to get votes, to please the groups that are basic to them, whatever group that may be, however small it is. The idea being if you do not displease anybody then you are going to get them to vote for you next time since they are the ones that are the squeaky wheels paying attention.

Consequently, that is why we have so much trouble balancing the budget and getting some common sense in government around here.

Mr. Speaker, it seems to me only logical then that the way we can reform and the only way we can truly reform permanently Congress is to change the Constitution to make things balanced again, much like the Founding Fathers had originally thought it should be.

The best way, the only way to do that is to set term limits. I propose a 12-year limit on the House and Senate. My version of the term limit amendment that will be out here as the base bill for a vote tomorrow is one which says that we serve 12 in the House and 12 in the Senate as a permanent deal.

There is no retroactivity. There is no preemption of the States. Whatever the Supreme Court decides in the pending cases and the Arkansas case before it will be the law of the land. If they decide against the States, then the 12-year limit will be uniform. If they decide for the States, there will be somewhat of a hodgepodge potentially out there.

Mr. Speaker, the bottom line is I think that a difference between the House and Senate terms, say 6 for the House and 12 for the Senate, would make the House an inferior body to the Senate. It would make it weaker. That does not make sense to me.

I would urge my colleagues to vote for term limits and vote for the 12-year version.

DISAPPOINTMENT WITH WELFARE BILL

The SPEAKER pro tempore (Mr. LONGLEY). Under the Speaker's announced policy of January 4, 1995, the gentlewoman from California [Ms. WOOLSEY] is recognized during morning business for 3 minutes.

Ms. WOOLSEY. Mr. Speaker, as the only Member of Congress who has been a single, working mother on welfare, I am very disappointed by the welfare plan that House Republicans approved last week.

I am disappointed because we had a real opportunity to fix our broken welfare system, and instead, House Republicans approved a plan that guts the system and shreds the safety net for 15 million children. The same safety net that enabled my family to get back on our feet 27 years ago.

As someone who came to Congress to improve the lives of our children and families, defending them from attacks by House Republicans is not the way I intended to spend my time.

Poor women and their children did not sign on the dotted line of the contract on America, but they are certainly in line to suffer its disastrous consequences.

The bill does nothing, absolutely nothing, to prepare welfare recipients for jobs that pay a livable wage.

There is no job training. There is no education. And while the Republicans have put some money toward child care, following intense pressure from the Democrats, there is still not nearly enough.

And, their bill literally takes food out of the mouths of our kids.

In my district alone, Marin and Sonoma Counties in California, almost 7,000 school children will be denied a school meal.

I have only one thing to say about their plan to wreck child nutrition programs:

"States don't get hungry, children do."

And, starving our children is not the solution to the welfare mess.

I am also disappointed that Chairman HENRY HYDE and I were not given the opportunity to offer our amendment to federalize child support collection. We believe that federalization is the best way to collect outstanding child support, and we will continue our bipartisan effort to make sure children receive the support they are owed.

Mr. Speaker, the choice comes down to this: We either punish families because they are poor, or, as was the case with my family, we invest in them so they can get off welfare permanently.

As this bill moves to the Senate, it is essential that harsh and punitive measures in the House welfare bill be removed. We can get families off welfare without punishing women and children. We can produce a welfare bill that is worthy of widespread bipartisan support.

PATENT PROBLEMS WITH GATT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. ROHRABACHER] is recognized during morning business for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, today I would like to draw public attention to a great miscarriage of justice that will happen to American citizens starting June 8 unless the Congress acts now.

Most people do not understand the importance of patent rights for the American people, but let me be concise and just say that as we are entering this information age and this new era of technology unless we guarantee the protection for the creativity and genius of the American people and for the investment of American investors in new technology, America will fall behind.

Mr. Speaker, in the past, America has always led the way economically because we protected people's property rights, including their intellectual property rights. In fact, most people do not know the U.S. Constitution includes a strong provision about patent rights. So from the very beginning our Founding Fathers, like Thomas Jefferson and Benjamin Franklin, who were themselves innovators and technicians, ensured that our country would place a great deal of value on the protection of new inventions and intellectual property rights.

In fact, for 150 years the tradition has been that American citizens would have 17 years of protection in which they would own any new technology that they invented. Well, that is what has happened for 150 years.

Unfortunately, last year during the GATT process, during our negotiations with other powerful interests around the world, a provision was snuck into the GATT implementation legislation that was not mandated by the GATT treaty itself. Let me repeat that. Something was put into the legislation for the GATT which is about an international trade agreement that was not required by what we had agreed to with those other trading partners to be in the GATT legislation.

What that provision was, was something that reduced the number of years of patent protection for American citizens. Today, we have 17 years of protection, as we have had for 150 years. If one files a patent, no matter how long it takes that person to be issued a patent, that means when a patent is finally issued the investors will have 17 years to recoup.

The change that was snuck into GATT says that once someone files for a patent the clock starts ticking, and he only has 20 years. No matter how long it takes for that patent to be issued, after 20 years that person no longer owns that technology.

Mr. Speaker, do you know what that means? That means that our most innovative Americans who created new technologies will see that their patent

rights are reduced dramatically, the people producing new technology.

What was snuck into the GATT language over my strenuous objection and many others was this law that will mean billions of dollars that would be coming to Americans who invent new technologies now will stay in the corporate bank accounts of multinational corporations and Japanese corporations. Billions and billions of dollars that used to come to Americans are now being kept overseas. Our people were betrayed. Their rights were reduced.

Now, if you ask our Patent Office why that happened, why did they sneak that in there, why did they keep Congressman like myself in the dark until 10 days before GATT was actually put before this body and wouldn't tell us what was in there concerning patent rights? Well, we have got to do something to correct the patent system because they have something called the submarine patent in which some patent holders, some people who have applied for patents, maneuver through the system and actually have a longer period than the 17 years of protection because they manage to have the patent not issued.

The submarine patent problem can be corrected administratively and should have been. It is like a hangnail on your toe. An infected tow with a hangnail feels really bad, but the last thing you want to do when you have a hangnail is to cut your foot off.

Instead of correcting the hangnail problem, what our leaders have done is use a hangnail as an excuse to cut the feet off of the American investor. When that happens, we are not going to be moving forward. We are not going to be able to compete because we are not going to be able to outrun the foreign competition. Mr. Speaker, what will happen when this change takes effect is that American inventors will lose control of their technology after a few short years.

I am asking my Members and my colleagues, my friends here in the house, to join me in sponsoring H.R. 359 which will restore to the American people a guaranteed 17 years of protection. We can then move forward to correct some of the problems at the Patent Office. We can do so administratively and without costing the American people billions of dollars.

Let us protect American intellectual property rights and join me on H.R. 359.

POTENTIAL CUT IN STUDENT LOANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 5 minutes.

Mr. WISE. Mr. Speaker, my message today goes out to college students, their parents, educators across our country and across the State of West Virginia.

Last month, we had to fight the battle of school lunches and, incredibly enough, unbelievably, there was actually a proposal and it passed on the floor of the House to eliminate the school lunch as we know it. And this involved parents and educators and school children across our country.

This month, I am warning people in advance. You had better be fighting for your student loan, your guaranteed student loans that keeps you in college, the one that the Federal Government helps subsidize your education knowing that that small amount of subsidy is going to be repaid time after time and time again in increased earnings and increased tax revenues. Because, yes, incredibly enough, under the Contract With America this, too, is at risk.

Last month, the school lunch; this month, the school loan.

So we are going to see probably the school loans cut. Because why would the student loans be cut? They would be cut for a tax cut. They call it a middle income tax cut.

And if you earn over $100,000 a year, yes, it is a tax cut for you. If you are below $30,000 a year, you are going to see almost nothing. If you are below $13,000 a year, you are going to see nothing at all.

So what we are going to see is that middle-income people are going to see their student loans cut so that the upper incomes can have their taxes cut. It does not sound like a good deal to me.

So when those students this month take their final exams, be careful. They could be more final than you think. When school lets out this summer, let us hope that they are not letting out for good.

So I am calling on students across our State and across the country to mobilize, to say, "No. Enough is enough. This is a growth. Those loans are growth. They are not simply deficit spending."

The changes that have been proposed and talked about could cost as much as $20 billion over 5 years. The most important one is the interest subsidy that goes to children below a certain income level by which while they are in college the Federal Government pays their interest rate. Once they are out of college, then they are responsible for repaying that rate. It is estimated that eliminating that subsidy could cost students anywhere from 20 to 50 percent more on the cost of their loans.

Now, like a lot of people in this country, I worked my way through school. I had to work my way through college, and I had to work at the same time. If you saddled me at the time with an 8 or 9 percent interest rate, I could not have made it; and a lot of others I think are in my situation as well. So this is penny wise and pound foolish.

Many of our veterans remember that the single greatest economic accelerator was following World War II when this country put money into the GI Bill of Rights and sent millions to college. What we saw was an explosion of technology, of growth, of development, particularly in our economy, and so this would be.

What the Contract With America puts at risk is the Stafford loan program, the work study program, supplemental education opportunity grants, the Perkins loan program; all on the chopping block.

The impact on West Virginia would be severe. Thirty-five thousand students alone in our State have these subsidized loans by which the Federal Government is assisting to pay the interest while they are in college. That calculates to about $11 million annually in interest. Yet that $11 million could jeopardize the college careers and future careers of many of our West Virginia students.

Already, West Virginia colleges are well aware of the impact if these kinds of cuts should pass this Congress. As I had one college president tell me, "It is going to make the difference in our college as to whether many of our students can attend or whether they are not going to be able to attend."

Mr. Speaker, are we really going to cut the future off for many of our students like this? Middle-income parents, middle-income students need to be aware of what is out there, need to be aware that they have to mobilize and the time is short.

Because when this tax cut package hits the floor next week, and I presume it is going to pass and get muscled through like everything else has been muscled through the last 100 days, when this tax cut package passes, they are not going to tell you what the cuts are. But the cuts come right after that, and those cuts are going to involve student loans as sure as I am sitting here.

Nobody would believe that they would go after student lunches. They did. Now they are going after student loans. It is time to mobilize. Time to make ourselves heard. It is time to let the word go out: We want the country to grow.

One of the single greatest accelerators and one of the single greatest growth initiatives for my State of West Virginia as well as the Nation has been the student loan program. We want more students in higher education, not less. We want more students about to contribute to the economy, not less.

Mr. Speaker, what most middle-income people say they would like more than a tax cut that basically goes to the upper-income people, they want deficit reduction, yes, but, more importantly, they want the chance for their students, their young people, their

children, to improve and to have a chance and a start in this life.

RESPONSIBILITY ON TERM LIMITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 5 minutes.

Mr. HOKE. Mr. Speaker, this time this week we are going to consider for the very first time ever term limits in the House of Representatives. I just wanted to take the opportunity to talk about that for a couple of minutes this morning. Because one of the things that we are going to find out this week is exactly where every single Member of this House stands with respect to term limits.

What we found out already is that the country as a whole is certainly in favor of the, 75, 80 percent. We now have term limits enacted in 21 States across the United States. We have term limits with something like 35 governors. Obviously, the President of the United States is term-limited to two 4-year terms.

The question is going to be before this House, will we have the guts, will we have the courage, will we, frankly, have the representative responsibility to go along with what the people of the United States want?

You are going to hear all kinds of crazy arguments in opposition to term limits. The one that I like the best, the one that I think is the least credible is the one that says—

> This is a tough job that requires a great deal of technical skill, and it takes a long time to get it. It wasn't true maybe 100 years ago or 150 years ago, but now it is true because government is really very, very complex, and it is very, very difficult to understand all of it. And so the longer that you are here the better that you get to know it.

What I would say to that is that, frankly, to the extent that that is true and maybe in some aspects it is true, to whatever extent that is true, it means the Government is too big. It means that Government has gone out of control, and it has become too complex.

What you need in a Representative are some fairly fundamental character traits. You have to understand that, first of all, there is a balance between leadership on the one hand and representation on the other hand.

What does it take to be a good Representative in this Congress? It seems to me that it is pretty simple. What it takes is listening, the ability to listen, the ability to not talk, to shut up and to listen to what constituents say. What is it exactly that they want to have represented in the U.S. Congress? What concerns them? What is on their minds? What is on their hearts? What is it that they want to have amplified for them right here on the floor of this House?

You have to balance that ability to represent by listening with leadership. What is it that we want in leaders? What is it that we are looking for? What qualities do we want for leaders and what is it that is important for leadership?

I would say to you there are a number of things. There are a number of qualities. But certainly it is not a big mystery as to what you put together: good judgment, common sense, compassion, patriotism, a commitment to the future, a commitment to where we are going in this country, caring about our children.

But I think that, fundamentally, common sense has got to be way out in front on this issue. Because without common sense, without a basic understanding of what makes the world go round, we will never, we will never be able to accomplish anything of lasting value in this House.

Let us look back at some of the most famous Members of the House. Henry Clay. What did he bring to the party? First of all, he was here seven times. He served seven terms in the House and not one time did he run as an incumbent. Can you imagine that?

Right now, the statistics are that if you are running as an incumbent in November for the House of Representatives, chances are 9 out of 10 that you are going to get elected. They are actually greater than that. It is about 93 percent.

The system is completely rigged from franked mail to campaign financing. All the way from soup to nuts it is rigged by us Members that are here right now to make it easier for incumbents to get reelected.

Mr. Speaker, what you can see is that year after year after year, notwithstanding the elections in 1992 and 1994, if once you get to the general election if you are facing an incumbent, the incumbent wins 9 times our of 10.

If you look at the statistics on committee chairmen, which is a really scary one, and I use the word "chairmen" specifically because in the 103d Congress no women were committee chairs in the Democrat 103d Congress, the average tenure of each of the Chairs was 28 years. Twenty-eight years.

Is there any wonder that we have brought more legislation in the first 85 days of this Congress to the floor of the House than had brought up in the entire last Congress? Well, the reason for that is that this legislation had all been bottled up by committee chairs that had been chairmen on an average of 28 years. It is going to be an interesting debate, Mr. Speaker.

Mr. Speaker, I urge all of my colleagues to support all of the term limits bills that are going to be on this floor. We have got to limit terms here.

CUTS IN ASSISTANCE PROGRAMS

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, last week was a very sad week for the children of America, for the needy of America, for the elderly and the poor of America. Because last week the Republican majority did something that is very destructive to the elderly, to the needy, and to children.

What did they do that was so radical that will injure these people? Well, they cut $66 billion out of programs for those people. They stand on this floor and they stand over here or at that microphone over there and repeatedly say, no, they are sending more money out for school lunches, for food stamps, for AFDC. They are sending more out. And yet CBO, their own people, admit they have cut $66 billion, not million, billion dollars out of those programs.

What does it mean? Well, to my people back in Missouri, back in the Ninth District of Missouri I have had breakfast with some of the children that have reduced prices or free because they cannot afford to pay. I have had lunches with school children the same way in my district. I know of elderly who rely on food stamps, especially in the wintertime in order to eat because of the high winter rate for heating their homes and the fact that they have to live on $250 or $300 or $350 a month in Social Security checks or SSI.

Those people know. I talked to them. They know what is coming down the pike. They know when the Senate passes that bill that they are in for a hardship unless our President, and I understand from the Chief of Staff of the White House that when this bill reaches his desk the President would probably veto it.

I say amen, amen. For shame that the majority party, for shame, would do this to the people of this country. At the same time, they are talking about giving more foreign aid, big foreign aid to other countries to help other people. That is a disgrace. That is a disgrace to the people of this country.

Mr. Speaker, it just shows you how they do things here in this new majority. They have the votes, so they are going to run right over anybody that gets in their way. That is what they have been doing.

It is an abuse of power. That is what it is, a gross abuse of power.

Who is running the show? Right from the leadership on down, they have got big bosses telling them what to do. A lot of their legislation is drafted by the special interests right here in Washington, DC. They do not even draft it. Lobbyists do it, because the lobbyists want the money.

Where is that money going to go, folks? You know where that money is going to go that is coming out of the mouths of children in my district in Missouri, that is going to be taken away from the elderly with heating assistance in my district in Missouri? I have got thousands of people that would be injured by this.

Where is the money going to go? It is not going to go to reduce the deficit. No, they rejected that. Overwhelmingly, they rejected it. Of all the thousands of people taken away from that need it in my district, I have got about 1,500 very wealthy people in my district that are going to get the benefit from the tax bill that they are going to take up.

And they are going to pass it next week, folks. They are going to give people at $200,000 in income, if they are married and they have four children, they are going to give them $2,000 for their children. $2,000 for their children.

Who are they taking away from? They are taking away from kids in my district whose parents are making 10 and 12 and $14,000. They say that those kids do not need it. They say that the person who makes $200,000, their children need it. Ladies and gentlemen, that to me is gross hypocrisy.

They say again, no cuts in these programs. Well, if there are no cuts, folks, again I say to you, where does the $66 billion that is going to go to the wealthy, where does it come from? It does not come from trees. It does not come from the sky. It is coming out of those poor people of median income, hard-working people in my district. That is where it is coming from.

PROBLEMS IN THE WELFARE SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. BILBRAY] is recognized during morning business for 5 minutes.

Mr. BILBRAY. Mr. Speaker, last week and again this morning, I happened to witness discussions about a system that we call the welfare system.

Now, Mr. Speaker, I grew up in a neighborhood and I had friends and where we were was a working class neighborhood, but many of my friends and their families were on welfare. I also happened to have served for 10 years as a county supervisor in the county of San Diego which has a welfare system larger than 32 States of this Union.

Let me tell you as somebody who grew up in the neighborhood and had to run the system, anybody who can face off with the American public and honestly say what we have called the welfare system for the last 30 or 40 years is somehow a great contribution to our country obviously ignores the atrocities that have been done under this so-called welfare system.

The system that we call welfare is nothing short of subsidized misery. In fact, if you or I would treat our children in the manner that welfare treats children, it would not only by immoral, it would be illegal.

Mr. Speaker, I will give you one example. If I gave my teenage daughter a check and told her to go live by herself in her own apartment, I would not only be abandoning my child, I would be actually committing child abuse by definition in the State of California and most States in this Union. I, as a parent, am not allowed to take a minor child and send him or her off to live by themselves. But, Mr. Speaker, that is what our welfare system has done for over 40 years.

It is time that we rethink our well-intentioned but misguided concept here, that we have actually taken children and sent them off on their own under the guise that we have committed some great privilege and helped this individual.

We have actually punished people who have tried to work their way out of welfare for decades in this country. If you were on welfare and you got a part-time job, what did Uncle Sam say to you? They said, "For every dollar you earn in part-time, we will take a dollar away from you in benefits." Then we wonder why people do not work their way out of welfare.

Mr. Speaker, I just would like to point out that the best welfare in society is a job, and we will work on that. I come from the county that started workfare in 1978, and it was called cruel. It was called heartless. It was called right wing radicalism. But as somebody who grew up in the neighborhood and operated the system, it was the most humane proposal we ever had, and it is time we bring dignity back.

Mr. Speaker, I will tell you as somebody who administered the programs, you take off the Federal strings, you stop telling us how to run the system, and the people at the State and local level will provide the services that the so-called people who claim to be liberals always say ought to be provided.

We are going to give free lunches to our children. We are just not going to give it to the Federal bureaucrats.

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 28 minutes a.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 pro tempore [Mr. MCINNIS] at 2 p.m.

PRAYER

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

Encourage each person, O loving God, to examine the issues that they encounter and on which they must act, and to have discernment as they face the decisions of the time. Help us to be forthright in our desire for knowledge realizing that the gift of truth is not to be scorned, but with virtuous hearts and sincere minds we should seek to understand the issues of life and endeavor, in all things, to remember the words of the Proverbs that "the fear of the Lord is the beginning of wisdom, and the knowledge of the Holy One is insight." Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance?

Mr. TRAFICANT 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 831. An act 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.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4. An act to grant the power to the President to reduce budget authority.

APPOINTMENT OF MEMBERS OF THE HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 5(b) of Public Law 93-191, the Chair announces the Speaker's appointment as members of the House Commission on Congressional Mailing Standards the following Members of the House:

Mr. THOMAS of California, Chairman; and Messrs. ROBERTS of Kansas; NEY of Ohio; FAZIO of California; CLAY of Missouri; and GORDON of Tennessee.

There was no objection.

REPUBLICAN CONTRACT WITH AMERICA

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

Mr. WELLER. 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 our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our 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 kept our promise; congressional term limits to make Congress a citizen legislature—we are starting this today; family reinforcement to protect our children; tax cuts for middle-income families; and Senior Citizens' Equity Act to allow our seniors to work without Government penalty.

This is our Contract With America.

CONSTITUTION AND BILL OF RIGHTS DOES NOT APPLY TO IRS

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

Mr. TRAFICANT. Mr. Speaker, the brass of the Internal Revenue Service has now testified they oppose changing the burden of proof in a tax case for civil matters. They say it would tie their hands by extending the same rights under the Constitution given to any other court proceeding. They would actually have to show evidence and cause, and it would make it difficult for them to collect money.

Let us look at it another way; what is the IRS really saying to us? The Bill of Rights and the Constitution are great, they are really great but not for the IRS. They should apply everywhere else but do not put it on us.

Let me tell you something, folks, we could ensure that those questions they need answered could be answered, but when it gets into a courtroom every American should be treated fairly and the Bill of Rights should stand by every American.

I do not buy it. I think it is time for Congress to begin to run our country again.

WHO REALLY CARES ABOUT OUR CHILDREN?

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

Mr. FUNDERBURK. Mr. Speaker, who really cares about America's children?

Mr. Clinton and the congressional minority claim that they do. This is the same White House whose budget will add $250 billion to our existing $5 trillion debt over the next 5 years. This is the same Democratic Party which killed the balanced budget amendment, and fought tooth and nail against a minuscule 1 percent cut in Federal spending this year. This is the same crowd which has saddled each and every child in America with $17,000 of debt the minute they are born.

Mr. Speaker, I will tell you what real concern is. It is enacting $100 billion in real spending cuts in foreign aid, the Federal bureaucracy, Amtrak, Legal Services, the arts, and welfare. So you see Mr. Speaker, there is one party which cares enough to spare the future generations of American children from the suffocating burden of debt. We were sent here to safeguard the future of every poor, middle, and working class child. We will show we really care about our children by gutting Federal spending and ending business as usual.

TERMS LIMITS A BAD IDEA

(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, term limits are a bad idea whose time has not come. We already have term limits. They are called elections every 2 years. We do not need another constitutional amendment to change what the voters already have done, and that is change the Congress and the political system.

Since I came to Congress 12 years ago, 75 percent of the House has changed. If you want entrenched bureaucrats, if you want lobbyists and if you want staff to run the Congress, then vote for term limits.

It is also hypocritical for Members to vote term limits but exclude themselves from the law.

Mr. Speaker, campaign finance reform is what is needed. Let us put elections on a more equitable basis, let us have a gift ban, let us have ethics reform, but let us not use term limits as the ruse for the problems that exist in this country.

Term limits are a bad idea and I am proud to say that.

PASS TERM LIMITS

(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, last week the bipartisan majority passed a welfare reform package that overhauls the current welfare system to offer hope for the future. Today, we are continuing to keep our promise with the American people by bringing to the floor an historic vote on a constitutional amendment on term limits to make Congress a true citizen legislature.

Everyone here knows that a constitutional amendment needs 290 votes to pass the House. The Republicans cannot do it on their own. We will deliver at least 80 percent of our Members on the term limit vote, but we need at least 50 percent of the Democrats to vote yes, also. Today I challenge the Democrats to deliver the necessary votes to pass term limits. It's in the Democrat hands to pass this.

So what is it going to be—yes, or no.

Let's pass term limits and make Congress a true citizen legislature that's accountable to the people.

TERM LIMITS

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

Mr. PETERSON of Florida. Mr. Speaker, I agree with the last speaker. We should pass term limits. This week we will debate term limits all week long.

This is a subject whose time has come. There are several proposals out there. One of them is mine and I am not a latecomer to term limits. I supported term limits in 1989, the first time I campaigned for office, and I have stood fast on that ever since. On January 11 of this year I dropped a bill on term limits, restricting to 12 years, but different from everybody else's. I said it should apply to me and every other Member of this House.

That is the argument we are going to have this year, and this week we are

going to be asked to stand up and be counted. America says term limits applies to us. If they are angry at Congress, can it not be that they are angry at us?

SUPPORT TERM LIMITS

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

Mr. EHLERS. Mr. Speaker, over 200 years ago the Founders of this Nation established a system of government which contained considerable checks and balances, and they established this form of government because they wanted to limit the power of an individual or a group to take over.

We have found it necessary to modify the Constitution by limiting the term of a President to 8 years, further limiting the power of an individual to take over the country or to do more than he or she should do.

The House of Representatives this year took action to limit the Speaker to 8 years under the same philosophy, and we also limited committee chairmen to 6 years to prevent abuse of power.

This week it is time for us to carry out the next logical step, and that is to limit the power of the present length of term of individual Members of Congress.

I believe it is a logical next step, it is an important next step, and I urge this Congress to vote to put in place term limits on individual Members of Congress. It is a historic vote and the first opportunity this Congress has ever had to cast this vote. I urge that it be a "yes" vote.

OPPOSE SALE OF POWER MARKETING AGENCIES

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

Mr. POMEROY. Mr. Speaker, today my friend and colleague, the gentleman from Oregon [Mr. COOLEY], and I delivered a bipartisan letter to the Speaker of the House urging him to help us defeat the administration's proposal to increase electric rates by selling off the power marketing agencies or PMA's.

If the goal of this Congress is to make Government run smarter, this plan would not stand a chance. The PMA's run at no cost to taxpayers, but make a big difference in the electric rates paid by over 100,000 in North Dakota and millions nationwide.

There is one thing that has become clear since this idea was first suggested. This idea will not save the Federal Treasury a dime, but it will cost electric ratepayers millions.

If sold, these agencies could well go to the highest bidder, driving up electric rates higher than those paid today.

Mr. Speaker, 52 House Members who have signed this letter will not accept that. We are going on record today. We are opposed to the PMA sale and we are opposed to higher electric rates for our constituents.

MAXED OUT CREDIT

(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, most of us sit around the kitchen table once a month to pay the bills. The mortgage payment, the car payment, and insurance take out the majority of the paycheck. Then we notice the car insurance went up and we had unexpected medical bills. Sometimes we glance at the credit card bills and find they too are maxed out. We call this monthly kitchen table financial reality.

Kitchen table financial reality has hit our Nation. Our Nation's bills keep growing, and the country's credit cards are maxed out. Just as families decide to cut the monthly expenses and quit using the credit cards, so too has the Republican majority faced up to controlling the Federal bureaucracy from its uncontrolled spending habits and we are putting a hold on the credit cards.

Cutting the deficit to save the next generation of children from being born into bankruptcy won't be easy. It will require sacrifice from all Americans, just as mothers and fathers sacrifice for our children everyday.

WE NEED TERM LIMITS TODAY

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

Mr. TATE. Mr. Speaker, what a difference an election makes. Just last year the Speaker of the House was suing the citizens of my fair State, Washington State, because he was against term limits.

Well, this year what a difference. On January 4 the Speaker of the House limited his terms to 8 years. We limited the terms of our committee chairs and ranking minority, and we will bring out here on the House floor for the first time in American history term limits.

We are going to deliver 80 percent of our Members. We need you to deliver at least 50 percent of yours.

But what is the Democrat response on term limits? Retroactivity. It has been on the ballot once in the history of this country, in Washington State, and it was defeated.

The people purporting this plan have been in office longer than I have been alive. It is a crock. It is a sham. If you really want term limits, vote for the Hilleary amendment which is truly allowing State rights to go forth. Vote for term limits. We need it today.

STUDENT LOANS

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

Mr. WARD. Mr. Speaker, in their increasing effort to pay for a capital gains tax cut for the wealthiest of society and to assure that the supporters of the Republican contract for America now have a new target for spending cuts—students.

Under the Republican contract rescissions package, $63 million is eliminated for the State Incentive Grant Program, which effectively cuts the entire program; $104 million is eliminated for the Pell Grant Program and; Federal direct student loans are cut by $47 million. Over 50 percent of all students currently attending college receive some type of financial aid which will be directly affected by these cuts.

In Kentucky alone last year, there were over 70,000 student loans granted totaling over $180 million.

Of these 70,000 loans, students of the University of Louisville received over 7,000 loans totaling over $23 million. Mr. Speaker, these figures represent only one State and only one school, the true effects of these cuts are more far-reaching and will prohibit millions from obtaining an education.

Mr. Speaker, If we truly value education in our society, we will be committed to providing the necessary assistance to enable all Americans to obtain a college degree. I hope that we can make this commitment together.

TERM LIMITS AMENDMENT

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

Mr. JONES. Mr. Speaker, our Founding Fathers while drafting the Constitution provided a simple but decisive and important process for the American people to properly amend the Constitution. Through the years, our country has adopted important amendments to improve the public's role; such as the right to vote. Now, it is time to continue the process with term limits.

Over 75 percent of the American public believe they deserve the right to personally vote on term limits.

Anyone who sits in this Congress who disagrees with giving the citizens of this country a chance to vote on this very popular and important issue, in my opinion, shows no confidence in the people which elected them.

I strongly believe that if any elected official cannot put aside their own self-interests for the good of the American people, then maybe they have been inside the beltway too long.

STUDENT LOANS

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

Mr. HILLIARD. Mr. Speaker, I rise today in strong protest to yet another Republican plan to penalize the middle class in the name of tax cuts for the rich. The majority party is endangering the future of our country, the future of our young people, by targeting student loan opportunities for cuts, in order to finance their special interest tax breaks.

The various government-funded student loan programs account for over 75 percent of financial aid that is distributed in this country every year. Cuts to student assistance will end up costing middle class Americans over $20 million over the next 5 years. This is a burden too heavy to force onto the working families of this country.

In this day and age, a person cannot achieve success without a good education. I am a firm believer that bright and talented young people should be given every opportunity for success. No young person who is capable of learning should be denied the opportunity to persue higher education. We have an obligation to fulfill, an obligation to these kids, to ourselves, and to America's future.

LORD ACTON WAS RIGHT

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

Mr. METCALF. Mr. Speaker, the growing support for term limits is a recognition of Lord Acton's dictum: "Power corrupts, and absolute power corrupts absolutely." Long-term incumbency does change the outlook of elected officials.

In 1969, over 25 years ago, I introduced the first term limits bill, the bill that launched the modern struggle for term limits. As a Washington State Senator, I saw that long-term service concentrated power in the hands of a few, thus reducing effective representation by the majority of the body, be it Congress or the State legislature.

Fundamental to the idea of a citizen Congress is the principle that Members serve a limited time and then return home to live under the laws they have made.

I support the initiative passed by the voters of the State of Washington establishing a 6-year term limit for Members of Congress. This is the mandate from the people: "Pass a term-limit amendment on the Congress as we did for the Presidency."

OPPOSE CUTS IN STUDENT AID

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

Ms. DELAURO. Mr. Speaker, once again, Republicans are asking middle class families to sacrifice in order to pay for their tax giveaway to the wealthy. This time they have zeroed in on student loan programs that have helped educate generations of middle class kids.

The Contract With America puts four crucial student aid programs on the chopping block. Together, these programs account for 75 percent of the financial aid currently awarded to college students.

If these mean-spirited cuts are approved, it would cost students and their families $20 billion over the next 5 years—making this the largest increase in college costs in history. Middle class families rely on student aid. In fact, NEWT GINGRICH and DICK ARMEY took out student loans to pay for their education. Now, they want to pull up the ladder behind them and deny that opportunity to the students of today. Don't let Professor GINGRICH cancel class for hundreds of thousands of college students. Oppose cuts in student aid.

TERM LIMITS

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

Mr. KNOLLENBERG. Mr. Speaker, this week for the first time in history, we will vote to limit the number of terms Members of Congress can serve. The new, open, GOP Congress will bring not one, not two, not three, but four term limit proposals to the floor for a first-ever vote to replace career politicians with citizen legislators and return the balance of power back to the people.

Republicans are committed to term limits but, alone we can not give the overwhelming majority of Americans what they want—we need the support and votes from our Democratic colleagues. Even if all 230 Republicans vote for term limits, we would still need 60 Democrats in order to pass this constitutional amendment.

So, today the fate of term limits and the will of the American people rest in your hands [pointing towards Democrats]. It is up to you to either join our effort to return the people's body to the people and pass a term limits amendment—or—to fight for the status quo of congressional careerism and the influence of high-powered, Washington lobbyists.

Mr. Speaker, it is time to put partisan politics aside and give America what 22 States have already demanded: term limits.

OPPOSING CUTS IN STUDENT AID

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

Mrs. SCHROEDER. Mr. Speaker, the best investment the Federal taxpayer makes is in getting young people an education. So I think student loans make all the sense in the world, and we ought to be sure that every young person who has the will, the desire, and the ability to go to school also has the economic wherewithal.

Now, why do I say that is the best investment? Because we all know someone with a higher education makes a whole lot more money, so they are going to be paying higher taxes. You do not need new math, and you do not have to be a rocket scientist to figure that one out.

And yet, so what are these guys going to do to save this crown jewel of the contract, the tax cut for the rich? Well, they are going to cut student loans. That is really penny-wise and pound-foolish, and it is absolutely unfair to the next generation of our young people.

If anyone thinks that we can do well in the 21st century with our young people having less education, go ahead, go for the cuts, but I will not.

INTRODUCTION OF THE TUITION ACCOUNT ASSISTANCE ACT OF 1995

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, well, I agree with the last speech that a college education is an important strategic investment. That is why today I am introducing the Tuition Account Assistance Act of 1995.

This bipartisan bill will eliminate the tax liability on the value of State prepurchased college tuition credits. Our TAP program in Pennsylvania has been hurt by the IRS when it treats appreciated credits purchased in this program as a capital gain.

This bill will enable middle-class families to save for their children's education without capital gains penalties, and it is supported by Pennsylvania's State system of higher education.

While the program in the State of Pennsylvania is relatively young, several other States with similar programs have had problems with the capital gains tax including Florida and Michigan.

To me, this issue highlights how capital gains tax affects the middle class. One thing that has been lost in some of this floor discussion is that nearly 60 percent of tax returns claiming a capital gain were filed by taxpayers with less than $50,000 income.

WISHING AWAY THE BUDGET DEFICIT

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

Mr. DOGGETT. Mr. Speaker, I rise to commend the distinguished Republican Chair of the Senate Budget Committee, Senator DOMENICI, for his straightforward comment on Saturday that, "My goal as chairman of the committee is to produce a balanced budget without any tax cut." Such candor has been rare from House Republicans who are constructing a budget in a dream world. It is based on the first law of Disney appropriate for Fantasyland that wishing will make it so.

We cannot wish away the budget deficit. We cannot wish away and get a balanced budget and provide tax breaks for those who earn $200,000 a year and more, and yet that is what they proposed.

Indeed, they have cut last week's school lunches, and now we are about to see them attempt to cut on the big brothers and the big sisters of those same children when they cut student loans.

Fortunately and finally last week over 100 House Republicans questioned whether providing a tax break for those at the $200,000 level made any sense. It does not. This move represented a half step, but that is better than the kind of lockstep that we have seen of late.

IT IS TIME TO SET TERM LIMITS

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

Mr. CHABOT. Mr. Speaker, I do not see how anyone could have watched the debate over welfare reform last week and not come away in favor of term limits.

Even though just about everybody agrees that the current welfare system is a mess, in fact, an abysmal failure, we saw last week the architects of the present welfare system stream to this floor to denounce attempts at reform. Sure, they couched their opposition in politically correct terms. They have learned how to do that around here.

We do need change, they admit, just not this change. The very people who fought the hardest against welfare reform were the same Members who for decades have voted to fund and expand the welfare monstrosity.

Some folks seem to be a little too proud of their handiwork and a little too close to the bureaucracies they have built.

Mr. Speaker, last week we set term limits on welfare recipients. Now we ought to set term limits on the group that created the welfare mess in this country in the first place.

GOP HAS SUPERMAJORITY ON TERM LIMITS

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

Mr. BALLENGER. Mr. Speaker, make no bones about it, the fate of term limits rests squarely on the shoulders of the Democrats in Congress.

More than 80 percent of Republican Members support and will vote for term limits.

That's more than a majority. That is more than a supermajority. Why that might even be more than a superduper majority.

All we need is the support of just one-half of the Democrats.

Not even a majority, just 50 percent.

No one can say that Republicans have not listened to the American people who overwhelmingly support term limits.

Mr. Speaker, I ask just half my colleagues on the other side of the aisle to listen to the American people.

To them I would say, stop the arrogance of Washington. Vote "yes" on term limits.

□ 1430

TERM LIMITS: BOUND BY THE VOICE OF MY CONSTITUENTS

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

Mr. GEKAS. Mr. Speaker, a few years ago when the great debate began back in our constituencies about the possibility of term limitations, I debated that very same subject with various groups in our district. I took the position then, which I felt was justified, that term limits were a province of the voters, who every 2 years could exert their judgment and determine whether or not the term of that particular officeholder should be ended.

Well, the debate went on and on and finally I decided to resolve the question by having an item in my annual questionnaire as to how our people felt about term limitations. By a count of 70 or more in that grandiose count that we made of opinion in our district, people were in favor of term limitations.

So as we begin the dateline here today on the debate on term limitations, I am bound by the voice of my people and I will vote in favor of term limitations. And no matter what the outcome, they will determine, in November of 1996, whether my term should expire.

SELLING BONNEVILLE POWER ADMINISTRATION IS A BAD IDEA

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

Mr. COOLEY. Mr. Speaker, I rise today to inform my colleagues that selling the Bonneville Power Administration is a bad idea for now.

If we are looking for someone to buy BPA, the only buyer I know, foolish enough to take on an investment like this, is Uncle Sam himself. In fact, if we did find such a buyer, they would probably have a deed to the Brooklyn Bridge.

Here are just five of the reasons that make Bonneville a bad candidate for privatization. First, there will be incredible costs associated with the Endangered Species Act requirements.

Second, nuclear plant investments have gone bad, creating more costs to cut profit margins.

Third, this year alone, it is recommended that BPA spend $500 million on fish and wildlife mitigation costs.

Fourth, you cannot sell what is not yours. Numerous counties and cities have vested interests in the facilities and transmission equipment.

Finally, there are treaty considerations with Canada that will profoundly complicate matters.

Clearly, while privatization sounds good for the taxpayer, there is a right way and wrong way to go about it. Now is not the time for BPA.

TERM LIMITS: A CITIZEN LEGISLATURE

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

Mr. CHRISTENSEN. Mr. Speaker, today in this body we begin a historic debate. Not since 1787 when the Framers of the Constitution first discussed the concept of a citizen legislature has the concept of limited terms been debated by those chosen to represent their respective States.

It was during that historic debate that the gentleman from Virginia, George Mason, stated that:

> Elected representatives should be subject to periodical rotation. For nothing so strongly impels a man to regard the interest of his constituents as the certainty of returning to the general mass of the people from whence he was taken and where he must participate in their burdens.

It is with that in mind that I challenge you, my colleagues, with remembering that 22 States have already enacted term limits for their elected Members.

I urge you to support term limits and return this elected body to a citizen legislature.

THANKS FOR ENDING WELFARE AS WE KNOW IT

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

Mr. LATOURETTE. Mr. Speaker, I must admit to being a little depressed when I left here last week.

With calls of "Shame, Shame, Republican, Shame," still ringing in my ears, I wondered: Was I really mean-spirited?

Did our welfare plan deserve the name-calling and the references to Nazi Germany?

I was heartened, though, when I boarded the plane at National and the flight attendant did not tell me to sit down and shut up; further encouraged when the dog did not bite me and the kids were happy to see me; happier still when the folks back home—those who get up every morning at 5:30, carry a lunch box, pay their taxes, and obey the law—called to say thanks for ending welfare as we know it.

But it was not until Sunday morning, when I got the paper out of the tube and saw this cartoon, that my spirits truly soared and I was able to separate rhetoric from reality.

My thanks to cartoonist Kelley from the San Diego Union-Tribune. In this picture, Tom has five apples and Ed has one. Tom gives three of his apples to Ed, and now Ed claims that his apple has been cut in two. The query by the cartoonist is "How can that be?" And the answer is "That's a Democrat."

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

(H. DOC. NO. 104–53)

The SPEAKER pro tempore (Mr. McINNIS) 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:

I hereby report to the Congress on the developments since September 26, 1994, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, inter alia, of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the Total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("FAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 Fed. Reg. 64904) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of September 20, 1994.

The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports:* Luanda and Katumbela, Benguela Province; *Ports:* Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and *Entry Points:* Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through this Department of Commerce and the Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from September 26, 1994, through March 25, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported at about $50,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 27, 1995.*

REPORT ON HEALTH CARE FOR NATIVE HAWAIIANS PROGRAM—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 Commerce.

To the Congress of the United States:

I transmit herewith the Report on the Health Care for Native Hawaiians Program, as required by section 11 of the Native Hawaiians Health Care Act of 1988, as amended (Public Law 102–396; 42 U.S.C. 11701 et. seq.).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 27, 1995.*

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON HOUSE OVERSIGHT

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on House Oversight.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE OVERSIGHT,
Washington, DC, March 24, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, the Capitol, Washington, DC.

DEAR MR. SPEAKER: In my letters to you of January 18, 1995 assigning various functions

to the House Officers, I indicated that assignment of these responsibilities constituted a first step in the ongoing restructuring of House operations, and that further changes may be directed as they become necessary.

Based on further review, and pursuant to the authority vested in the Committee on House Oversight by House Rule X, clause 1(h) and clause 4(d)(2), the Committee directs that operational and financial responsibility for the House Document Room is assigned to the Clerk of the House of Representatives effective on March 27, 1995.

Best regards,

BILL THOMAS,
Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

AGE DISCRIMINATION IN EMPLOYMENT AMENDMENTS OF 1995

Mr. FAWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 849) to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes.

The Clerk read as follows:

H.R. 849

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 "Age Discrimination in Employment Amendments of 1995".

SEC. 2. REINSTATEMENT OF EXEMPTION.

(a) REPEAL OF REPEALER.—Section 3(b) of the Age Discrimination in Employment Amendments of 1986 (29 U.S.C. 623 note; Public Law 99-592) is repealed.

(b) EXEMPTION.—Section 4(j) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623), as in effect immediately before December 31, 1993—

(1) is hereby reenacted as such, and

(2) as so reenacted, is amended by striking "attained the age" and all that follows through "1983, and", and inserting the following:

"attained—

"(A) the age of hiring or retirement in effect under applicable State or local law on March 3, 1983; or

"(B) if the age of retirement was not in effect under applicable State or local law on March 3, 1983, 55 years of age; and".

SEC. 3. STUDY AND GUIDELINES FOR PERFORMANCE TESTS.

(a) STUDY.—Not later than 3 years after the date of enactment of this Act, the Chairman of the Equal Employment Opportunity Commission (in this section referred to as "the Chairman") shall conduct, directly or by contract, a study that will include—

(1) a list and description of all tests available for the assessment of abilities important for completion of public safety tasks performed by law enforcement officers and firefighters,

(2) a list of such public safety tasks for which adequate tests do not exist,

(3) a description of the technical characteristics that performance tests must meet to be compatible with applicable Federal civil rights Acts and policies,

(4) a description of the alternative methods available for determining minimally acceptable performance standards on the tests described in paragraph (1),

(5) a description of the administrative standards that should be met in the administration, scoring, and score interpretation of the tests described in paragraph (1), and

(6) an examination of the extent to which the tests described in paragraph (1) are cost effective, safe, and comply with Federal civil rights Acts and regulations.

(b) ADVISORY GUIDELINES.—Not later than 4 years after the date of enactment of this Act, the Chairman shall develop and issue, based on the results of the study required by subsection (a), advisory guidelines for the administration and use of physical and mental fitness tests to measure the ability and competency of law enforcement officers and firefighters to perform the requirements of their jobs.

(c) CONSULTATION REQUIREMENT; OPPORTUNITY FOR PUBLIC COMMENT.—(1) The Chairman shall, during the conduct of the study required by subsection (a), consult with—

(A) the United States Fire Administration,

(B) the Federal Emergency Management Agency,

(C) organizations that represent law enforcement officers, firefighters, and their employers, and

(D) organizations that represent older individuals.

(2) Before issuing the advisory guidelines required in subsection (b), the Chairman shall allow for public comment on the proposed guidelines.

(d) DEVELOPMENT OF STANDARDS FOR WELLNESS PROGRAMS.—Not later than 2 years after the date of the enactment of this Act, the Chairman shall propose advisory standards for wellness programs for law enforcement officers and firefighters.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4. EFFECTIVE DATES.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), this Act shall take effect on the date of the enactment of this Act.

(b) SPECIAL EFFECTIVE DATE.—Section 2(b)(1) shall take effect on December 31, 1993.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FAWELL] will be recognized for 20 minutes, and the gentleman from California [Mr. MARTINEZ] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

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

Mr. Speaker, the bill we are considering today, the Age Discrimination in Employment Amendments of 1995, would restore the public safety exemption under the Age Discrimination in Employment Act [ADEA] and permit police and fire departments to use maximum hiring and mandatory retirement ages as part of their overall personnel policies. When the upper age limit for coverage under the ADEA was removed in 1986, the use of such age criteria was made generally impermissible under the act. Legislation to restore the public safety exemption was twice considered and passed by the House during the last Congress, but failed to clear the Senate.

H.R. 849 amends section 4 of the ADEA to allow, but not require, State and local governments that used age-based hiring and retirement policies for law enforcement officers and firefighters as part of a bona fide hiring or retirement plan as of March 3, 1983, to continue to use such policies. It also amends section 4 to allow States and local governments that either did not use or stopped using age-based hiring or retirement policies to adopt such policies with the proviso that the mandatory retirement age be not less than 55 years of age. In addition, H.R. 849 directs the EEOC to identify particular types of physical and mental fitness tests that are valid measures of the ability and competency of public safety officers to perform their jobs and to promulgate guidelines to assist State and local governments in the administration and the use of such tests.

The flexibility to use age-based criteria as part of an overall personnel policy is being sought by both management and labor in the public safety field. The Subcommittee on Employer-Employee Relations received compelling testimony from organizations representing rank-and-file firefighters and police officers, as well as local government, arguing that age was an effective proxy for job fitness in these extremely dangerous and physically demanding occupations. These organizations contend that tests of physical and mental fitness have not proven a feasible alternative to an age proxy because such tests do not replicate the stress inherent in an actual emergency. Testing also places these organizations in the bind that many private sector employers find themselves in—namely, that they must use tests to avoid the use of arbitrary selection criteria, but every test they select is subject to challenge for its other discriminatory effects and for its job relatedness.

I find persuasive the arguments of these law enforcement and firefighting organizations which, after all, represent those on the frontlines of public safety. I do not feel that we can discount their judgment and there is obviously a commonsense recognition that there is some decline in physical ability with age. The potential threat to public safety posed by the expiration of

the exemption demands that the Congress act to allow State and local governments closest to the needs of law enforcement and firefighting to make their own decisions about hiring and retirement policies.

I might add that I strongly support the protections against arbitrary age discrimination inherent in the ADEA. The public safety field is one of the rare exceptions where one's age is relevant to one's ability to perform effectively as a firefighter or law enforcement officer. Perhaps at some point, the age proxy will no longer be necessary and effective tests will be available. As I mentioned, to that end, the bill we are considering today directs the Equal Employment Opportunity Commission [EEOC] to develop and to issue advisory guidelines for the administration and use of physical and mental fitness tests to measure the ability and competency of law enforcement officers and firefighters to perform the requirements of their jobs. Until the point that adequate tests are in place however, I feel that the public safety exemption to the ADEA is necessary and that H.R. 849 should be quickly enacted. I urge the support of the legislation.

Mr. Speaker, I would also very much like to thank the gentleman from New York [Mr. OWENS], who did quite a lot of work on this bill last year, and the gentleman from California [Mr. MARTINEZ] for their longstanding support and outstanding leadership regarding this legislation. During the last Congress, Mr. OWENS twice shepherded a similar bill to passage on the House floor only to see it languish and die in the other body. My hope is that our colleagues on the other side will now move on the bill and that this important legislation will indeed finally be enacted.

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

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

Mr. Speaker, I rise in support of H.R. 849. As the Honorable Member, the gentleman from Illinois [Mr. FAWELL], chairman of the Subcommittee on Employer-Employee relations has said, this bill has been before us in previous Congresses. In the 103d Congress, Mr. OWENS of New York was the chief author of the bill, and as the gentleman from Illinois [Mr. FAWELL] has said, it passed with the widest of margins.

□ 1445

But it failed in the Senate, and, although there may be some who are still not in total support of this bill, this bill is a good bill, and this bill solves the problem raised by the municipalities who have demonstrated that the provision allowing them to implement an age-based retirement system, but not mandating that they do so, will provide them with the flexibility they need to continue to ensure the public safety and their residents and citizens.

This responds to the needs of the employees—those police and firefighters who feel so strongly that the public and their fellow public safety workers will be best served by the flexibility this change to the ADEA will allow. And, because it is not mandatory, but provides the authority to base a mandatory retirement program on age; city managers, fire chiefs, police chiefs, and their own elected officials can develop their own policies based on what works best for them.

I am proud to support this bill, and I ask my colleagues to do the same.

Mr. Speaker, I had intended to yield to the gentleman from New York [Mr. OWENS] who is not here, and I would ask if the gentleman from Illinois [Mr. FAWELL] is going to ask for the 5 legislative days for comment by our colleagues.

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

Mr. MARTINEZ. I yield to the gentleman from Illinois.

Mr. FAWELL. Yes, I will.

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 849, to amend the Age and Discrimination in Employment Act of 1967. This bill will reinstate an exemption for certain bona fide hiring and retirement rules applicable to firefighters and law enforcement officials. The bill also instructs the Equal Employment Opportunity Commission Chairman to conduct a study as to whether there should be mandatory retirement ages for these public employees. Ultimately, this bill seeks to clear up the confusion which has come about due to differing court decisions throughout the country on this issue over the past several years.

In 1986, the Congress passed a law which exempted fire and police departments from the ADEA for a period of 7 years. This exemption expired on January 1, 1994. It has long since been time to act and with this bill today we are fulfilling our responsibility to those who put their lives on the line for each American every day.

All of us know how physically demanding firefighting is. We also recognize the importance of protecting our communities. Mr. Speaker, the ability for firefighters and law enforcement officials to perform their duties at peak level is literally a matter of life and death for each and every American. Clearly age affects and individuals ability to perform the duties associated with these jobs.

Mr. Speaker, the study which followed the passage of this legislation in 1986 clearly concluded that age has a direct impact on a person's ability to work as a police officer or firefighter. We took this measure up twice last year and both times if passed unanimously in the House. The inaction of the Senate in the last Congress is no excuse for us not to act favorably on this measure again in the 104th Congress and I urge its adoption here today.

For all of the hard and dedicated work that these public employees perform each and every day it is our responsibility to ensure that the rules governing their employment and retirement are adequate and fair. This is exactly what H.R. 849 seeks to achieve. Let us today demonstrate our support of firefighters and law enforcement officials throughout the country with the speedy, unanimous passage of this bill. Thank you.

Mr. OWENS. Mr. Speaker, I rise in strong support of H.R. 849, the Age Discrimination in Employment Act Amendments of 1995. This legislation would permanently exempt State and local public safety agencies from the Age Discrimination in Employment Act in order to permit them to consider age in their hiring and retirement policies. This exemption is urgently needed to provide State and local agencies the flexibility they need to ensure that all public safety employees are fit and able to carry out their very demanding jobs. Comparable legislation passed the House unanimously on two occasions last year but was prevented from even being considered by the Senate by the threat of a filibuster. It is imperative that there be no further delay.

As a rule, Congress must avoid exempting whole classes of employees from the protection of civil rights laws unless it is absolutely necessary. We should not carve out exemptions merely because an employer finds civil rights compliance to be costly or inconvenient. Exemptions must be made only when there is a strong compelling need to do so and there is no other reasonable alternative. This is one of those rare instances.

State and local fire and police agencies must be exempted from the ADEA in order to protect and promote the safety of the public. This is literally a life or death matter. If a police officer or firefighter cannot adequately perform their duties, people die and people get hurt.

Age does indeed affect an individual's ability to perform the duties of a public safety officer. This is not a stereotype. This is not ageism. This is a medical fact. Physical ability declines with age. For example, aerobic capacity declines at a rate of 1 percent per year after age 30. Strength declines at a rate of 10–13 percent every decade. The risk of sudden incapacitation also clearly increases with age, increasing sixfold between the age of 40 and 60 years of age. These physical effects are not experienced by all people to the same degree or at the same precise time. But they pose a significant problem to public safety agencies in their efforts to maintain a fit and effective work force.

A public safety agency can respond to age-related declines in ability in 1 of 2 ways. It can establish an age-based mandatory retirement policy. This will reduce the risks to public safety, but it may result in some capable individuals being forcibly retired.

Alternatively, an agency can try to use performance and physical ability testing to try to screen out employees who might pose a threat to public safety. Unfortunately, there are numerous problems with trying to use tests as an alternative to age which makes this option untenable.

It is simply not possible to devise a test for all tasks carried out by a public safety employee. For example, no test could have possibly simulated the kinds of physical conditions public safety employees in California have faced over the past few weeks of severe

flooding. No test, no matter how comprehensive, can measure all of the skills and abilities a public safety employee must possess.

Moreover, there is no current test that can effectively screen for the risk of sudden incapacitation among asymptomatic individuals. A mandatory retirement age, used in conjunction with screening for other risk factors, continues to be the most effective way of reducing the risk of sudden incapacitation by public safety officers.

Testing can also have a very serious negative impact on other individuals and groups that historically have been discriminated against in employment. Tests have been proven to have an adverse impact on women and minorities. Women on average are less strong than men. Written tests may underpredict the on-the-job performance of minorities. To assure that such factors did not prevent women and minorities from serving in public safety positions, many agencies within-group normed the results of certain tests. Unfortunately, a provision of the Civil Rights Act of 1991 now prohibits that practice. As a result, any increase in the use of physical and mental testing of public safety employees will jeopardize employment opportunities for women and minorities.

Another, but lesser concern is that it is enormously expensive to administer performance and ability tests on a periodic basis to all public safety employees, consuming scarce resources that are needed to keep police on the streets. In addition, testing often entails considerable litigation over the content of the tests. In Tennessee, for example, there were several years of litigation over the State wildlife officer's entrance exam which focused on the question of whether the fences recruits had to scale should be 8 or 10 feet tall.

For these reasons, testing does not today represent a viable alternative to age-based mandatory retirement policies for public safety agencies. If public safety agencies are exempted from the ADEA, those agencies who wish to experiment with testing in lieu of retirement ages will be able to do so. But given the uncertainty about the effectiveness, effects and implications of using tests as a substitute for age, the Congress must not force every public safety agency to implement them. This would be the effect if we did not enact an exemption.

I urge my colleagues to join me in supporting passage of H.R. 849. All public safety employees must be fit, effective, and fully capable of fulfilling their duties. An ADEA exemption will assure that State and local police and fire agencies will be able to pursue that goal using the same age-based employment criteria which is now used by the FBI, the Secret Service and other Federal public safety agencies.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to express my strong support for H.R. 849, the Age Discrimination in Employment Safety Exemption Act. As the founder of the congressional fire services caucus, I have worked tirelessly to promote fire safety at the national level. For this reason, I am a cosponsor of H.R. 849 and am grateful that my colleague from Illinois has brought this issue to the floor today.

The ability of all public safety officers to perform their duties at peak level is literally a matter of life or death for millions of Americans. I can tell you first hand that the physical demands of firefighting are overwhelming. For this reason, in 1986, Congress agreed to exempt fire and police departments from ADEA while an official study was conducted regarding the validity of age criteria for public safety occupations. The study verified what I have been saying for years, that the ability to work as a fire or police officer declines with age.

Fitness tests are not a valid alternative to age limits. I've been surrounded by a 6-foot wall of fire, and I'm telling you there is no adequate simulation. In addition, fitness tests have been consistently struck down by courts as discriminatory. In absence of a valid fitness test, age limits ensure our public safety teams are in peak condition.

In addition, this bill will continue to protect State and local governments who in the past have been threatened with costly litigation in their efforts to defend age policies. Lives are at stake; we cannot let this issue become another litigation nightmare played out in our Nation's courts.

H.R. 849 is supported by those who are directly affected by its passage, the fire and police officers who rely on the ability of their colleagues to perform each and every day. In addition, the measure enjoys a broad and diverse range of support from organizations such as the AFL–CIO, the International Association of Fire Chiefs, the Fire Department Safety Officers Association, the International Association of Chiefs of Police, and the National Association of Counties to name but a few.

Mr. Speaker, I support passage of H.R. 849 and urge my colleagues to support Congressman FAWELL's efforts to strengthen our emergency service teams.

Mr. MARTINEZ. Mr. Speaker, I have no further requests for time.

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

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

The SPEAKER pro tempore (Mr. MCINNIS). The question is on the motion offered by the gentleman from Illinois [Mr. FAWELL] that the House suspend the rules and pass the bill, H.R. 849.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

TARGHEE NATIONAL FOREST LAND EXCHANGE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 529) to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming, as amended.

The Clerk read as follows:

H.R. 529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF EXCHANGE.

(a) CONVEYANCE.—Notwithstanding the requirements in the Act entitled "An Act to Consolidate National Forest Lands", approved March 20, 1922 (16 U.S.C. 485), and section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) that Federal and non-Federal lands exchanged for each other must be located within the same State, the Secretary of Agriculture may convey the Federal lands described in section 2(a) in exchange for the non-Federal lands described in section 2(b) in accordance with the provisions of this Act.

(b) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Except as otherwise provided in this Act, the land exchange authorized by this section shall be made under the existing authorities of the Secretary.

(c) ACCEPTABILITY OF TITLE AND MANNER OF CONVEYANCE.—The Secretary shall not carry out the exchange described in subsection (a) unless the title to the non-Federal lands to be conveyed to the United States, and the form and procedures of conveyance, are acceptable to the Secretary.

SEC. 2. DESCRIPTION OF LANDS TO BE EXCHANGED.

(a) FEDERAL LANDS.—The Federal lands referred to in this Act are located in the Targhee National Forest in Idaho, are generally depicted on the map entitled "Targhee Exchange, Idaho-Wyoming—Proposed, Federal Land", dated September 1994, and are known as the North Fork Tract.

(b) NON-FEDERAL LANDS.—The non-Federal lands referred to in this Act are located in the Targhee National Forest in Wyoming, are generally depicted on the map entitled "Non-Federal Land, Targhee Exchange, Idaho-Wyoming—Proposed", dated September 1994, and are known as the Squirrel Meadows Tract.

(c) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for inspection in the office of the Targhee National Forest in Idaho and in the office of the Chief of the Forest Service.

SEC. 3. EQUALIZATION OF VALUES.

Prior to the exchange authorized by section 1, the values of the Federal and non-Federal lands to be so exchanged shall be established by appraisals of fair market value that shall be subject to approval by the Secretary. The values either shall be equal or shall be equalized using the following methods:

(1) ADJUSTMENT OF LANDS.—

(A) PORTION OF FEDERAL LANDS.—If the Federal lands are greater in value than the non-Federal lands, the Secretary shall reduce the acreage of the Federal lands until the values of the Federal lands closely approximate the values of the non-Federal lands.

(B) ADDITIONAL FEDERALLY-OWNED LANDS—If the non-Federal lands are greater in value than the Federal lands, the Secretary may

convey additional federally owned lands within the Targhee National Forest up to an amount necessary to equalize the values of the non-Federal lands and the lands to be transferred out of Federal ownership. However, such additional federally owned lands shall be limited to those meeting the criteria for land exchanges specified in the Targhee National Forest Land and Resource Management Plan.

(2) PAYMENT OF MONEY.—The values may be equalized by the payment of money as provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) The term "Federal lands" means the Federal lands described in section 2(a).

(2) The term "non-Federal lands" means the non-Federal lands described in section 2(b).

(3) The term "Secretary" means the Secretary of Agriculture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, I rise in strong support of H.R. 529, to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming. Sponsored by Mr. CRAPO of Idaho, this legislation will facilitate the exchange of critical grizzly bear habitat in Wyoming for surplus Forest Service lands in Idaho. This is an equal value exchange that benefits both parties. This legislation passed the House under suspension during the 103d Congress and I urge my colleagues to support this measure once again. I thank my good friend, the gentleman from Idaho [Mr. CRAPO] for his work on this issue and look forward to its final passage.

Mr. Speaker, I yield 5 minutes to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Speaker, I rise in support of H.R. 529, the Targhee National Forest Land Exchange bill.

Before I begin, I want to thank Chairman HANSEN, the subcommittee staff, and the Forest Service for the outstanding work they have done on behalf of this legislation.

Legislation which is almost identical to H.R. 529 was passed by the House of Representatives on October 3, 1994. It was unfortunate that the 103d Congress came to a close before the Senate could act on this legislation. However, I am delighted that this noncontroversial legislation is once again before the House of Representatives.

H.R. 529, as has been said by the gentleman from Utah [Mr. HANSEN], would allow the exchange of a section of property in Wyoming known as Squirrel Meadows for parcels of National Forest Service land located in Idaho. This is one of those exchanges where all parties are winners.

This legislation requires a fair and equal land exchange. This land exchange involved approximately 26 acres of National Forest System lands and 95 acres of private land owned by Ricks College.

Situated on this forest service land are several cabins owned by private citizens and a lodge, and these citizens own the cabins but not the land, and in this exchange critical grizzly bear habitat will go to the Government for protection. The private citizens will be able to purchase the land on which their cabins sit and, therefore, solidify their situation in the forest, and the Federal Government will be able to benefit, as all are involved in accomplishing an objective that each believes in and supports.

Upon completion of the land exchange, these cabin owners will be allowed to purchase the land upon which their buildings sit. Ricks College plans to use the proceeds from these land sales to purchase lands along the Yale-Kilgore Road in Island Park, ID. The acquisition of the lands along the Yale-Kilgore Road will allow Ricks College to more effectively administer its educational programs.

Within the confines of the private lands being exchanged is situation 1 grizzly bear habitat. The transfer of this private property to the ownership of the Forest Service will allow the Forest Service to protect this unique area which is capable of supporting viable grizzly bear populations.

The Forest Service has been in extended negotiations to obtain the Squirrel Meadows property for some time. This unanimously agreed upon land transfer is a prime example of private citizenry and conservation management taking the initiative to protect areas of environmental habitat importance.

Mr. Speaker, I appreciate the opportunity we have had to work with the gentlewoman from Wyoming [Mrs. CUBIN] on this issue, with the Forest Service, Ricks College and all other interested parties to forge this agreement and to encourage support by those in the House for this legislation.

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

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

Mr. Speaker, H.R. 529 is a noncontroversial measure that authorizes an equal value interstate land exchange within the Targee National Forest. Legislation is required because the Forest Service does not have authority to do land exchanges between two States. As a result of the exchange authorized by the bill, the Forest Service will receive a 95-acre portion of a pristine and scenic tract of land known as Squirrel Meadows in Wyoming. The Forest Service will exchange a developed 10-acre tract in Idaho that has numerous summer homes owned by private individuals but located on National Forest lands leased to them by the Forest Service.

H.R. 529 is similar to legislation that passed the House in the last Congress. The bill before us today has a number of amendments that have been worked out to simplify the bill. With regards to the amendment deleting section 4, this matter was to be addressed in the committee report. The second amendment incorporates language suggested by the Forest Service to correct the bill's reference on the lands available for exchange.

Mr. Speaker, I support H.R. 529, as amended, and recommend its adoption by the House.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 529, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

DAYTON AVIATION HERITAGE PRESERVATION ACT AMENDMENTS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 606) to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes.

The Clerk read as follows:

H.R. 606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(b) of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419, approved October 16, 1992), is amended as follows:

(1) In paragraph (2), by striking "from recommendations" and inserting "after consideration of recommendations".

(2) In paragraph (4), by striking "from recommendations" and inserting "after consideration of recommendations".

(3) In paragraph (5), by striking "from recommendations" and inserting "after consideration of recommendations".

(4) In paragraph (6), by striking "from recommendations" and inserting "after consideration of recommendations".

(5) In paragraph (7), by striking "from recommendations" and inserting "after consideration of recommendations".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, I rise in support of H.R. 606, a bill to make technical changes to the Dayton Aviation Historic Preservation Act of 1992.

This bill simply clarifies the authority of the Secretary in making appointments to the Dayton Aviation Heritage Commission. Although the language in the bill is identical to that in many other park bills, the administration is seeking these technical changes to clarify the appointment powers of the President.

The bill would have no cost and I urge my colleagues to support it.

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

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

Mr. Speaker, H.R. 606 is a noncontroversial bill introduced by our good friend, the gentleman from Ohio [Mr. HALL], to deal with a technical matter in the appointment of members to the Dayton Aviation Heritage Commission by the Secretary of the Interior. The appointment procedure described in the Dayton Aviation Heritage Preservation Act of 1992, while identical to that in legislation authorizing other such commissions, has drawn criticism from the administration, which has expressed concern that it undercuts the Secretary's appointment authority. For this reason the gentleman from Ohio [Mr. HALL] introduced legislation to preclude any conflicts or concerns about the appointments to the commission.

I am pleased to see the House move on this bill. The provisions of H.R. 606 were passed by the House last Congress as part of another measure which, unfortunately, was not enacted into law.

Mr. Speaker, I support H.R. 606, I urge its adoption by the House, and I thank the Chair for helping us get this legislation moved, and I think great credit should go to the gentleman from Ohio [Mr. HALL] for pursuing this issue.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. HALL]. Let me mention that the gentleman from Ohio received incorrect information on the timing of this bill that we just passed on Dayton. I am going to yield to him so he can take due credit for the excellent legislation the gentleman just sponsored.

Mr. HALL of Ohio. Mr. Speaker, I rise to support H.R. 606, a bill I have introduced along with my Ohio colleagues, Representatives HOBSON and REGULA. The bill is identical to H.R. 3559, which passed the House last year, but was not considered in the Senate.

H.R. 606 would amend Public Law 102–419, the Dayton Aviation Heritage Preservation Act of 1992, which established the Dayton Aviation Heritage National Historical Park and the Dayton Aviation Heritage Commission. The purpose of the commission was to advise the National Park Service on the management of the park and assist the preservation of other significant sites throughout the Miami Valley related to the Wright brothers and aviation history.

The administration expressed a concern over the process for appointing members of the commission. This bill addresses that concern by giving the Secretary of the Interior greater discretion in appointing the members.

My community of Dayton, OH, is very proud of its role in the history of aviation. It was here the Wright brothers grew up and built the first airplane. It was also in the Dayton area that engineers at McCook Field, Wright Field, and Wright-Patterson Air Force Base made numerous contributions of national significance to aviation technology. Throughout the Miami Valley, aviation pioneers advanced the cause of flight and gave birth to the modern aerospace industry. This bill will ensure the proper functioning of the commission to help tell these stories to the Nation and to the world.

H.R. 606 has bipartisan support. It will result in no cost to the Federal Government or the State or local governments. I urge the passage of the bill.

Mr. HOBSON. Mr. Speaker, I rise today in strong support of H.R. 606, the Dayton Aviation Preservation Heritage Act Amendments, which was introduced by my colleague Congressman HALL, and of which I am a cosponsor. The legislation would make technical corrections to the Dayton Aviation Heritage Preservation Act, which became law in the 102d Congress, and is identical to legislation approved by the House in the last Congress (H.R. 3559).

The Dayton Aviation Heritage Commission is a Federal entity responsible for coordinating efforts at the Federal, State, and local levels to preserve and manage the historic resources of Miami Valley, OH, which is known for its aviation history.

Public Law 102–419 established the Dayton Aviation Heritage National Historical Park and the Dayton Aviation Heritage Commission, and contained a mechanism whereby the Secretary of Interior could appoint members to the Commission. Although the appointment language in the law was identical to language used in the past to create similar such commissions, the administration found the language to be unconstitutional.

H.R. 606 amends the Dayton Aviation Heritage Preservation Act to clarify that the Secretary of Interior need only consider the recommendations of others in making appointments to the advisory commission established by that law. This legislation is clearly technical in nature and would give the Secretary of Interior greater discretion in appointing members to the Commission. Again, this legislation is identical to that which was approved by the House, but did not receive Senate consideration.

H.R. 606 is extremely important in allowing the Commission to carry out their mission—which is to work with the National Park Service in the preservation of aviation history—a significant aspect of Dayton's heritage which is associated with the Wright Brothers and the early development of aviation. I would also like to point out that there is no cost involved with this bill.

Mr. HALL and I, along with the Miami Valley community have worked together to create the Dayton Aviation Heritage Park, a park that will bring to life the story of the Wright Brothers and the place where they grew up, invented the plane, and learned to fly. This legislation is necessary to ensure the preservation of Dayton's aviation history.

Mr. Speaker, I urge support of this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 606.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 622) to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, as amended.

The Clerk read as follows:

H.R. 622

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 "Northwest Atlantic Fisheries Convention Act of 1995".

SEC. 2. REPRESENTATION OF UNITED STATES UNDER CONVENTION.

(a) COMMISSIONERS.—

(1) APPOINTMENTS, GENERALLY.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the General Council and the Fisheries Commission, who shall each—

(A) be known as a "United States Commissioner to the Northwest Atlantic Fisheries Organization"; and

(B) serve at the pleasure of the Secretary.

(2) REQUIREMENTS FOR APPOINTMENTS.—

(A) The Secretary shall ensure that of the individuals serving as Commissioners—

(i) at least 1 is appointed from among representatives of the commercial fishing industry;

(ii) 1 (but no more than 1) is an official of the Government; and

(iii) 1, other than the individual appointed under clause (ii), is a voting member of the New England Fishery Management Council.

(B) The Secretary may not appoint as a Commissioner an individual unless the individual is knowledgeable and experienced concerning the fishery resources to which the Convention applies.

(3) TERMS.—

(A) The term of an individual appointed as a Commissioner—

(i) shall be specified by the Secretary at the time of appointment; and

(ii) may not exceed 4 years.

(B) An individual who is not a Government official may not serve more than 2 consecutive terms as a Commissioner.

(b) ALTERNATE COMMISSIONERS.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Commissioner at a meeting of the General Council or the Fisheries Commission, designate an individual to serve as an Alternate Commissioner.

(2) FUNCTIONS.—An Alternate Commissioner may exercise all powers and perform all duties of the Commissioner for whom the Alternate Commissioner is designated, at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated.

(c) REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the Scientific Council, who shall each be known as a "United States Representative to the Northwest Atlantic Fisheries Organization Scientific Council".

(2) ELIGIBILITY FOR APPOINTMENT.—

(A) The Secretary may not appoint an individual as a Representative unless the individual is knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

(B) The Secretary shall appoint as a Representative at least 1 individual who is an official of the Government.

(3) TERM.—An individual appointed as a Representative—

(A) shall serve for a term of not to exceed 4 years, as specified by the Secretary at the time of appointment;

(B) may be reappointed; and

(C) shall serve at the pleasure of the Secretary.

(d) ALTERNATE REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Representative at a meeting of the Scientific Council, designate an individual to serve as an Alternate Representative.

(2) FUNCTIONS.—An Alternate Representative may exercise all powers and perform all duties of the Representative for whom the Alternate Representative is designated, at any meeting of the Scientific Council for which the Alternate Representative is designated.

(e) EXPERTS AND ADVISERS.—The Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives may be accompanied at meetings of the Organization by experts and advisers.

(f) COORDINATION AND CONSULTATION.—

(1) IN GENERAL.—In carrying out their functions under the Convention, Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives shall—

(A) coordinate with the appropriate Regional Fishery Management Councils established by section 302 of the Magnuson Act (16 U.S.C. 1852); and

(B) consult with the committee established under section 8 of this Act.

(2) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coordination and consultations under this subsection.

SEC. 3. REQUESTS FOR SCIENTIFIC ADVICE.

(a) RESTRICTION.—The Representatives may not make a request or specification described in subsection (b) (1) or (2), respectively, unless the Representatives have first—

(1) consulted with the appropriate Regional Fishery Management Councils; and

(2) received the consent of the Commissioners for that action.

(b) REQUESTS AND TERMS OF REFERENCE DESCRIBED.—The requests and specifications referred to in subsection (a) are, respectively—

(1) any request, under Article VII(1) of the Convention, that the Scientific Council consider and report on a question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the jurisdiction of the United States within the Convention Area; and

(2) any specification, under Article VIII(2) of the Convention, of the terms of reference for the consideration of a question referred to the Scientific Council pursuant to Article VII(1) of the Convention.

SEC. 4. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

The Secretary of State may, on behalf of the Government of the United States—

(1) receive and transmit reports, requests, recommendations, proposals, and other communications of and to the Organization and its subsidiary organs;

(2) object, or withdraw an objection, to the proposal of the Fisheries Commission;

(3) give or withdraw notice of intent not to be bound by a measure of the Fisheries Commission;

(4) object or withdraw an objection to an amendment to the Convention; and

(5) act upon, or refer to any other appropriate authority, any other communication referred to in paragraph (1).

SEC. 5. INTERAGENCY COOPERATION.

(a) AUTHORITIES OF SECRETARY.—In carrying out the provisions of the Convention and this [title] *Act*, the Secretary may arrange for cooperation with other agencies of the United States, the States, the New England and the Mid-Atlantic Fishery Management Councils, and private institutions and organizations.

(b) OTHER AGENCIES.—The head of any Federal agency may—

(1) cooperate in the conduct of scientific and other programs, and furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention; and

(2) accept reimbursement from the Organization for providing such services, facilities, and personnel.

SEC. 6. RULEMAKING.

The Secretary shall promulgate regulations as may be necessary to carry out the purposes and objectives of the Convention and this [title] *Act*. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.

SEC. 7. PROHIBITED ACTS AND PENALTIES.

(a) PROHIBITION.—It is unlawful for any person or vessel that is subject to the jurisdiction of the United States—

(1) to violate any regulation issued under this [title] *Act* or any measure that is legally binding on the United States under the Convention;

(2) to refuse to permit any authorized enforcement officer to board a fishing vessel that is subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this [title] *Act*, any regulation issued under this [title] *Act*, or any measure that is legally binding on the United States under the Convention;

(3) forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this section; or

(6) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that the other person has committed an act prohibited by this section.

(b) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (a) shall be liable to the United States for a civil penalty, or may be subject to a permit sanction, under section 308 of the Magnuson Act (16 U.S.C. 1858).

(c) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under paragraph (2), (3), (4), or (6) of subsection (a) shall be guilty of an offense punishable under section 309(b) of the Magnuson Act (16 U.S.C. 1859(b)).

(d) CIVIL FORFEITURE.—

(1) IN GENERAL.—Any vessel (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act that is unlawful under subsection (a), and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act that is unlawful under subsection (a), shall be subject to seizure and forfeiture as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

(2) DISPOSAL OF FISH.—Any fish seized pursuant to this [title] *Act* may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations issued by the Secretary.

(e) ENFORCEMENT.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this [title] *Act* and shall have the authority specified in sections 311 (a), (b)(1), and (c) of the Magnuson Act (16 U.S.C. 1861 (a), (b)(1), and (c)) for that purpose.

(f) JURISDICTION OF COURTS.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this section and may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interests of justice.

SEC. 8. CONSULTATIVE COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of State and the Secretary, shall jointly establish a consultative committee to advise the Secretaries on issues related to the Convention.

(b) MEMBERSHIP.—(1) The membership of the Committee shall include representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean.

(2) TERMS AND REAPPOINTMENT.—Each member of the consultative committee shall serve for a term of two years and shall be eligible for reappointment.

(c) DUTIES OF THE COMMITTEE.—Members of the consultative committee may attend—

(1) all public meetings of the General Council or the Fisheries Commission;

(2) any other meetings to which they are invited by the General Council or the Fisheries Commission; and

(3) all nonexecutive meetings of the United States Commissioners.

(d) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the consultative committee established under this section.

SEC. 9. ADMINISTRATIVE MATTERS.

(a) PROHIBITION ON COMPENSATION.—A person shall not receive any compensation from the Government by reason of any service of the person as—

(1) a Commissioner, Alternate Commissioner, Representative, or Alternative Representative;

(2) an expert or adviser authorized under section 202(e); or

(3) a member of the consultative committee established by section 8.

(b) TRAVEL AND EXPENSES.—The Secretary of State shall, subject to the availability of appropriations, pay all necessary travel and other expenses of persons described in subsection (a)(1) and of not more than six experts and advisers authorized under section 2(e) with respect to their actual performance of their official duties pursuant to this [title] *Act*, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(c) STATUS AS FEDERAL EMPLOYEES.—A person shall not be considered to be a Federal employee by reason of any service of the person in a capacity described in subsection (a), except for purposes of injury compensation and tort claims liability under chapter 81 of title 5, United States Code, and chapter 17 of title 28, United States Code, respectively.

SEC. 10. DEFINITIONS.

In this [title] *Act* the following definitions apply:

(1) AUTHORIZED ENFORCEMENT OFFICER.—The term "authorized enforcement officer" means a person authorized to enforce this [title] *Act*, any regulation issued under this [title] *Act*, or any measure that is legally binding on the United States under the Convention.

(2) COMMISSIONER.—The term "Commissioner" means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 2(a).

(3) CONVENTION.—The term "Convention" means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978.

(4) FISHERIES COMMISSION.—The term "Fisheries Commission" means the Fisheries Commission provided for by Articles II, XI, XII, XIII, and XIV of the Convention.

(5) GENERAL COUNCIL.—The term "General Council" means the General Council provided for by Article II, III, IV, and V of the Convention.

(6) MAGNUSON ACT.—The term "Magnuson Act" means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) ORGANIZATION.—The term "Organization" means the Northwest Atlantic Fisheries Organization provided for by Article II of the Convention.

(8) PERSON.—The term "person" means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

(9) REPRESENTATIVE.—The term "Representative" means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 2(c).

(10) SCIENTIFIC COUNCIL.—The term "Scientific Council" means the Scientific Council provided for by Articles II, VI, VII, VIII, IX, and X of the Convention.

(11) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this [title] *Act*, including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, $500,000 for each of the fiscal years 1995, 1996, 1997, and 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

Mr. Speaker, I rise in support of H.R. 622, noncontroversial legislation pending before us today.

H.R. 622 is the implementation of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries. This bill was introduced by the ranking minority member of the Fisheries, Wildlife and Oceans Subcommittee, Mr. STUDDS.

H.R. 622 would authorize U.S. participation in the North Atlantic Fisheries Organization—also known as NAFO.

The NAFO is an international body established by convention in 1978 to oversee certain fisheries existing beyond the 200-mile territorial seas of the United States, Canada, and Greenland in the northwest Atlantic. The United States participated in the negotiations and signed the original convention. While the other body consented to membership to NAFO in 1983, Congress never enacted implementing legislation to allow full participation in the organization. And while U.S. fishermen must abide by the NAFO treaty, these same fishermen are unable to formally participate in the process that results in the treaty. This legislation would allow just that.

Once again, this is a noncontroversial bill and I ask for your support.

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

□ 1500

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

Mr. Speaker, I rise in strong support of H.R. 622, legislation to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

Two weeks ago, I stood in this spot describing for Members the drastic decline of commercial fisheries worldwide, and the need for all coastal nations to participate in international agreements and organizations that provide for the responsible conversation and management of high seas resources. Demonstrating the U.S. commitment to such an effort, the legislation we passed that day encouraged the development of a multilateral management agreement for pollock stocks in the north Pacific.

Similarly, the bill we are considering today, H.R. 622, would authorize U.S. participation in NAFO, an international body established by convention in 1978 to manage certain valuable high seas fisheries in the northwest Atlantic. Seventeen nations are party to this convention. While the U.S. participated in the negotiation for NAFO, signed the original convention, and the Senate consented to membership in 1983, Congress has never enacted implementing legislation to allow full participation in the organization.

In the past, U.S. fishermen have had little interest in fishing in the NAFO regulatory area, so membership was not crucial. Recently, however, U.S. fishing vessels have begun harvesting fish in the NAFO area. Complicating this situation, is the fact that the United States is about to implement a high seas fisheries treaty adopted at the United Nations in November 1993. That treaty would prohibit our vessels from fishing in the NAFO area unless we are party to the NAFO convention. As a result, joining NAFO is not only the responsible thing to do, it is essential if our fishermen are to have any hope of access to the area in the future.

By requiring the United States to work cooperatively in an area of the ocean where fisheries important to our own fishermen exist, H.R. 622 is the second bill we will pass in 2 weeks that signals U.S. dedication to multilateral management of high seas resources, it is good for the fish and the fishermen, and I urge Members to support it.

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

Mr. YOUNG of Alaska. Mr. Speaker, my colleague from Massachusetts, Mr. STUDDS, has introduced H.R. 622, a bill to implement the Convention on Future Multilateral Cooperation in Northwest Atlantic Fisheries. This legislation will allow the United States to become a member of the Northwest Atlantic Fisheries Organization [NAFO].

Currently, the United States is not an active member in NAFO, even though we were involved in the negotiations which created this organization in 1978. Since this organization is active in recommending how resources that are harvested by U.S. fishermen are being managed and conserved, I support H.R. 622. This legislation will give the administration a more active role in NAFO's management and conservation recommendations, while giving U.S. fishermen greater access to the organization's research.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 622, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H.R. 622, as amended, the bill just passed.

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

There was no objection.

FORT CARSON-PINON CANYON MILITARY LANDS WITHDRAWAL ACT

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 256) to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes.

The Clerk read as follows:

H.R. 256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fort Carson-Pinon Canyon Military Lands Withdrawal Act".

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

Sec. 1. Short title and table of contents.
Sec. 2. Withdrawal and reservation of lands at Fort Carson Military Reservation.
Sec. 3. Withdrawal and reservation of lands at Pinon Canyon Maneuver Site.
Sec. 4. Maps and legal descriptions.
Sec. 5. Management of withdrawn lands.
Sec. 6. Management of withdrawn and acquired mineral resources.
Sec. 7. Hunting, fishing, and trapping.
Sec. 8. Termination of withdrawal and reservation.
Sec. 9. Determination of presence of contamination and effect of contamination.
Sec. 10. Delegation.
Sec. 11. Hold harmless.
Sec. 12. Amendment to Military Lands Withdrawal Act of 1986.
Sec. 13. Authorization of appropriations.

SEC. 2. WITHDRAWAL AND RESERVATION OF LANDS AT FORT CARSON MILITARY RESERVATION.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this Act, the lands at the Fort Carson Military Reservation, Colorado, that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral and geothermal leasing laws, and the mineral materials disposal laws.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering, training and weapons firing; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) LAND DESCRIPTION.—The lands referred to in subsection (a) comprise 3,133.02 acres of public land and 11,415.16 acres of federally-owned minerals in El Paso, Pueblo, and Fremont Counties, Colorado, as generally depicted on the map entitled "Fort Carson Proposed Withdrawal—Fort Carson Base", dated February 6, 1992, and published in accordance with section 4.

SEC. 3. WITHDRAWAL AND RESERVATION OF LANDS AT PINON CANYON MANEUVER SITE.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this Act, the lands at the Pinon Canyon Maneuver Site, Colorado, that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral and geothermal leasing laws, and the mineral materials disposal laws.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering and training; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) LAND DESCRIPTION.—The lands referred to in subsection (a) comprise 2,517.12 acres of public lands and 130,139 acres of federally-owned minerals in Las Animas County, Colorado, as generally depicted on the map entitled "Fort Carson Proposed Withdrawal—Fort Carson Maneuver Area—Pinon Canyon site", dated February 6, 1992, and published in accordance with section 4.

SEC. 4. MAPS AND LEGAL DESCRIPTIONS.

(a) PREPARATION OF MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall prepare maps depicting the lands withdrawn and reserved by this Act and publish in the Federal Register a notice containing the legal description of such lands.

(b) LEGAL EFFECT.—Such maps and legal descriptions shall have the same force and effect as if they were included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY OF MAPS AND LEGAL DESCRIPTION.—Copies of such maps and legal descriptions shall be available for public inspection in the offices of the Colorado State Director and the Canon City District Manager of the Bureau of Land Management and in the offices of the Commander of Fort Carson, Colorado.

(d) COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for the costs of implementing this section.

SEC. 5. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT GUIDELINES.—

(1) MANAGEMENT BY SECRETARY OF THE ARMY.—Except as provided in section 6, during the period of withdrawal, the Secretary of the Army shall manage for military purposes the lands covered by this Act and may authorize use of the lands by the other military departments and agencies of the Department of Defense, and the National Guard, as appropriate.

(2) ACCESS RESTRICTIONS.—When military operations, public safety, or national security, as determined by the Secretary of the Army, require the closure of roads and trails on the lands withdrawn by this Act commonly in public use, the Secretary of the Army is authorized to take such action, except that such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. Appropriate warning notices shall be kept posted during closures.

(3) SUPPRESSION OF FIRES.—The Secretary of the Army shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands as a result of military activities and may seek assistance from the Bureau of Land Management in suppressing such fires. The memorandum of understanding required by this section shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Army to the Bureau of Land Management as compensation for such assistance.

(b) MANAGEMENT PLAN.—

(1) DEVELOPMENT REQUIRED.—The Secretary of the Army, with the concurrence of the Secretary of the Interior, shall develop a plan for the management of acquired lands and lands withdrawn under sections 2 and 3 for the period of withdrawal. The plan shall—

(A) be consistent with applicable law;

(B) include such provisions as may be necessary for proper resource management and protection of the natural, cultural, and other resources and values of such lands; and

(C) identify those withdrawn and acquired lands, if any, which are to be open to mining or mineral and geothermal leasing, including mineral materials disposal.

(2) TIME FOR DEVELOPMENT.—The management plan required by this subsection shall be developed not later than 5 years after the date of the enactment of this Act.

(c) IMPLEMENTATION OF MANAGEMENT PLAN.—

(1) MEMORANDUM OF UNDERSTANDING REQUIRED.—The Secretary of the Army and the

Secretary of the Interior shall enter into a memorandum of understanding to implement the management plan developed under subsection (b).

(2) DURATION.—The duration of any such memorandum of understanding shall be the same as the period of withdrawal specified in section 8(a).

(3) AMENDMENT.—The memorandum of understanding may be amended by agreement of both Secretaries.

(d) USE OF CERTAIN RESOURCES.—The Secretary of the Army is authorized to utilize sand, gravel, or similar mineral or mineral material resources from the lands withdrawn by this Act when the use of such resources is required for construction needs of the Fort Carson Reservation or Pinon Canyon Maneuver Site.

SEC. 6. MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.

Except as provided in section 5(d), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of the Fort Carson Military Reservation and Pinon Canyon Maneuver Site in the same manner as provided in section 12 of the Military Lands Withdrawal Act of 1986 (Public Law 99-606; 100 Stat. 3466) for mining and mineral leasing on certain lands withdrawn by that Act from all forms of appropriation under the public land laws.

SEC. 7. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn and reserved by this Act shall be conducted in accordance with section 2671 of title 10, United States Code.

SEC. 8. TERMINATION OF WITHDRAWAL AND RESERVATION.

(a) TERMINATION DATE.—The withdrawal and reservation made by this Act shall terminate 15 years after the date of the enactment of this Act.

(b) DETERMINATION OF CONTINUING MILITARY NEED.—

(1) DETERMINATION REQUIRED.—At least three years before the termination under subsection (a) of the withdrawal and reservation established by this Act, the Secretary of the Army shall advise the Secretary of the Interior as to whether or not the Department of the Army will have a continuing military need for any of the lands after the termination date.

(2) METHOD OF MAKING DETERMINATION.—If the Secretary of the Army concludes under paragraph (1) that there will be a continuing military need for any of the lands after the termination date established by subsection (a), the Secretary of the Army, in accordance with applicable law, shall—

(A) evaluate the environmental effects of renewal of such withdrawal and reservation;

(B) hold at least one public hearing in Colorado concerning such evaluation; and

(C) file, after completing the requirements of subparagraphs (A) and (B), an application for extension of the withdrawal and reservation of such lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals for military uses.

(3) NOTIFICATION.—The Secretary of the Interior shall notify the Congress concerning a filing under paragraph (3)(C).

(c) EARLY RELINQUISHMENT OF WITHDRAWAL.—If the Secretary of the Army concludes under subsection (b) that before the termination date established by subsection (a) there will be no military need for all or any part of the lands withdrawn and reserved by this Act, or if, during the period of withdrawal, the Secretary of the Army otherwise decides to relinquish any or all of the lands withdrawn and reserved under this Act, the Secretary of the Army shall file with the Secretary of the Interior a notice of intention to relinquish such lands.

(d) ACCEPTANCE OF LANDS PROPOSED FOR RELINQUISHMENT.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over the lands proposed for relinquishment, may revoke the withdrawal and reservation established by this Act as it applies to the lands proposed for relinquishment. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws if appropriate.

SEC. 9. DETERMINATION OF PRESENCE OF CONTAMINATION AND EFFECT OF CONTAMINATION.

(a) DETERMINATION OF PRESENCE OF CONTAMINATION.—

(1) BEFORE RELINQUISHMENT NOTICE.—Before filing a relinquishment notice under section 8(c), the Secretary of the Army shall prepare a written determination as to whether and to what extent the lands to be relinquished are contaminated with explosive, toxic, or other hazardous materials. A copy of the determination made by the Secretary of the Army shall be supplied with the relinquishment notice. Copies of both the relinquishment notice and the determination under this subsection shall be published in the Federal Register by the Secretary of the Interior.

(2) UPON TERMINATION OF WITHDRAWAL.—At the expiration of the withdrawal period made by this Act, the Secretary of the Interior shall determine whether and to what extent the lands withdrawn by this Act are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws.

(b) PROGRAM OF DECONTAMINATION.—

(1) IN GENERAL.—Throughout the duration of the withdrawal and reservation made by this Act, the Secretary of the Army, to the extent funds are made available, shall maintain a program of decontamination of the lands withdrawn by this Act at least at the level of effort carried out during fiscal year 1992.

(2) DECONTAMINATION OF LANDS TO BE RELINQUISHED.—In the case of lands subject to a relinquishment notice under section 8(c) that are contaminated, the Secretary of the Army shall decontaminate the land to the extent that funds are appropriated for such purpose if the Secretary of the Interior, in consultation with the Secretary of the Army, determines that—

(A) decontamination of the lands is practicable and economically feasible, taking into consideration the potential future use and value of the land; and

(B) upon decontamination, the land could be opened to the operation of some or all of the public land laws, including the mining laws.

(c) AUTHORITY OF SECRETARY OF THE INTERIOR TO REFUSE CONTAMINATED LANDS.—The Secretary of the Interior shall not be required to accept lands proposed for relinquishment if the Secretary of the Army and the Secretary of the Interior conclude that—

(1) decontamination of any or all of the lands proposed for relinquishment is not practicable or economically feasible;

(2) the lands cannot be decontaminated sufficiently to allow them to be opened to the operation of the public land laws; or

(3) insufficient funds are appropriated for the purpose of decontaminating the lands.

(d) EFFECT OF CONTINUED CONTAMINATION.—If the Secretary of the Interior declines under subsection (c) to accept jurisdiction of lands proposed for relinquishment or if the Secretary of the Interior determines under subsection (a)(2) that some of the lands withdrawn by this Act are contaminated to an extent that prevents opening the contaminated lands to operation of the public land laws—

(1) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Army shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken under paragraphs (1) and (2).

(e) EFFECT OF SUBSEQUENT DECONTAMINATION.—If the lands described in subsection (d) are subsequently decontaminated, upon certification by the Secretary of the Army that the lands are safe for all nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(f) EFFECT ON OTHER LAWS.—Nothing in this Act shall affect, or be construed to affect, the obligations of the Secretary of the Army, if any, to decontaminate lands withdrawn by this Act pursuant to applicable law, including the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 10. DELEGATION.

The functions of the Secretary of the Army under this Act may be delegated. The functions of the Secretary of the Interior under this Act may be delegated, except that the order referred to in section 8(d) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 11. HOLD HARMLESS.

(a) IN GENERAL.—The United States shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining, mineral activity, or geothermal leasing activity conducted on lands comprising the Fort Carson Reservation or Pinon Canyon Maneuver Site, including liabilities to non-Federal entities under section 107 or 113 of the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9607, 9613), or section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973).

(b) INDEMNIFICATION.—Any party conducting any mining, mineral, or geothermal leasing activity on lands comprising the Fort Carson Reservation or Pinon Canyon Maneuver Site shall indemnify the United States against any costs, fees, damages, or other liabilities (including costs of litigation) incurred by the United States and arising from or relating to such mining activities, including costs of mineral materials disposal, whether arising under the Comprehensive Environmental Response Compensation and

Liability Act of 1980, the Solid Waste Disposal Act, or otherwise.

SEC. 12. AMENDMENT TO MILITARY LANDS WITHDRAWAL ACT OF 1986.

(a) USE OF CERTAIN RESOURCES.—Section 3(f) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606; 100 Stat. 3461) is amended by adding at the end the following new paragraph:

"(2) Subject to valid existing rights, the Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources when the use of such resources is required for construction needs on the respective lands withdrawn by this Act.".

(b) TECHNICAL CORRECTION.—Section 9(b) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606; 100 Stat. 3466) is amended by striking "section 7(f)" and inserting in lieu thereof "section 8(f)".

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. HEFLEY] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

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

Mr. Speaker, at the outset, I would like to thank my colleagues on the National Security Committee and the Resources Committee, particularly Chairman SPENCE, Chairman YOUNG, and ranking minority members, DELLUMS and MILLER, for their willingness to consider H.R. 256 early in this session.

H.R. 256 would withdraw and reserve certain public lands and minerals within El Paso, Pueblo, Teller, and Las Animas Counties in Colorado for military purposes. The bill would withdraw 3,133 acres of public lands and minerals and another 11,415 acres of public domain mineral estate within the existing Fort Carson Military Reservation. The bill would also withdraw 2,517 acres of surface land and 130,139 acres of minerals at the associated Pinon Canyon maneuver site.

Since the 1930's, the Army has used the lands on which Fort Carson was established, and the Pinon Canon maneuver site has been in use since the early 1980's. The legislation will help provide the space necessary to improve training for our Armed Forces. The principal uses of the withdrawn acreage will be for mechanized training at battalion and brigade levels with related maneuvering, training, and weapons firing. I want to note, however, that no weapons firing will be conducted at Pinon Canyon due to environmental constraints.

The Department of the Army and the Department of the interior have renewed the withdrawal of mineral rights controlled by the Bureau of Land Management every 5 years. The previous withdrawal expired on June 23, 1993. The BLM has argued that these 5-year withdrawals are too short, since environmental assessment work leading up to the renewals take about 8 years. Thus, the bill before the House includes a 15-year withdrawal period. This is consistent with the Military Lands Withdrawal Act of 1986 and with earlier legislation which provided a 15-year withdrawal for Nellis Air Force Base in Nevada.

The Army would prefer a 25-year withdrawal period because of the substantial lead time required to comply with all statutory and administrative requirements to process military land withdrawals. However, the Army can support this compromise of a 15-year withdrawal period.

I would note that the text of the bill you see before you is virtually identical to legislation which passed the House in the previous two Congresses.

As I said, Fort Carson's immediate past mineral withdrawal expired on June 23, 1992. That withdrawal has been extended, both administratively and through a 1-year legislative extension in 1992. This is an important administrative matter, and I hope the other body will move quickly on this legislation so that we can send this measure to the White House for the President's signature.

I urge my colleagues to support this legislation.

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

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

Mr. Speaker, this is the third time the House has considered this legislation, having passed it previously in both the 102d and 103d Congress. H.R. 265 would withdraw and reserve for military use certain public lands and minerals in two existing military-use areas, the Fort Carson Reservation and the Pinon Canyon maneuver area, both in Colorado.

I would note that H.R. 256 differs from the version of the bill that passed the House in the last Congress. The bill now includes amendments that were adopted by the Senate Energy and Natural Resources Committee in the bill they reported to the Senate last year. If the Senate had been able to pass the bill, it is my understanding that the House would have likely gone along with those changes.

Mr. Speaker, I hope for the sponsor, Representative HEFLEY's sake, that the third time around on this legislation is the charm. I support the legislation and recommend its adoption by the House.

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

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

Mr. Speaker, I would comment in response to the comment of the gentleman from New Mexico [Mr. RICHARDSON], this has become like the cherry blossoms. It is a rite of springtime here in Washington. I hope this is the last time we have to look at this bill, and that we can get it passed and move on to other things.

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

Mr. RICHARDSON. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. ORTIZ], the ranking member of the Subcommittee on National Security.

Mr. ORTIZ. Mr. Speaker, let me thank the gentleman from Colorado, Chairman HEFLEY, for the outstanding job he has done.

Mr. Speaker, I would like my colleagues to know that there is no controversy with respect to this legislation. This bill passed the Committee on National Security without dissent. An identical bill previously passed the House of Representatives and has passed the U.S. Senate. It passed the Committee on Resources on January 18 of this year by a vote of 42 to 0. The Department of the Army and the Bureau of Land Management support this bill.

Mr. Speaker, I ask for support of this legislation.

Mrs. SCHROEDER. Mr. Speaker, I rise in support of H.R. 256. As my colleagues have stated, there is no opposition to this bill. This is the second year this bill has been taken up. It has been favorably reported out of both the Natural Resources and National Security Committees. I would like to thank my colleagues involved who have put so much work into getting this bill to the floor.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. HEFLEY] that the House suspend the rules and pass the bill, H.R. 256.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 256, the bill just passed.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 73, TERM LIMITS CONSTITUTIONAL AMENDMENT

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up

House Resolution 116 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 116

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 joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives. The first reading of the joint resolution shall be dispensed with. General debate shall be confined to the joint resolution and shall not exceed three hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the joint resolution shall be considered for amendment under the five-minute rule. The joint resolution shall be considered as read. No amendment shall be in order except those specified in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order specified in the report, may be offered only by a Member designated in the report, may be considered notwithstanding the adoption of a previous amendment in the nature of a substitute, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. If more than one amendment is adopted, then only the one receiving the greater number of affirmative votes shall be considered as finally adopted. In the case of a tie for the greater number of affirmative votes, then only the last amendment to receive that number of affirmative votes shall be considered as finally adopted. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendment as may have been finally adopted. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpcses of debate only.

Mr. Speaker, I am honored to open this historic debate and mindful of the significance of our discussion. As we speak, reports suggest that there are not yet enough votes to pass the constitutional amendment limiting Members terms. A loss on this issue will be decried by some as failure—but that would miss the point. It is a victory to be here having this debate, to have a rule that forces Members to come clean on where they really stand on term limits. We promised this vote—and we have delivered. It was not so long ago, that Tom Foley was Speaker of this House—the same man who sued the people of his own State over this question; the same man who refused to allow term limits to come to the floor for an honest vote. We may or may not have the 290 votes when all is said and done here this week, but either way the issue of term limits is not going away. There are 22 States with term limits; 80 percent of Americans want term limits; and there is another election coming in November 1996. The final vote taken here Thursday afternoon will be irrefutable to our constituents, as they watch to see where we stand individually and collectively. It is a vote that matters and Members should know there is no place to hide.

Mr. Speaker, this rule offers Members a chance to consider the major issues involved in this debate. The rule makes in order as base text House Joint Resolution 73. I should note that this text is the same as was used as the chairman's mark in the Judiciary Committee. Although the committee adopted some amendments, the reported version came forward without recommendation, without much committee support on either side of the aisle and without a prime sponsor. The rule allows 3 hours of general debate, equally divided and controlled by the chairman and ranking member of the Judiciary Committee, after which Members will have the chance to vote on four substitutes, with 1 hour of debate on each. The minority was consulted and given the choice of which substitute to offer, and has chosen to present the 12-year, so-called retroactive Peterson-Dingell version. Subsequent to that vote, Members will vote on a 6-year proposal offered by Representative INGLIS and then a 12-year measure that does not preempt State limits offered by Representative HILLEARY. Last, Members will have a chance to cast their votes for or against the 12-year McCollum proposal, the version that is contained in the base text of House Joint Resolution 73. Once the amendment process is complete, the substitute that earns the most votes will be considered for final passage—the winner-take-all approach—at which time, because this is a constitutional amendment, 290 votes are needed. As is customary, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, I expect this to be a fascinating debate. Recognizing that very sincere and thoughtful people strongly oppose the concept of terms limits, passage is far from certain. But the mere fact that we are having this debate—and the coming series of votes—at all, suggests just how much change has taken place in this Capitol since January 4.

The fundamental, bottom line distinction that will be drawn in this process is the one most Americans are watching for: Who supports term limits for Congress. We can expect a fair amount of ducking and weaving by those Members who want to appear committed to term limits but might prefer that term limits disappear without enough votes for passage. Americans should not be fooled by the attempt of long-time term limits opponents to change the subject to one of so-called retroactivity. Americans should consider the source of that proposal. Keep in mind that most of its sponsors and those senior, status-quo Democrats who will speak up for it have never supported term limits, have never introduced such a bill, and did nothing when their party controlled this House to move that debate to the floor. It is a smokescreen and it should be defeated.

Mr. Speaker, Florida is a term limits State—the voters there have spoken for an 8-year limit on Members' terms. As a long-time believer in the need to shake up the status quo, create some national parity and still respect States' rights to establish their own, more stringent limits—I believe the best option before this House is the Hilleary proposal. Still, the most important mission we have this week is to verify if 290 votes exist to pass national term limits—in one form or another. I urge my colleagues to listen closely to what the American people are asking us to do. Either way, we will establish some clear accountability. Our constituents should appreciate that.

□ 1615

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 object to this rule, and to the resolution that it makes in order. The issue before us—term limits for Members of the House of Representatives and the Senate—goes to the heart of our form of government, and it will be instructive for the House of Representatives to conduct a debate on this extremely important matter. But we have reservations about the procedure for considering this matter and, more importantly, we hope and expect that the outcome of this historic debate, will be the failure of all four versions of this ill-advised initiative.

Mr. Speaker, although the rule makes in order four different approaches to term limits, there is one critical aspect of this issue that this rule does not adequately address, and that is the question of retroactive coverage. Many on our side believe that, as a matter of equity and fairness, if we are going to limit the number of terms that Members who are first elected in the future may serve in the Congress, we ought to count the time already spent here by Members, at the

time, term limits take effect. That is to say, we should not treat ourselves as new Members for the purposes of counting the number of terms once these limits take effect.

While it is true that one of the four versions of the term limit proposals made in order by this rule, the Peterson-Dingell substitute, would provide that previous service shall be taken into account when determining the number of terms a Member may serve, the issue of retroactivity is important enough that the membership ought to be able to consider it for each of the four alternatives to be put before us.

During the Rules Committee consideration of this rule, we offered an amendment that would have allowed any of the versions of term-limit proposals to be amended to provide for retroactive coverage. Unfortunately, our amendment was rejected. The result is that the membership will not have the opportunity to consider the issue of retroactivity with respect to three of the four different versions.

Aside from the procedural aspects of this debate, the substance of the term-limits issue is extremely troubling to many of us.

We are all mindful of current popular sentiment on this issue which favors limiting the number of terms a person may serve in the House or in the Senate.

But limiting the number of terms a person may serve would deny citizens a very fundamental civic right—the right to choose the people whom they want to be their voice in Washington. Voters would be prohibited from choosing to return to the Congress, after either 6 years or 12 years, as the case may be, a Representative or a Senator who is serving them to their satisfaction—and representing them better than they believe any of their electoral competitors would. And never again would they have the opportunity to be represented by someone who has more than 12 years, or possibly more than just 6 years, of experience in the Congress.

Imposing a term limit is like saying that the American people cannot be trusted to meet the challenge of self-government.

Experience in legislative work is valuable, just as it is in teaching, medicine, law, engineering, carpentry, and every other profession or vocation. Knowledge and wisdom are derived from experience in legislating, just as they are from experience in any other job.

How foolish and destructive it would be, to remove all of the most experienced legislators from the U.S. Congress, and to ensure that the Congress will, for the rest of time, be composed entirely of relatively inexperienced Members. How utterly senseless it would be to obliterate all the long-term institutional memory that exists among the men and women of this great institution.

99-059 O—97 Vol. 141 (Pt. 7) 21

Term limits would indiscriminately sacrifice too many experienced, effective, intelligent, honest, and skilled legislators of all political stripes.

Knowledge is power. If we remove from Congress the Representatives and Senators who have the most in-depth knowledge of the issues, who have had the most years of experience working on those issues, then we will greatly empower congressional staff, lobbyists, and Federal bureaucrats—Washington's permanent bureaucracy, as they are even now often referred to—because they will be the only people in and around the Capitol who have any institutional memory. Members will be far more dependent on them for understanding what it is the House or Senate is considering, than we are now.

No matter how dedicated they are to the public interest, congressional staff, lobbyists, and bureaucrats are not elected by citizens to represent them in the Congress, and they are not accountable to the voters. They do not derive their power from standing for election every 2 years, as we do. I can think of nothing more damaging to representative government—to the responsiveness of our political system—than to reduce the power of those who are accountable to the voters, and to enhance the power of those who are not.

I have had the opportunity to preview, you might say, the effect of term limits when I served on the House Permanent Select Committee on Intelligence several years ago. As Members know, until this year, Members were prohibited from serving for more than 6 years at a time on that important committee.

Even though virtually every member of the committee had had several years of experience in Congress, we had no one on the committee who had any experience overseeing the operations of the intelligence community that extended beyond 6 years. Most of us found that it took us about 3 or 4 years just to learn the intricacies of the issues involved in intelligence operations, and then we had just 2 years to really use that expertise—to be in a position where we could pose challenging questions to the heads of the CIA and other intelligence agencies and make sensible decisions about the tens of billions of dollars of appropriations for those agencies that it was our responsibility to make. After those 2 years, Members would rotate off the committee and would be replaced by new members, who would take 3 to 4 years to get up to speed on these difficult and arcane issues before the committee.

The loss of the most experienced Members was a serious hindrance to the committee's effectiveness—so serious, in fact, that with strong support on both sides of the aisle, we have, just this year, extended the terms on the committee to four terms, or 8 years, with a fifth term, or 10 years, for the chairman.

Those of us from California have also observed what has happened in the California State Legislature, which now has a 6-year term limit. Knowing that they cannot stay for more than a very few years, legislators come into office looking for ways to use their short stint to make their next career move.

Many leave after 3 or 4 years and take jobs in the industries they have been overseeing as legislators, or they to look for other offices to run for. Two years from now, there will not be anyone in Sacramento, except staff and lobbyists, who has any kind of institutional memory. The citizens of California are being poorly served under these circumstances, and it would be a grave error to extend this failing system to our national legislature as well.

Mr. Speaker, I am among the majority of members of our party who find myself in disagreement with many of the initiatives that have been brought forth by our new Speaker, the gentleman from Georgia [Mr. GINGRICH] and his colleagues in the majority, across the aisle. But I take comfort in the fact that Mr. GINGRICH has been here for 16 years and understands the institution. I seriously doubt that the accomplishments of these past 3 months—like them or not—would have been possible if the Speaker, and the other members of the new leadership, and the new committee Chairs, were not the seasoned legislators that in fact they are.

Every Member of this body who is considering voting for term limits ought to think long and hard about whether we are truly serving the best interests of the American people if we force the House of Representatives, forever more, to elect leaders who have no more than 10 years of previous experience here—or worse, under the 6-year limit proposed by the gentleman from South Carolina [Mr. INGLIS] to elect leaders who have no more than 4 years of previous experience in the House.

Mr. Speaker, we are sympathetic to the frustration people feel about the Congress—that somehow, the system is just not working, that Congress is not solving the problems that people back home care about. But more rapid turnover in Congress is not the answer. There is already a huge turnover. Well more than half of the current members of the House were first elected since 1990 and, of course, the high turnover in the last election also resulted in the change in party control here. It is ironic that, having just emerged from an election which made the strongest case imaginable that term limits are unnecessary, we are now poised to vote on them.

Mr. Speaker, term limits would make Congress less responsive and less effective, not more so. They would deny the

right of citizens to choose whom they want to represent them in Congress; they would ensure that Congress is composed entirely of relatively inexperienced legislators; and they would enhance the already considerable power of unelected and unaccountable staff, lobbyists, and bureaucrats.

Mr. Speaker, I urge our colleagues to vote no on the rule and no on all versions of the term-limit constitutional amendment that this rule makes in order.

Over the past 30 years, 14 constitutional amendments have been considered by the House of Representatives. Nearly half of the amendments (6) were considered under open rules.

OPEN RULE—6

89th Congress (1965–1966): H.J. Res. 1—Presidential succession. Considered under an open rule providing for four hours of general debate.

91st Congress (1969–1971): H.J. Res. 681—Direct election of the President. Considered under an open rule providing six hours of general debate.

92nd Congress (1971–1972): H.J. Res. 223–Vote for 18 year olds. Considered under an open rule providing two hours of general debate. H.J. Res. 208—Equal Rights Amendments. Considered under an open rule providing four hours of general debate.

94th Congress (1975–1976): H.J. Res. 280–DC Congressional Representation. Considered under an open rule providing three hours of general debate.

95th Congress (1977–1978): H.J. Res. 280–DC Congressional Representation. Considered under an open rule providing two hours of general debate.

DISCHARGE OF CONSTITUTIONAL AMENDMENT—2

92nd Congress (1971–1972): H.J. Res. 191—School Prayer.

96th Congress (1979–1980): H.J. Res. 74—School Assignment.

SUSPENSION—2

98th Congress (1983–1984): H.J. Res. 1—Equal Rights Amendment.

101st Congress (1989–1990): H.J. Res. 350—Flag Protection. Provided five hours of general debate.

KING-OF-THE-HILL—4

97th Congress (1981–1982): H.J. Res. 450—Balanced Budget.

101st Congress (1989–1990): H.J. Res. 268—Balanced Budget.

102nd Congress (1991–1992): H.J. Res. 290—Balanced Budget.

103rd Congress (1993–1994): H.J. Res. 103—Balanced Budget.

FLOOR PROCEDURE IN THE 104TH CONGRESS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House, no amendments	N/A.
H.R. 2	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on suspension calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; Contains self-executing provision.	1D.
H.R. 830	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaness against it.	1D.
H.R. 988	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R.
H.R. 4	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.

** 78% restrictive; 22% open. **** Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. **** Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

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

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. LINDER], a very valuable member of the Rules Committee who has helped us craft this very fair rule.

□ 1530

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

Mr. Speaker, this is an extraordinary day for those of us who believe that the American people are better served by dentists, teachers, and football players than by career politicians.

I strongly support the rule that will allow for the consideration of House Joint Resolution 2, the constitutional amendment to limit the terms of Members of the House and the Senate. I am pleased that four distinct constitutional amendments will be considered to address the major aspects of the term limits movement. The rule permits 3 hours of general debate and enables the House to engage in a full and fair debate on the length of the term limits, the question of retroactivity, and whether State law can be preempted by Federal law.

It is important to note that, in the past, the Judiciary Committee has never even considered term limit resolutions. Furthermore, the full House has never been permitted the opportunity to consider, debate, or vote on term limit resolutions. As you may remember, supporters of the term limits movement were forced to file a discharge petition in a futile attempt to get a discussion of this legislation last year. The Rules Committee was extraordinarily fair in approving four term limit substitutes in this first-ever debate, and it is really rather disingenuous for those who frustrated this debate for decades to argue that we are limiting debate.

I support term limits and personally believe that our Founding Fathers never intended for there to be a permanent governing class that would rule from Washington and lose touch with

the citizens they were elected to represent. But that is not what we are debating here today. We are debating a rule that will allow the U.S. House of Representatives its first opportunity ever to hold ample discussions about the merits of limiting our service in this body.

There are Members on both sides of the aisle who have honest disagreements about the merits of term limits. Nonetheless, when 70 percent of the American people support something, there should be a vote on the issue on the floor of this Chamber. The American people have been denied this debate for far too long, and an affirmative vote on this rule grants them that debate.

This is the first rule on term limits in the history of this House, and it is a fair rule. I urge my colleagues to support House Resolution 116 and bring the term limits debate to the floor of the people's house.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I thank my colleagues from the Committee on Rules for having made available this opportunity for me to offer an amendment to the legislation before us.

When our Founding Fathers debated the term limitation idea 200 years ago and more, they decided it was a bad idea. That was as a result of extensive debate on the merits and flaws of putting additional qualifications on persons seeking election to the Congress of the United States.

It was the feeling of the Founding Fathers that those decisions should be left to the voters, a wise judgment and one which I always supported. The decision not to include term limits in the Constitution was based upon free and open debate. Regrettably, we will not see free and open debate here because the Rules Committee has only permitted that four amendments will be available to the legislation before us. So, again, we have a rule which, as all will note is closed again.

Having said that, it was only just a few minutes after the House convened on January 4 that the first piece of legislation was brought to this body under a closed rule. Democrats argued that this was unfair. Republicans said, Do not worry. There will be free and fair debate in the future. That we still await.

We have now an amendment to the Constitution of the United States that will be considered, again, under a closed rule. It is interesting to note that it was so sloppily done in the Committee on the Judiciary that it was not even possible for the Committee on Rules to make that particular pronouncement by the Committee on the Judiciary in order.

It is interesting to note that that proposal has been rejected in its entirety and we now have a quite different matter than that which was originally laid before the House by the Committee on the Judiciary.

One interesting thing, and I speak now as the dean of this body, a Member who has served longer than anybody else, about the legislation is that it does not count the prior service of all of us who have served here. And so while we bravely and boldly say we are going to limit terms, we are limiting terms only of those in the future. And I will be permitted to serve here somewhere between the year 2014 and the year 2019. And every other Member who is here will have somewhere between 14 and 19 years.

Now, we are being charged outside of these halls with this being a hypocritical act. I am not going to say whether it is hypocrisy or is not. But clearly, this is not term limits which is going to affect anybody who is not in this chamber. Indeed it is only going to affect those who will follow us. And all of us here present will be able to serve long enough to qualify fully for our pensions and to achieve the very continued circumstance about which everybody complains. And that is, on this side, that we have served here too long and that we must have some kind of a purgative which will clean this institution. If that is what we should do and if we are going to amend the Constitution, then it should be done by having it have immediate effect, not retroactive. Just say if you have served here and it is evil to serve here so long, then what we should do is to see to it that the term limits should apply fairly to all and that all should depart according to the vote.

We look to see how many of the enthusiasts for term limits will be voting for real term limits or whether they will want to shaft.

Mr. GOSS. Mr. Speaker, I would just respond to the previous speaker who so eloquently spoke about retroactivity, and so forth, that of the 22 States that have voted for term limits, not 1, repeat, not 1 has gone the retroactive route. And where it has been tested in State elections, it has been defeated. I think that is worth noting.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Speaker, I thank the distinguished gentleman from Florida for yielding time to me.

Mr. Speaker, what an historic day, particularly for a freshman in this great body to be at the present, at the creation, present at the inception, present at the beginning of the first debate in modern times over whether or not the people of this great country will at long last, will themselves at long last have the opportunity to decide if they want, not if we want, but if they want limits on the number of years that our Senators and our Members of Congress can serve.

Mr. Speaker, it may be that those on the other side of the aisle find something nefarious here, find a hidden agenda, or are whining or complaining about the rule under which this debate is being initiated. But I stand here and say, praise the leaders of this Congress, praise the leaders of this party, praise the leaders of the committees, including the distinguished chairman of the Committee on the Judiciary in which we had full and fair debate on these issues, for bringing this issue at long last to this floor so that we can make a decision that the people of the 50 States can themselves decide.

Because if we do not give them that opportunity, then for all practical purposes, they will not have the opportunity for their voice to be heard and heard indeed it must, because the people of this country are tired of business as usual. They are tired of the status quo. They rose up on November 8 of last year and said, We want change; we want it now. We do not want to wait for eons or decades or years. We want change now. And today this hour, this evening and this week we are going to give them that change in this body by fully and fairly and openly debating whether or not the people of this country deserve to be able to themselves decide, as our Founding Fathers believed they have the right to decide, whether or not to have term limits.

Mr. Speaker, I stand here and say thank you for allowing me and thank the chairman of this distinguished body for allowing me the opportunity to be present at that debate. I say let the debate begin, and I say let the people have term limits so a breath of fresh air can indeed continue to sweep through these great chambers.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I must say, I really do think this is business as usual. I find it very, very disappointing that we have this rule in front of us today. Right after this, all of this election happened, the then Speaker-Elect GINGRICH promised that each of the 10 items in the contract would come up under an open rule. Well, here we are. And guess what? That has not happened, over and over again.

But on this specific item, as briefly or as shortly ago as March 9, the gentleman from Georgia, Congressman LINDER, came to the floor and announced this would come up under an open rule. Well, guess what? Here we are, and it did not happen.

Now, what has happened here? There were 30 amendments printed in the RECORD. Not one will be made in order. Instead, they have carefully crafted a little rule where four substitutes will

be made in order. And guess what? Three of them are Democratic. So I do not see any way you can say that this is a fair rule or an open rule or we are going to be able to come forward and have the kind of debate that everybody was told at the beginning of this session would happen on each of these individual items.

We have seen this pattern go on and on over and over again, and I really think it is really rather tragic. It certainly is a turnoff for the Members who worked hard, came forward with amendments that they felt were very sincere, had them printed in the RECORD so every one had notice. And then what happens? The Committee on Rules unilaterally just shoves them all off the table and says, We are not going to hear about any of those.

I could debate the substance of this, too. And I guess we are, sometime a little later on, going to debate the substance of it. One of the things I thought we ought to do, maybe we ought to talk about at that time is tattooing on everybody's forehead their spoil date when they get elected so we can remind people when we are supposed to rot. This is kind of an amendment saying that all of us will rot after 6 years or 8 years or 12 years or whatever in public office.

However, if you switch public office and go to be a Governor or go to be a Senator or go to be a President or go back and be a mayor or go to the State house, no, no, you can move laterally through the chairs anyway you want to. You just cannot stay in the same chair and learn the job well.

That does not make a lot of sense to me. But there are many things in here that I think it is like a lot of reforms. It sounded terrific. When you peel it away and start looking at it and thinking about how it is going to apply, you begin to understand why our forefathers turned this idea down over 200 years ago and why they continued to turn it down for over 200 years. And I am not too sure they were not really right, when you look at it all. But I think it is very sad that many Members could not offer amendments to point out these different nuances, and we could not have an open debate around here.

I think we know why. The fear is Members are going to leave the reservation or they could not get enough votes or they had to find some way to strong-arm Members around one proposal or another. But this is just too serious an issue.

The Constitution is not a rough draft that we change every week. The Constitution has been a wonderful document that has held this great republic together for over 200 years. Now every time we look, we have got another amendment like this one coming at it, saying, on my goodness, the republic is only going to hold unless we can get this amendment through.

I do not think we should do this, but I certainly hope we vote against the rule. It is certainly contrary to everything we have been told this year would happen. It certainly is not open.

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

I would just congratulate the gentlewoman from Colorado for being consistent, as I believe we have been. She said at the Committee on Rules meeting that the Constitution is not a rough draft. Indeed, it is not. We all agree.

It is for that reason we do not have an open rule. Never do we practice constitutional amendments under open rules. I think if you go back and look at the times, the 40 years when your party was in the majority and you were leading from that side, the treatment was the same.

What we promised and what I think we are being consistent about, in the spirit of all that goes into the Contract With America, is open debate and fair rules to give the ideas a chance to be deliberately discussed on the floor.

I think that opportunity is present.

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

Mr. GOSS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. But what we understood was you were being very critical of the fact and said that these things should come up under open rules. And we had an announcement on the floor on March 9, that there would be an open rule or at least some of the 30 amendments would be considered or some of the Democratic amendments would be considered.

I mean, I find it very interesting that you say this is a revolution. We cannot tolerate the Democratic leadership anymore. And then whenever we start to say, now, wait a minute, what have you done here? You say, Well, the Democrats did it.

That is why I started out by saying this looks like business as usual. We thought there was going to be a chance here to openly debate this issue, which I think is very important.

□ 1545

Mr. GOSS. Reclaiming my time, Mr. Speaker, I am sure the gentlewoman does not mean to imply that business as usual under the Democrats was an inhospitable thing. Surely that was not the case.

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will continue to yield, I would not imply that, but that was the gentleman's implication and the Speaker's implication when they took over. I just think it is interesting that just a few weeks in power, and the gentlemen's party finds out the Democrats were not so off base after all.

Mr. GOSS. Reclaiming my time, and thanking the gentlewoman for her part in this colloquy, I still believe we all agree that is not appropriate to have an open rule on a constitutional amendment, which this is proposing to be.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee [Mr. HILLEARY], who has crafted what I think is one of the most worthy of the substitutes for consideration. I am sure it will be much discussed and get much interest during the debate.

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

Mr. Speaker, I want to take this opportunity to thank the gentleman for bringing this issue to a vote. I adamantly support the rule which will allow the House for the first time to vote on term limits in a recorded vote, what we promised in the Contract With America, and we are delivering on it.

This is a fair rule which will give all Members the chance to demonstrate to their constituents that they either support or oppose term limits. This rule will, in my opinion, flush out the pretenders for the election cycle in 1996.

In addition, under this rule Members will have the opportunity to vote on my amendment, which is the only one that clearly protects the term limit laws enacted in 22 States in this country. Thousands of dedicated individuals gathered signatures on petitions in parking lots all across the country. Twenty-five million people have cast ballots in favor of imposing term limits on Members of Congress from their States.

My amendment is the only one which will clearly protect the hard work and wishes of these people. I thank the leadership for making this amendment in order, and urge all of my colleagues to support this very fair rule, but no matter which version emerges from the Queen of the Hill procedure, I urge all my colleagues to vote for term limits on final passage. The people want it. The time has come. Please vote for term limits, no matter which version emerges.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Speaker, I rise today in support of term limits, but I likewise rise in opposition to this rule. I would like to explain briefly why.

As we look at the term limits debate, Mr. Speaker, there are basically three issues that arise. Unfortunately, I do not believe that we have a clear shot at a vote on any version that separates the three issues.

The first issue is the number of years. Is it 6 years, is it 8 years, is it 12 years? We will have variations of the number of years to vote on.

The second issue is preemption: Do we intend by a Federal constitutional amendment to say to the States that they shall not or that they shall be allowed to fix lower limits by their State

law? I, for one, believe that they should have that option.

The third issue is prior service, or retroactivity: Will terms that have previously been served prior to the ratification of a term limits amendment count, or will they not count?

Recognizing early in this session that there was no clear constitutional amendment that set those propositions forth, on January 27 of this year I, along with several of my Democratic and Republican colleagues, introduced a constitutional amendment which set a 12-year outer limit with specific language that said we did not preempt State statutes, that gave them right to set lower limits if they chose to do so, but that would not have retroactive effect.

Unfortunately, Mr. Speaker, the thing that comes closest to our proposition, which we did submit to the Committee on Rules and which was rejected, will be the Hilleary amendment. However, the Hilleary amendment will say 12 years outer limit, specific reference to the States to pass lower limits if they choose to do so, but will give prior service of those 22 States that have enacted State laws those retroactive effects, so by the time this constitutional amendment would be ratified under the Hilleary version, we very likely will have 225 Members of this House who will be operating under those statutes of the 22 States, and possibly somewhere in excess of 160 of them may already have their terms expired.

Mr. Speaker, I think we should have had a clear-cut shot at a proposition that would say 12 years outer limit, specifically, we do not preempt State statutes, and everybody stands on the same footing. If it is going to be retroactive, in my opinion, even though I am not one of those 22 States and it will not apply to me, I think it is not fair to our colleagues from those 22 States to say that "Your time in service in office is the only one that will have effect." That to me is not putting us all on the same footing. For that reason, I will vote against the rule.

Mr. GOSS. Mr. Speaker, I am honored to yield 2 minutes to my colleague, the distinguished gentlewoman from Florida [Mrs. FOWLER], who I must point out has been the architect of one of the amendments that we are not going to specifically debate, but has been enfolded into some others. She has been very generous in that context, and not only that, she has been a real advocate of this issue for a long time. I congratulate her on that.

Mrs. FOWLER. Mr. Speaker, I rise in strong support of this rule.

As many of my colleagues know, I am the sponsor of the 8-year term-limits bill. In addition to my own State of Florida, Ohio, Missouri, and Massachusetts have all passed 8-year limits on their Members of Congress.

While this rule does not provide for a vote on my specific 8-year proposal, it does respect the rights of my State and the 21 other States with term-limits laws and that is why I support it.

All but one of the amendments made in order under this rule preserve States' abilities to pass 8-year limits. Phil Handy, chairman of the "Eight Is Enough" term-limits campaign in Florida, has endorsed this rule in a letter to the Speaker.

It is unfortunate that the media and term-limits opponents have focused on the differences between term-limits supporters over the numbers of 6, 8, or 12 years.

I hope that my support of this rule clarifies once and for all that the only difference that really exists is the one between those who support term limits and those who do not.

This rule will make sure that distinction is perfectly clear when we vote on final passage.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

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

Mr. Speaker, I am opposed to this rule, not necessarily because I think the rule is good or bad, but I just prefer not to have term limits on the floor at all. I oppose them, and therefore oppose the vehicle to bring them to the floor, and thus oppose this rule.

Mr. Speaker, I oppose term limits because I am against any abridgment of the right of voters to choose. Term limits limit the right of voters to choose. I am not so arrogant to think that I am better at this than James Madison, or the other Founders of the Constitution, who were very careful to protect the right of the citizens of the United States of America to select their representatives. That is a critical right in this representative form of Government. We should protect, not diminish it.

Term limits do not restrict the authority of the Federal Government. They do restrict the rights of the citizens. Term limits do not increase the power of the voter. They enhance the raw authority of lobbyists. They enhances the power of career congressional staff. They enhances the authority of bureaucrats. If we want ever stronger executive branch Government and ever more powerful Presidents, this enhances the Presidency at the expense of the people's House.

This pedestrian effort to change the wisdom that the Founders of this country put into the basic document of this land is wrong. However, there is one good thing about having this bill on the floor. The American people are going to learn something about hypocrisy. Yes, they are going to learn something about hypocrisy.

Any Member of this House who wants to vote for limiting themselves to six terms or 12 years may do so and if they vote for it and they have served here more than 12 years, 12 years or more, they should quit. Otherwise, the American people might claim some hypocrisy among those Members of the House.

We will also have an opportunity to limit the terms to three, no more than 6 years. Those Members who vote for it, whether it passes or it does not, should quit at the end of their third term. To do less might be seen by the American people as hypocrisy, and I, for one, would agree with them. I think we are about to separate the hypocrites from the others.

Mr. GOSS. Mr. Speaker, it gives me pleasure to yield 2 minutes to the distinguished gentlewoman from Utah [Mrs. WALDHOLTZ], an extremely important Member who holds down the end of the dais of the Committee on Rules.

Mrs. WALDHOLTZ. Mr. Speaker, as a member of the Rules Committee I am proud to stand in support of this rule. For the first time ever, Congress will finally vote on a constitutional amendment limiting the number of terms an elected Representative can serve.

The American people have become increasingly disillusioned with their elected officials, and with good cause. Despite the fact that 8 out of 10 Americans support term limits, for years the Democrat-controlled Congress ignored the will of the people and arrogantly refused to even debate the issue.

But, when the American people swept a new majority into the House for the first time in 40 years, they were assured that not only would Congress debate the issue, we would bring it to a vote within the first 100 days. Today we are here to fulfill that promise.

As the term limit debate has developed this year, I have been struck that those most vigorously supporting retroactive term limits are the very same Members who worked to block consideration of term limits in the past. Out of the 22 State-passed term limits, not one has been made retroactive. In fact, only one State has put a retroactive term limit on the ballot, Washington State, and that initiative was defeated.

Since I was curious to know what these colleagues had previously said about making term limits retroactive, I obtained a copy of the transcript from hearings held on November 18, 1993, and June 29, 1994, by the Subcommittee on Civil and constitutional Rights of the Committee on the Judiciary the only hearings on this issue prior to the 104th Congress. I went through the transcript page by page and I need to point out that I could not find a single reference or discussion on making term limits retroactive.

Three years ago my State of Utah passed a 12-year congressional term limit. In fact, we are the only State in which the legislature acted to pass

term limits. The Founding Fathers never intended for congressional service to be a lifetime job. They correctly envisioned a citizen legislature that would pass laws and then return to the private sector to live under those laws. Instead, we ended up with a Congress that had a 90 percent re-election rate for the last 10 years—the same period during which our national debt skyrocketed—and an average tenure of 27 years for the previous House leadership.

The strength of the grass-roots term limits movement expresses the American people's frustration with the status quo. They are fed up with Congress' free-wheeling spending habits. They want us to bring the deficit and the Federal debt under control. A constitutional amendment imposing congressional term limits will take us a step in the right direction and break down the elite power structure that too many in Congress have enjoyed for too long.

I urge my colleagues to support the rule and support final passage.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, I am a supporter of term limits.

Mr. Speaker, I rise today in opposition to the rule. This rule proves to me that the Republican leadership has no intention of passing term limits this week.

You see, the Republicans promised the American people a vote on term limits in the Contract With America. But ever since the elections, they have approached the pending term limits vote just like Goldilocks tested her porridge in the bears' cabin.

Some of them do not like 6 year limits—this porridge is too hot.

Some of them do not like 12 year limits—this porridge is too cold.

Well guess what, Republicans, it will not take the American people very long to figure out that you did not try very hard to find an option that was just right for everyone. Instead, you crafted a confusing, repetitive rule, that would divide the votes enough to sabotage final passage.

You might as well stop the debate now. Because term limits cannot pass under this rule, so why bother with the charade?

□ 1600

Get with it. There are Members of the Republican Party who do not want term limits. It is all a big joke to pass the Contract With America.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I rise in the strongest possible support of this rule where Members can now put their mouth where their vote is and vote for term limits. It is badly needed.

Mr. Speaker, this is a historic occasion. Today, we begin debate on a term-limits constitutional amendment. The House has never before voted on term-limit legislation, let alone a term-limits constitutional amendment. In fact, the House has never even had the chance to debate term limits before. I am very excited that we in Congress will finally get a chance to debate and vote on term-limit legislation and make this Congress more responsive, and, more importantly, more responsible to the American people.

In recent years, term-limit proposals have become increasingly popular among the American people, having overwhelming support—especially with people frustrated with Government gridlock at the Federal level.

Since 1990, 21 of 24 States that have the initiative process have passed ballot measures limiting congressional terms. And these initiatives have passed with 60 to 70 percent of the vote. There are now 22 States with congressional term limits. In fact, I have introduced term-limit legislation for the last 8 years here in Congress.

Opponents of term limits will point to the 1994 elections as a reason against any term-limit legislation. But I would point to the last 10, 15, and 20 years where the reelection rate of Members of Congress was well over 90 percent. Incumbency provides an artificial advantage to Members; an advantage the Framers of our Constitution never intended.

But I think the most compelling reason for term limits is the almost $5 trillion debt that this entrenched Congress has accumulated. This debt was accumulated because Congress could not prioritize its spending and could not say no to some of the unnecessary spending programs we have here.

Congress has not been able to balance its budget since 1969. If fact, this year's budget deficit is growing over $500 million a day. This kind of irresponsible governing is robbing our children and grandchildren of their future. Yet Congress was not able to pass a balanced budget amendment this year. For that reason alone, I think we should pass term limits.

It is my hope that term limits will go a long way toward bringing back the citizen-statesman: Someone who came to Congress, not to get reelected, but to govern. Someone able to get the Federal Government's fiscal house in order.

This is why I believe term limits are necessary and I urge strong support of the rule and the term-limits constitutional amendment.

Mr. GOSS. Mr. Speaker, again I want to reiterate what the gentlewoman from Utah [Mrs. WALDHOLTZ] said. It is curious that the minority, that used to be the majority, when they were majority and they were talking about term limits, retroactivity never showed up, so we are a little astonished that that seems to be the main menu today.

But in any event, I yield 1 minute to my colleague, the distinguished gentleman from Florida [Mr. CANADY] chairman of the subcommittee, who has done yeoman's work.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule for consideration of a constitutional amendment to limit the terms of Members of the U.S. Senate and House of Representatives.

In keeping with the Republican Contract With America this rule provides for votes on proposed constitutional amendments to limit the terms of Members. This is the first time in the history of this Nation that the U.S. House of Representatives will vote on the issue of limiting the terms of Members of the House and Senate. Specifically, the contract promises, and this rule provides for, votes on a constitutional amendment to limit Senators and House Members to 12 years of service in each body, the McCollum amendment, and an amendment to limit Senators to 12 years and House Members to 6 years of service, the Inglis amendment. In addition, the rule provides for consideration of two additional amendments which will allow the Members to fully debate issues of concern, including application of the limits to sitting Members of Congress prior to ratification, the so-called retroactivity issue, and the effect of the proposals on State-enacted term limits.

Mr. Speaker, 22 states have adopted term limits for their Members of Congress. The American people have grown tired of entrenched incumbents controlling their lives from Washington. Term limits are in keeping with this Nation's tradition of democracy and freedom. Term limits will give power back to the States and to the people to run their own lives and make their own decisions. This Congress must listen to the people of this Nation and take action now on this critical issue. I urge an "aye" vote on the rule.

Mr. BEILENSON. Mr. Speaker, at the moment we do not have any other speakers, and I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, it gives me great pleasure to yield 3 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM], another colleague of mine. He is known as the engineer of the term limits momentum, a man who deserves to be heard on this subject.

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

Mr. Speaker, this is indeed a historic occasion. We are about to vote on a rule to bring before this Congress for the first time in history, as my colleague from Florida, Mr. CANADY, just said, a vote on the floor of the House of Representatives on the question of limiting the terms of Members of the U.S. House and Senate. This is historic in many ways.

The Founding Fathers could never have envisioned a Congress today that is a full-time, career-oriented Congress. If we are going to control this career orientation, if we are going to put some restraints on the desire of

Members of this body by the natural propensities that people have to want to be reelected and to try to please every interest group that is out there in decisions like on the budgets, we simply must have term limits, we must limit the lengths of time somebody can serve in the House and Senate.

If we are going to put a permanent rule in place, not just a rule passed by the Republicans as we did this year when we got in power, but put it in permanently to limit the amount of time somebody can serve as chairman of a full committee or serve in the leadership in key positions to something responsible like 6 years, then we have to have term limits, something that is in the Constitution of the United States. There are going to be a number of options as to what they are, but the bottom line is whatever that is the American people, more than 70 percent, often as high as 80 percent who support term limits should hold every one of us accountable at the polling place next year to vote for the final passage of this particular proposal, whatever the term limit is. I happen to favor 12 and 12, 12 for the House and 12 in the Senate and that it be permanent. That is my proposal. It is not retroactive and it will protect the States, I believe, under a decision that is going to be rendered by the U.S. Supreme Court shortly.

In my judgment it would be a very bad deal if there were a lesser number of years for House Members, as some propose, because it would make the House a weaker body vis-a-vis the Senate.

I also think the idea of granting permanently in the Constitution the right to States to decide what the term limits might be under a 12-year cap might be wrong. You would always end up with some States having 6 or 8 or some other number of years and that would be bad public policy.

My judgment also is with 22 States having passed term limits without retroactivity, and the one having come up in Washington and having voted it down, retroactivity would be a bad idea.

I think we need to have a simple, straightforward 12 for the House and Senate, uniformity as much as possible in the Nation and hopefully when the Supreme Court is done that will be the result.

Most important we need term limits, we need to limit the time people can serve. We need to restore to this body the checks and balances the Founding Fathers envisioned who never could have seen instead of serving 2 at most, we are now serving year round and instead of having citizen legislators who conduct their own businesses, we actually have rules that prohibit us from earning money out in professions like law and accounting and so forth.

I urge my colleagues in the strongest of terms to vote the rule out that gives us that opportunity. The Democrats did not let us have a vote in 40 years. Now we are going to have a chance to have one. I urge my colleagues to vote yes on final passage.

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

Mr. McCOLLUM. If I have any time remaining, I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman for yielding. The gentleman says when people go to the polls they ought to vote based on whether or not their Member voted for term limits. Should they also vote whether the Member has been in longer than they voted?

Mr. McCOLLUM. Eighty percent of the American public favor term limits. They will have that choice.

Mr. GOSS. Mr. Speaker, I am happy to yield 1 minute to the distinguished gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I have no particular problem with the rule. It is the subject of the rule to which I object: term limits. I know all the standard arguments that if we have term limits the unelected bureaucracy, the career staff that are here year after year, will run the institution and not the people's chosen representatives, and that the professional lobbyists will become even more important because they will be here year after year and not the people's chosen representative who will be in the revolving door. But I will tell you this. The most compelling argument against term limits is this: The compelling mission of Government is to expand our options and choices, not limit them.

I have not had the advantage of conversations with our Founding Fathers, so I cannot tell my colleagues what they would say. But I know what they said, and they said we should not have term limits.

The arrogance of Washington, the people in the shadows of the Capitol, telling those people out in the real world that we are now going to impose new conditions on them to choose whomever they wish to entrust with their representational responsibilities.

I oppose term limits. I urge my colleagues to do likewise.

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

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

Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, if there is anything that the American people want more than productive change, it is an end to hypocrisy and gamesmanship when it comes to Government reform.

And that is what this rule is about. It is the ultimate game of hide and seek. It offers phony term limits proposals that Members can hide behind. It's so gamed to lose that by design voters will not be able to seek the truth after the debate. It's the big duck.

The American people should not be mistaken. Term limits will not prevail because Republicans have so gamed this process that it never really had a chance. Let me explain.

First off, the Republican rules committee has prevented all perfecting amendments. That is a travesty for Members who want to make honest any of the four alternatives that we will be voting on.

Some Members like myself for instance, who believe that term limits will create a rise in amateurism in the institution, believe that if we are going to have term limits let's make them effective immediately, and not exempt current Members.

That is right. Other than the Democratic substitute, none of the Republican alternatives apply to terms currently served by incumbents. The most restrictive one—the Inglis substitute—would allow me to serve 43 years in the House—43 years. The McCollum and Hilleary substitutes would allow me to serve 49 years in the House.

Speaker GINGRICH would be allowed to serve 37 years under Inglis. Under McCollum and Hilleary he would be allowed 31 years.

And of all the Republican substitutes, only one—Hilleary—would preserve the States rights to do what they deem most appropriate when it comes to term limits.

Finally, this rule totally denigrates the Judiciary Committee. The committee reported bill is not even made in order. The entire purpose of committees is to refine issues in a manner proper for floor consideration. This makes a mockery of that.

Mr. Speaker, this rule is a fraud and a game on the American people. Let us defeat it and get on with an honest debate, not a game of hide and seek.

Mr. GOSS. Mr. Speaker, I am privileged to yield 2 minutes to the distinguished gentleman from Kansas [Mr. ROBERTS], chairman of the always powerful Committee on Agriculture.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, I rise in opposition to this rule, and I want to make it clear from the outset I am for the term limit that was placed or that was put in place by our Founding Fathers, that is a 2-year term limit. It is called an election.

It seems to me that utilizing their constitutional voting rights, the voters can have and will continue to achieve Thomas Jefferson democracy by throwing the rascals out if they so choose.

What the term limit says basically is the voters, because of many reasons, are not up to this job and should be denied the right to send somebody back.

But the basic point I think is this: If in fact this House of Representatives is in such a crisis to the extent that we must deny the voters the right to reelect their representatives, if in fact the institution is in such a chaotic state that we must arbitrarily take away the right of voters after 6 or 12 years, then surely the people responsible, the guilty parties, are those who are the career politicians who have been here over 12 years and none of the proposed versions really include the retroactive version of term limits with sound policy. It is sort of like there is a terminal illness that abounds in this House but we are going to wait 12 years before we take the medicine.

Why? Well, the why is simple; not many term limiters find it a pleasant task telling experienced Members they are part of the problem and it is time to say adios.

So to me, wrapping yourself in the banner of a counterproductive reform is bad enough but exempting ourselves from these reforms does not represent truth in term limits.

The SPEAKER. The Chair would inform the gentleman from Florida [Mr. GOSS] that he has 4 minutes remaining, and the gentleman from California [Mr. BEILENSON] has 4½ minutes remaining.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, in listening to the debate and hearing some of my colleagues from the other side of the aisle criticize Democrats because of their retroactive proposal, let us make it very, very clear.

My Democratic colleagues are not the ones who ran for Congress on the Contract With America all around the country talking about the need to bring in term limits. My Democratic colleagues were honest about it; they did not run on term limits. They have a proposal to put forward and if the Republicans are serious about term limits, we could pass a retroactive term limits bill.

It is also amusing to see the Republican leadership who worked so hard on party loyalty and so many other issues in the first so-called 100 days of this contract, to see where they are now in terms of demanding that party loyalty when it comes to determining which proposal to vote for. If some of the Republican leadership had the same interest, the same zeal, the same compassion to get at nutrition programs, for example, to get at some of the other Head Start programs, if they felt just as strongly about term limits as they have in some of these other devastating cuts, we would have term limits here this week.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. INGLIS], who has also been one of the main architects of the term limits movement and has an amendment that states this debate.

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding the time, and I rise in strong support of this rule and to point out a couple of things. One, what a difference an election makes. Last time in this Congress, the last Congress, the 103d Congress, we begged and we pleaded and we scrapped and we got a hearing in a subcommittee of the Committee on the Judiciary.

□ 1615

And then we begged and we pleaded and we scraped some more, and we got a second little hearing. The chairman of that subcommittee was adamantly opposed to term limits. The chairman of our new subcommittee is very much for term limits. He was just here, the gentleman from Florida [Mr. CANADY], on the floor, speaking in favor of this rule.

Last time, last Congress, the Speaker of this House of Representatives sued the people of the State of Washington saying that what they had done was unconstitutional in limiting his term in office. Now, we have a Speaker who is forthrightly for term limits and has brought this rule and this matter to the floor.

What a difference an election makes in the history of a nation.

And now we have got an opportunity. What a great rule. I am concerned to hear my friend, the gentleman from Massachusetts, not speak in favor of the rule. I think actually this is a tremendously successful crafting of this issue.

The question is, of course, there are two arguments against it. One is it is restrictive, we did not make enough options in order; and then the other attack is, well, it has got too many options in it, and the result is we will have confusion.

I cannot imagine a more accountable vote on this matter than the way it is structured this way. Members are going to have to vote up or down on a 6-year bill. That happens to be my bill. Then they are going to have to vote up or down on a 12-year bill that allows State flexibility. They are going to have to vote up or down on a 12-year bill that is silent on preemption, and they are going to have to vote up or down on a 12-year bill that calls for retroactivity designed, by admission of its proponents, to be a poison pill designed to kill term limits.

But in any event, we are going to have accountability in this Congress, and what a difference the American people are seeing. It truly is an exciting day in the history of this Congress.

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

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, not to worry, those people that follow this great Chamber electronically with these new overhead shots and side-angle shots, make sure my coat is OK in the back here, everybody is watching, and in their offices.

The House floor looks deserted, but it is not. This is a hot issue.

Now, about four speakers ago one of my colleagues said we unfortunately do not get to talk to the Founders, but that he was going to speak for them and say that the Founders were against term limits. Not my reading of what our Founders wrote.

One of the great Founders, the oldest man in the Continental Congress, the great Dr. Benjamin Franklin, said it would be healthy to rotate citizens in and out of this Chamber on a regular basis. That is a simple word, "rotation"; we use it all the time in modern America, and he said it would be healthy to return to the employer class, that is, the taxpayers that sometimes sit in our gallery, the 1.3 million that are watching us on C–SPAN. They are the employers, and we are the public servants.

But here is something any Member can do walking through the Rotunda. What I will put in the RECORD at this point are the words of George Washington, right under his portrait, resigning his commission, about the theater of action, and his virtues and term limits, the father of term limits, George Washington.

> Having now finished the work assigned me, I retire from the great theatre of action; and bidding an affectionate farewell to this august body, under whose orders I have so long acted, I here offer my commission and take my leave of all the employments of public life.
>
> Thos. Mifflin, pres. Continental Congress (answered with reverence.) Having defended the standard of liberty in the new world; having taught a lesson to those who inflict (oppression), and to those who feel oppression, you retire from the great theater of action with the blessings of your fellow-citizens; but the glory of your virtues will not terminate with your military command, it will continue to animate remotest ages.

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

Mr. Speaker, I think it is very clear this is going to be an interesting debate. This is not something of the passion of the moment, though.

We are talking about a constitutional amendment, two-thirds of the House, two-thirds of the Senate, three-quarters of the States and several years involved probably in the process.

We are also talking about a phenomenon of tenure of more than 12 years here. That is the standard in this that we are putting out.

It took more than the first 100 years of the existence of Congress before the average tenure of any Member of the Members was 12 years. My distinguished friend from California mentioned that maybe we will not have an

institutional memory; maybe staff will take over. Well, maybe staff has already taken over in some places, and maybe the institutional memory is not very good. But maybe most Americans think we have got enough Congress. Maybe a little less Congress would be better for America.

That is something they seem to be saying.

My friend from New York, the gentleman from New York [Mr. BOEHLERT] said, "It would be arrogant of D.C. to tell people how long they can vote for somebody." Would it be arrogant to ignore what 80 percent of the people of our country are asking us to bring up in debate? I think it would be.

So we are going to have this debate. I agree, this is a particularly bony crow which may cause some choking come November. I still believe it is an honorable effort at debate.

I urge approval of the rule.

Ms. PRYCE. Mr. Speaker, what a difference an election makes. After years of hearing our colleagues on the other side of the aisle talk about real reform, the 104th Congress, under new leadership, is ready to break the partisan gridlock which has kept term limits off the floor of this House for too long. As part of our ongoing commitment to fulfilling the Contract With America, we bring to the floor today a constitutional amendment to limit the terms of House and Senate Members.

And we do so under a fair and balanced rule which recognizes the seriousness of writing term limits into our Constitution. On March 15, the Committee on Rules granted a rule that provides for 3 hours of general debate. Following general debate, four amendments in the nature of a substitute will be considered for 1 hour each under a true "king-of-the-hill" process—which means that the amendment receiving the most affirmative votes is considered as adopted and reported back to the House. This is a responsible rule, Mr. Speaker. Debate on the four substitutes, and the customary motion to recommit afforded to the minority, will allow the House to address the major issues associated with term limits, issues such as how many terms are appropriate, should States be permitted to set lower limits, and when should the term limitation take effect.

Republicans have not backed away from our promise to the American people to bring the issue of term limits to the floor of the House. The term limits movement is clearly sweeping across the States, winning by impressive margins whenever and wherever it is on the ballot. Today, 22 States have placed term limits on their Federal representatives, including my own home State of Ohio. By adopting this rule, the House will finally have the opportunity to debate an issue which is already the law of the land in almost half of the 50 States.

It is my understanding that from 1789 to 1993, 177 proposals were introduced to limit congressional service. Not surprisingly, virtually all of these proposals died in committee. It was not until November 1993, during the historic 103d Congress, that the House held its first hearing ever on the term limits issue. Today, when we pass this rule and begin debate, new history will be made. We are keeping our promise to have the first vote ever on the House floor on this important issue.

While some of my closest colleagues in this body have made very articulate arguments against term limits, I remain absolutely convinced that term limits are not just necessary, but essential to making this institution more effective, more productive, and more representative of the American people. Just think of the many positive benefits which would result from term limits: an influx of fresh ideas and motivated people, a Congress closer to the citizens whom we are elected to serve, a greater emphasis on merit rather than seniority, and a better chance to guard against legislative gridlock. Mr. Speaker, limiting congressional terms is the key to genuine congressional reform.

But despite the progress we have made on this issue, one of the leading advocates of term limits, the group U.S. Term Limits, has actively criticized many Members of the House for supposedly trying to water-down our contract's commitment to term limits. Nothing could be further from the truth. While each of us may prefer a certain version of term limits, or see one plan as being more practical than the other, we have consistently supported term limits.

Mr. Speaker, we have had a very productive 84 days so far in the 104th Congress. The majority has kept its promise to bring the provisions of the contract to a vote on the House floor. And we have made meaningful congressional reform a top legislative priority. I urge my colleagues to adopt this balanced, responsible rule so that we can have fair debate on the revolutionary idea of term limits. Passage of this rule will be an important step toward responding to the voters' call for real change and putting an end to the reign of career politicians.

Mr. GOSS. 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.

RECESS

The SPEAKER pro tempore (Mr. RIGGS). Pursuant to clause 12, rule I, the Chair declares the House in recess until 5 p.m.

Accordingly (at 4 o'clock and 20 minutes p.m.) the House stood in recess until 5 p.m.

□ 1704

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. EWING] at 5 o'clock and 4 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 889, EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE FOR FISCAL YEAR 1995

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 889) 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, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 889, be instructed to form a conference agreement that does not add to the national deficit in the current fiscal year and cumulatively through fiscal year 1999.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself 8 minutes.

Mr. Speaker, under ordinary circumstances, I would not be here making this motion that I am making today, because I think that under ordinary circumstances the administration would have every right to request an emergency appropriation for these items and the Congress would have every right to consider them on an emergency basis. In plain language, considering them on an emergency basis means that we would not have to offset the expenditures in this bill, and they could be treated as an emergency and could, therefore, add to the deficit and still be within the rules of the House.

The problem, however, is that while I personally feel that under normal circumstances it would be perfectly appropriate for these items not to be offset, I do not think we are operating under ordinary circumstances. In fact, we have seen this House pass a constitutional amendment to balance the budget, even though the other body has not concurred, and we have seen a great deal of effort expended over the past 60 days on efforts that were described as efforts to "reduce the deficit." But in fact those efforts have not done that.

So I am offering this proposal today in the spirit of truth in advertising. It

simply directs the House conferees to produce a conference report that does not add to the deficit, period. Now, we have had two recent examples that illustrate the need for the motion which I am making today.

First of all, when this bill first passed the House, we were told by the committee that even though the bill was not balanced on the outlay side, it was in fact balanced in budget authority and did not add to the deficit.

The problem, however, is that after the bill passed, the committee's own documents which the committee produced showed that the bill added over $250 million in outlays and $186 million in budget authority to the deficit, and over 5 years, added to the deficit to the tune of $650 million. So I think that was misstatement No. 1 on the way to a so-called balanced budget.

Last week on the rescission bill, in order to get the votes for the rescission bill that targeted kids and old folks for major reductions, the Republican leadership said, after first having all of the Republicans vote against the Murtha amendment in committee, the Republican leadership then did an about face and indicated that they would in fact use the dollars produced in that rescission bill last week, the dollars that were not going to be used for the California earthquake relief, that they would use the remainder of those dollars for deficit reduction. But after the rule had passed, the chairman of the Committee on the Budget then was reported to say that the action in indicating that those funds would be used to reduce the deficit was just a game, and that in fact they were going to be allocated to finance the tax cuts, which contain a number of items which many of us on this side of the aisle feel are simply rewards for the wealthy that we cannot afford at a time of multibillion-dollar deficits.

Despite the fact that that money which was indicated would go for deficit reduction for one day, and then was later used for tax cuts, we were still given lectures about deficit reduction. It seems to me what we need to do is to cut through those lectures and get to a real intent to reduce the deficit, or at least certainly not to add to it.

This bill itself was produced out of subcommittee 1 day after the House passed the balanced budget constitutional amendment, and the bill as it left the committee, as I said, added significantly to the deficit, some $650 million over 5 years.

In contrast to the House bill, the Senate bill, which we will meet when we go to conference, is fully offset. It does not add one dime to the deficit, and in my view, if the other body can produce a bill for conference which does not add one dime to the deficit, the House ought to be able to do the same thing.

Now, this motion makes one concession. It does not even require that all of the amounts be totally offset within the defense function of the budget. It simply says that all of the funds should be offset, period. While I certainly do not approve of using domestic reductions in order to offset Defense Department add-ons, as an indication of conciliatory spirit I am willing to offer a motion that simply says the funds should be fully offset so they do not add one dime to the deficit.

Mr. Speaker, it just seems to me that after the House has, in my view, been misled twice about whether or not funds in legislation before this House would add to the deficit or would reduce the deficit, it seems to me, after the House has been misled twice on it, the House finally needs to make a statement with great clarity that we do not want this process used to in any way add to the deficit.

As I said originally, under ordinary circumstances, absent the great pressure on the deficit and absent the House action in passing the constitutional amendment on the balanced budget, I would not be here insisting that this bill be fully offset, because I think in the real world there are emergencies which require emergency treatment. But the House has indicated that it is going to be in pursuit of deficit reduction, and it seems to me if that is the case, we ought to get on to it, and we certainly should not produce a conference report which will add to the deficit either on the budget authority side or the outlay side. That is the reason I make this motion this afternoon.

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

GENERAL LEAVE

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

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

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise to oppose the motion to instruct conferees. The gentleman's motion would instruct the conferees to bring back a conference agreement that was offset not only in budget authority, but in outlays as well. This instruction would indeed inhibit the full and free nature of the conference.

My friend, the gentleman from Florida [Mr. YOUNG], who sits here, has pointed out that the gentleman who just spoke before me, the distinguished ranking minority member of the committee, often talks about posing for holy pictures. I have to say that I think that this motion to instruct is kind of an exercise in connoisseurship of holy pictures.

In just the last 2 months this Republican majority has done more than almost all the previous Congresses to provide offsets. Never before has the Democrat majority in previous Congresses ever offset a supplemental request of any magnitude.

The fact is that the Senate amendments to H.R. 889 contain many spending reductions that are going to be unacceptable to the House. If the conferees are instructed to achieve outlay neutrality, then there must be a source of acceptable spending reductions. I think it will be very difficult to find such a source in the Senate aamendments. The only other way to find acceptable spending cuts would be to go beyond the scope of the bill and the Senate amendments. We should not accept an instruction that encourages that approach.

□ 1715

Mr. Speaker, the gentleman from Louisiana is strongly for deficit reduction. I think the record of the Committee on Appropriations, as I have pointed out, for the 104th Congress speaks for itself in this area. The House has already passed over $20 billion of spending reductions. When viewed in total we have more than offset over $8.7 billion in supplemental appropriations. So during the conference on this bill, I will try to achieve outlay neutrality. It will be difficult. I hope we can do it. But this instruction should not be accepted. We should not straitjacket ourselves.

It is getting later in the fiscal year. Achieving significant outlay savings gets harder and harder. We hear that agencies are spending money rapidly so we are not sure how much is available as a source of offsets.

The instruction would put forward constraints that may not be achievable or which would severely restrict our ability to provide the necessary support for our national security needs.

Mr. Speaker, the Department of Defense needs this emergency supplemental appropriation now. They need it right away. They needed it yesterday. We should not suggest needless or impossible procedural hurdles that would delay or make more difficult our ability to achieve a good conference agreement on this bill, which si something that the Democratic administration wants.

We should stop fooling around and get on with this very, very important conference.

I urge the body to reject this motion to instruct.

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

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I do not regard the motion that I am making today as "fooling around."

What I do regard as fooling around is the action of the House leadership in twice over the last month talking

about deficit reduction but, in fact, producing bills which either add to the deficit or, after they have promised that the funds would be used to reduce the deficit, instead announcing a day later that they really did not mean it. They simply said that to get votes and that what they are really going to do is to use it for their tax cut package for very wealthy people.

I would also point out that I do not think that this motion to instruct is in any significant way delaying our ability to go to conference and produce a bill in a timely fashion. As far as I am concerned, if this motion to go to conference is passed by the House today, we could go into conference at 5 or at 6 tonight. We certainly can deal in conference with the issue tomorrow. And we can produce a bill in plenty of time, if Members are serious, both about providing the Pentagon the funds they need and, if they are serious about it, deficit reduction.

I thank it is, frankly, nonsense to suggest that this motion in any way prevents our being able to produce that bill in a timely fashion.

I would point out that suggesting that this motion in any way delays our ability to produce a bill is about like saying that after a basketball coach takes a 20-second time-out, with 1 minute left to go in the game, that somehow that is the reason that you had a 4-hour basketball game.

The fact is this bill has already taken an unusually long period of time to move through each stage of the process, compared to past supplemental appropriation bills. A good example is the emergency supplemental bill our committee moved through the process just 1 year ago.

The chairman will recall that conferees met during snowstorms that paralyzed this city and produced a conference report in short order because of the urgency of the matter at hand. Last year's emergency supplemental took a total of 19 calendar days to move through the entire process. The bill we have before us today, by contrast, has been lingering for some 60 calendar days, three times as long.

I would suggest that the most rapid way for us to reach agreement in conference, since the Senate has already, in my judgment, met its responsibility by providing full offsets for the new spending that they contemplate in their bill, I would suggest the fastest way for us to get an agreeable result in the conference is for the House to do the same. And that is why I am offering my motion.

My LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

I simply point out that actually we could have gone to conference yesterday, but the gentleman objected on Friday. So I do not think that the question is whether or not we are taking an inordinately lengthy period of time. The question is whether we are going to put ourselves in a straitjacket that prevents us from expeditiously getting this matter resolved as quickly as possible. If we do not get it resolved, if it does get hog-tied in the rigors of internal legislative warfare, I would like to request the gentleman from Florida to rise and I would like him to tell us some of the problems that the Defense Department will face.

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

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

First I would like to make the comment that we have run out of time on this issue. The Army, the Navy, the Marine Corps, the Air Force and the Coast Guard have spent the money for these contingency operations that we are trying to replace now. I do not recall anybody coming here from the administration to check with Congress to see if it was okay to go to Rwanda or to Somalia or to Bosnia or any of those contingencies. But yet they did it. And we are being asked to pay the bill. We are prepared to do that. We understand the importance.

The House, despite what the gentleman from Wisconsin has just implied, the House subcommittee on national security passed out this bill on January 27. That was even before we got the official request from the administration. And within 2 weeks we had gone through the full committee and were on the way to the House floor. And the House has expedited this entire issue, as it needs to be expedited.

And when the gentleman suggests that there has been delay and the bill has been held out there, he should point the finger at where it belongs. The House has moved expeditiously to meet this responsibility and here is why, in response to my distinguished chairman, the gentleman from Louisiana [Mr. LIVINGSTON].

Based on a January public hearing with Secretary Perry and the Chairman of the Joint Chiefs, General Shalikashvili, here is what we were told, and the commanders in chief, and field commanders have confirmed this throughout the hearing process since we voted this emergency supplemental out of subcommittee.

Unless we get this money appropriated and quick, all U.S.-based units under the Forces Command will have to stop most major training by May 31. The National Training Center rotations and JCS exercises will be canceled. Flight hours and spare parts stocks will be cut, and all active Army divisions will be degraded in readiness.

I do not want that to happen. I do not think my colleagues in the House want that to happen.

In the Navy, four carrier airwings will be forced to stand down. The first stand down will happen in April. More than 500 aircraft would have to be grounded, and 30,000 flight hours cut.

Required maintenance on two carriers and seven other ships will be deferred or reduced and ship and aviation spare parts reserves will be drawn down by 30 days worth of requirement.

The Marine Corps, since unfunded contingency requirements equate to approximately 80 percent of the Marine Corps's operation forces budget, the corps will see severe readiness impact starting in July. Training for Marine expeditionary forces, in both the Atlantic and Pacific, with the exception of those forces already deployed, will be halted.

All categories of training as well as maintenance and spare parts will face deep reductions, and marine air squadrons will be forced to stand down and suffer reduced readiness.

For the Air Force, flight hours for fighter, bomber, tanker, and airlift squadrons will have to be reduced by 50 percent over a 12-week period. Ten JCS and tactical training exercises will be canceled. Over 24,000 permanent change of station moves will be frozen and aircraft and engine repair as well as scheduled runway and real property maintenance will be deferred.

Mr. Speaker, those are just the highlights of what we are talking about if we do not replace this money. When I say "replace," that is exactly what I mean, because the money to pay for the contingencies in Bosnia, Rwanda and Somalia and Cuba and Haiti and Korea, et cetera, has already been borrowed from those training and those operation and maintenance accounts.

What we are trying to do is pay it back before the services have to stand down their training. And would it not be a shame to stand down the training and then have to turn around and stand it back up again with a tremendous additional cost. And what happens if a young soldier out there, his training is not maintained and he is not quite up to par because of the lack of training? What if he gets hurt or what if he hurts someone else because his training is not at the level that it should be?

I do not think any of us what to carry that burden on our shoulders. We want readiness today. We want readiness in the mid-term. And we want readiness for our forces in the long-term.

This is one of the first major steps that we have to take to provide that readiness.

It is time to get on with this business. The gentleman from Wisconsin [Mr. OBEY] is exactly right. This has dragged on too long. Not because of any fault of the House of Representatives, but it has dragged on too long.

We should have this bill completed by Thursday of this week, on the President's desk by Friday morning, if that is possible, and I think that it is.

But Mr. OBEY's motion to instruct will certainly carry on this delay considerably further than we would like it to. I say let us vote against the Obey motion and get on with the conference.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes and 30 seconds.

Mr. Speaker, one of the worst things that can happen to you in this town is you begin to believe your own baloney. I have just heard an awful lot of baloney, with all the due respect to my good friend.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. The baloney, if you are talking about the information that I read here, came from the Chairman of the Joint Chiefs of Staff.

Mr. OBEY. No, with all due respect, the baloney that I am hearing is coming from a different source. It is not the Chairman of the Joint Chiefs of Staff.

Let me suggest, no one is suggesting, not one person in this House is suggesting that this money not be replaced. We are simply suggesting that it be replaced in a way which does not add to the deficit. That is all we are saying. There are not going to be any aircraft that are required to stand down. There will not be any maintenance that will not be provided because we are asking the House to do what the Senate did, which is to simply pay for the bill before us.

The gentleman from Louisiana suggests that somehow if we pass this motion to instruct that we will be putting the Congress in a straitjacket.

My God, I thought we did that when this House passed the balanced budget amendment to the Constitution. That document requires us to balance the budget. I assume an awful lot of Members of this House are going to proceed to try to deal with fiscal matters as though the budget should be balanced. If that is the case, why start in the hereafter? Why not start in the here and now? Why not start with this bill?

That is all we are saying. We are saying do not add to the deficit.

I would point out that the Senate bill does exactly what we are asking. For 1995, the Senate bill cuts the deficit by $72 million; whereas, the House adds to the deficit to the tune of $250 million. Over 5 years the Senate bill cuts the deficit by $341 million; whereas, the House bill adds $650 million to the deficit.

□ 1730

That is a swing of nearly $1 billion. All we are suggesting, Mr. Speaker, is that the House on this bill show the same degree of fiscal discipline shown by the other body, even though I will readily grant that the other body added a number of items which do not appropriately belong in this conference, and they ought to be taken out.

However, in spite of that mistake, the Senate has at least met its obligation not to add to the deficit. I do not think the House is any less capable of doing that. That is the purpose of my motion.

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

Mr. Speaker, I would simply say that this administration's Defense Department has expressed to us vociferously and repeatedly that they like our bill, they do not like the Senate bill. Moreover, I might add, I think it is ironical to start straitjacketing the Republican majority when in fact the Democrats were in control of this House of Representatives for 40 years and never employed the principle devised by the gentleman's motion.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I urge a "no" vote on the motion to instruct.

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

Mr. Speaker, I would simply say that, with all due respect, our good friends from the Department of Defense do not have to vote on budgets. The Chairman of the Joint Chiefs does not have to go to constituents and explain why the budget is not balanced. We do.

It seems to me, given that difference in responsibilities, we ought to meet our responsibilities to the Department of Defense to reimburse them for the funds that they have had to expend, but we ought to do it in a way which does not add to the deficit. That is all I ask.

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

The SPEAKER pro tempore (Mr. EWING). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

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

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

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

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

The Sergeant at Arms will notify absent Members.

This is a 17-minute vote.

The vote was taken by electronic device, and there were—yeas 179, nays 240, not voting 15, as follows:

[Roll No. 270]

YEAS—179

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Cardin
Chabot
Chapman
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gibbons
Gordon
Green
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Morella
Neal
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Poshard
Rahall
Ramstad
Rangel
Reed
Reynolds
Rivers
Roemer
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Smith (MI)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NAYS—240

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Dreier
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson

Hoekstra	McIntosh	Schiff
Hoke	McKeon	Seastrand
Horn	Metcalf	Shadegg
Hostettler	Meyers	Shaw
Houghton	Mica	Shuster
Hunter	Miller (FL)	Sisisky
Hutchinson	Molinari	Skeen
Hyde	Mollohan	Skelton
Inglis	Montgomery	Smith (NJ)
Istook	Moorhead	Smith (TX)
Johnson (CT)	Moran	Smith (WA)
Johnson, Sam	Murtha	Solomon
Jones	Myers	Souder
Kasich	Myrick	Spence
Kelly	Nethercutt	Stearns
Kim	Ney	Stockman
King	Norwood	Stump
Kingston	Nussle	Talent
Klink	Ortiz	Tate
Klug	Oxley	Tauzin
Knollenberg	Packard	Taylor (MS)
Kolbe	Paxon	Taylor (NC)
LaHood	Pickett	Tejeda
Largent	Pombo	Thomas
Latham	Porter	Thornberry
LaTourette	Portman	Tiahrt
Laughlin	Pryce	Torkildsen
Lazio	Quillen	Traficant
Leach	Quinn	Upton
Lewis (CA)	Radanovich	Vucanovich
Lewis (KY)	Regula	Waldholtz
Lightfoot	Richardson	Walker
Linder	Riggs	Walsh
Livingston	Roberts	Wamp
LoBiondo	Rogers	Watts (OK)
Longley	Rohrabacher	Weldon (FL)
Lucas	Ros-Lehtinen	Weldon (PA)
Manzullo	Roth	Weller
Martini	Roukema	White
McCollum	Royce	Whitfield
McCrery	Salmon	Wicker
McDade	Sanford	Wolf
McHale	Saxton	Young (AK)
McHugh	Scarborough	Young (FL)
McInnis	Schaefer	Zeliff

NOT VOTING—15

Bryant (TX)	Gutierrez	Orton
Clay	Hayes	Rose
Clayton	Hefner	Rush
Ford	Jefferson	Velazquez
Gephardt	Nadler	Wilson

□ 1751

Messrs. MOLLOHAN, TAUZIN, BEVILL, and CRAMER changed their vote from "yea" to "nay."

Ms. BROWN of Florida and Mr. DUNCAN changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. EWING). Without objection, the Chair appoints the following conferees:

For consideration of Senate amendments numbered 3, 5, 6, 7, and 10 through 25, and the Senate amendment to the title of the bill:

Messrs. LIVINGSTON, MYERS of Indiana, YOUNG of Florida, REGULA, LEWIS of California, PORTER, ROGERS, and WOLF, Mrs. VUCANOVICH, and Messrs. CALLAHAN, OBEY, YATES, STOKES, WILSON, HEFNER, COLEMAN, and MOLLOHAN.

For consideration of Senate amendments numbered 1, 2, 4, 8, and 9:

Messrs. YOUNG of Florida, MCDADE, LIVINGSTON, LEWIS of California, SKEEN, HOBSON, BONILLA, NETHERCUTT, NEUMANN, MURTHA, DICKS, WILSON, HEFNER, SABO, and OBEY.

There was no objection.

MOTION OFFERED BY MR. LIVINGSTON TO CLOSE PORTIONS OF CONFERENCE MEETINGS

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

The Clerk read as follows:

Mr. Livingston moves pursuant to rule XXVIII, clause 6(a) of the House rules that the conference meetings between the House and the Senate on the bill (H.R. 889) 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, relating to amendments numbered 1, 2, 4, 8, and 9, be closed to the public at such times as classified national security information is under consideration; provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. Pursuant to clause 6, rule XXVIII the vote on this motion must be a rollcall vote.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 14, not voting 17, as follows:

[Roll No. 271]

YEAS—403

Abercrombie	Chrysler	Fields (LA)
Ackerman	Clement	Fields (TX)
Allard	Clinger	Flake
Andrews	Clyburn	Flanagan
Archer	Coble	Foglietta
Armey	Coburn	Foley
Bachus	Coleman	Forbes
Baesler	Collins (GA)	Ford
Baker (CA)	Collins (IL)	Fowler
Baker (LA)	Collins (MI)	Fox
Baldacci	Combest	Franks (CT)
Ballenger	Conyers	Franks (NJ)
Barcia	Cooley	Frelinghuysen
Barr	Costello	Frisa
Barrett (NE)	Cox	Frost
Barrett (WI)	Coyne	Funderburk
Bartlett	Cramer	Furse
Barton	Crane	Gallegly
Bass	Crapo	Ganske
Bateman	Cremeans	Gejdenson
Becerra	Cubin	Gekas
Beilenson	Cunningham	Geren
Bentsen	Danner	Gibbons
Bereuter	Davis	Gilchrest
Berman	de la Garza	Gillmor
Bevill	Deal	Gilman
Bilirakis	DeLauro	Gonzalez
Bishop	DeLay	Goodlatte
Bliley	Dellums	Goodling
Blute	Deutsch	Gordon
Boehlert	Diaz-Balart	Goss
Boehner	Dickey	Green
Bonilla	Dicks	Greenwood
Bonior	Dingell	Gunderson
Bono	Dixon	Gutierrez
Borski	Doggett	Gutknecht
Boucher	Dooley	Hall (OH)
Brewster	Doolittle	Hall (TX)
Browder	Dornan	Hamilton
Brown (CA)	Doyle	Hancock
Brown (FL)	Dreier	Hansen
Brownback	Duncan	Harman
Bryant (TN)	Dunn	Hastert
Bunn	Durbin	Hastings (FL)
Bunning	Edwards	Hastings (WA)
Burr	Ehlers	Hayes
Burton	Ehrlich	Hayworth
Buyer	Emerson	Hefley
Callahan	Engel	Hefner
Calvert	English	Heineman
Camp	Ensign	Herger
Canady	Eshoo	Hilleary
Cardin	Evans	Hobson
Castle	Everett	Hoekstra
Chabot	Ewing	Hoke
Chambliss	Farr	Holden
Chapman	Fattah	Horn
Chenoweth	Fawell	Hostettler
Christensen	Fazio	Houghton
Hoyer	Mfume	Sensenbrenner
Hunter	Mica	Serrano
Hutchinson	Miller (CA)	Shadegg
Hyde	Miller (FL)	Shaw
Inglis	Mineta	Shays
Istook	Minge	Shuster
Jackson-Lee	Moakley	Sisisky
Jacobs	Molinari	Skaggs
Johnson (CT)	Mollohan	Skeen
Johnson (SD)	Montgomery	Skelton
Johnson, E. B.	Moorhead	Smith (MI)
Johnson, Sam	Moran	Smith (NJ)
Johnston	Morella	Smith (TX)
Jones	Murtha	Smith (WA)
Kanjorski	Myers	Solomon
Kaptur	Myrick	Souder
Kasich	Neal	Spence
Kelly	Nethercutt	Spratt
Kennedy (RI)	Neumann	Stark
Kennelly	Ney	Stearns
Kildee	Norwood	Stenholm
Kim	Nussle	Stockman
King	Oberstar	Stokes
Kingston	Obey	Studds
Kleczka	Olver	Stump
Klink	Ortiz	Stupak
Klug	Owens	Talent
Knollenberg	Oxley	Tanner
Kolbe	Packard	Tate
LaFalce	Pallone	Tauzin
LaHood	Parker	Taylor (MS)
Lantos	Pastor	Taylor (NC)
Largent	Paxon	Tejeda
Latham	Payne (NJ)	Thomas
LaTourette	Payne (VA)	Thompson
Laughlin	Pelosi	Thornberry
Lazio	Peterson (FL)	Thornton
Leach	Peterson (MN)	Thurman
Levin	Petri	Tiahrt
Lewis (CA)	Pickett	Torkildsen
Lewis (GA)	Pombo	Torres
Lewis (KY)	Pomeroy	Torricelli
Lightfoot	Porter	Towns
Linder	Portman	Traficant
Lipinski	Poshard	Tucker
Livingston	Quillen	Upton
LoBiondo	Quinn	Vento
Longley	Radanovich	Visclosky
Lowey	Rahall	Volkmer
Lucas	Ramstad	Vucanovich
Luther	Rangel	Waldholtz
Maloney	Reed	Walker
Manton	Regula	Walsh
Manzullo	Reynolds	Wamp
Markey	Richardson	Ward
Martinez	Riggs	Watt (NC)
Martini	Rivers	Watts (OK)
Mascara	Roberts	Waxman
Matsui	Roemer	Weldon (FL)
McCarthy	Rogers	Weldon (PA)
McCollum	Rohrabacher	Weller
McCrery	Ros-Lehtinen	White
McDade	Roth	Whitfield
McDermott	Roukema	Wicker
McHale	Royce	Williams
McHugh	Sabo	Wise
McInnis	Salmon	Wolf
McIntosh	Sanford	Wyden
McKeon	Sawyer	Wynn
McKinney	Saxton	Yates
McNulty	Scarborough	Young (AK)
Meehan	Schaefer	Young (FL)
Meek	Schiff	Zeliff
Menendez	Schumer	Zimmer
Metcalf	Scott	
Meyers	Seastrand	

NAYS—14

Brown (OH)	Lincoln	Schroeder
DeFazio	Lofgren	Slaughter
Filner	Mink	Waters
Hinchey	Roybal-Allard	Woolsey
Kennedy (MA)	Sanders	

NOT VOTING—17

Bilbray	Gephardt	Pryce
Bryant (TX)	Graham	Rose
Clay	Hilliard	Rush
Clayton	Jefferson	Velazquez
Condit	Nadler	Wilson
Frank (MA)	Orton	

□ 1809

So the motion was agreed to.

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 831, PERMANENT EXTENSION OF THE HEALTH INSURANCE DEDUCTION FOR THE SELF-EMPLOYED

Mr. ARCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 831) 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, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

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

PARLIAMENTARY INQUIRY

Mr. GIBBONS. Reserving the right to object, Mr. Speaker, I only reserve the right to object to propound a parliamentary inquiry.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Florida will state his parliamentary inquiry.

Mr. GIBBONS. Mr. Speaker, I have a motion to instruct conferees, and will I be recognized, if this unanimous consent request is agreed to, to then present my motion to instruct conferees?

The SPEAKER pro tempore. The gentleman is correct; yes, he will.

Mr. GIBBONS. Mr. Speaker, I do not object, and I withdraw my reservation of objection.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. GIBBONS

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

The Clerk read as follows:

Mr. GIBBONS moves that the Managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 831 be instructed to agree to the provisions contained in section 5 of the Senate amendment which change the tax treatment of U.S. citizens relinquishing their citizenship.

The SPEAKER pro tempore. Under the rule, the gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

PARLIAMENTARY INQUIRY

Mr. GIBBONS. Mr. Speaker, may I propound a parliamentary inquiry at this point?

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GIBBONS. Mr. Speaker, do I understand in this debate I have the right to close?

The SPEAKER pro tempore. The gentleman is correct.

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

Mr. Speaker, I am going to depart from my usual practice of speaking extemporaneously and read a statement because the statement is so serious and the names that I will mention here are names of Americans and I do not want to defame them, I want to be very accurate in what I say, and so I am going to read from a prepared statement these remarks.

□ 1815

Mr. Speaker, section 5 of the Senate amendment to H.R. 831 changes the tax treatment of U.S. citizens who renounce their citizenship. Under the Senate proposal, individuals who renounce their citizenship would be subject to income taxes on the unrealized gains which they accrued while they enjoyed the benefits of being a U.S. citizen.

Mr. Speaker, this is a serious loophole in our tax laws, and is one that the Senate has picked up and one that we must close immediately, because the amounts of money here are large, and the equities are very unfair.

Mr. Speaker, I believe that these provisions should be enacted for two reasons. The Senate provisions, first, as a matter of fairness, individuals who have enjoyed the benefits of being a citizen of the United States and who have amassed enormous fortunes should not be permitted to not pay taxes on these gains by merely renouncing their citizenship. Mr. Speaker, this proposal that the Senate has put forward that I ask the Members to instruct the conferees to adopt, this proposal does not punish anyone for renouncing their citizenship. But it merely ensures that these people who renounce their citizenship will pay a tax comparable to that paid by many patriotic wealthy individuals who have not abrogated their responsibility through renouncing their citizenship. In other words, Mr. Speaker, there are many wealthy and fine patriotic Americans who pay their taxes. They do not like them. I do not blame them. But they pay them. There are only a few who escape paying their regular taxes by renouncing their citizenship.

Second, Mr. Speaker, this amendment raises substantial amounts of revenue that should be devoted to deficit reduction as intended by the Senate. The Joint Committee on Taxation has estimated that these provisions will raise $3.6 billion over the 10-year period. I want to repeat that, Mr. Speaker: This is not a small loophole. This is not just a careless amount of money. Our joint committee estimates that the savings from this to the rest of us American taxpayers will amount to $3.6 billion over 10 years.

Mr. Speaker, last week we debated welfare reform which reduced Federal expenditures by reducing benefits payable to the poorest Americans. I think it is appropriate that this week we debate a proposal which requires individuals who have benefited extraordinarily from the American economic system to continue to contribute to reduce this national deficit.

The provision we are talking about today affects a very few individuals. The proposal of the Senate exempts all gains of these individuals from real estate tax holdings, it exempts all tax-qualified retirement plans, and it exempts an additional $600,000 of gains from other assets, a very generous exemption to these people who renounce their citizenship.

In addition, there are provisions for installment payments of these regular taxes to these people who renounce their citizenship. The Treasury Department estimates that individuals owning less than $5 million in assets will rarely be impacted by these proposals of the Senate. The Treasury Department also estimates that fewer than 12 or perhaps as many as 24 individuals would be affected by this proposal each year.

Mr. Speaker, several arguments have been raised against this proposal which I would like to respond to. First, some people have argued this proposal is the result of the punitive level of taxation in this country.

Mr. Speaker, this is simply not correct. Compared to other industrialized countries, the United States has a relatively low tax burden. I think I am correct when I say that of all the 21 industrial countries, large industrial countries, on this planet, the U.S. taxes are next to the lowest in all of those 21 countries. I may be incorrect there, but I think that is my recollection of them. It should be noted that other countries such as Canada, Germany, and Denmark have enacted similar proposals to that proposed by the Senate.

Other objectors have raised the issue of human rights. They have compared these provisions to efforts of the Soviet Union to prevent emigration by its citizens from the Soviet Union. This comparison is entirely misguided. The individuals affected by this proposal are not renouncing their citizenship because of lack of economic or political freedoms in this country, but, rather, these are individuals who are simply unwilling to contribute to a country whose political and economic system has benefited them extraordinarily well.

They should be proud to be American citizens. They should not be renouncing their citizenship just for tax purposes.

Recent examples of individuals who have renounced their citizenship include Kenneth Dart, an heir to the drinking cup businesss, and John Dorrance III, a Campbell Soup heir. Both of these individuals are billionaires, Mr. Speaker. Mr. Dart claims to have taken up residency in Belize, a country that we used to know as British Honduras, and a country not known for its political or economic freedom.

Mr. Speaker, this tax proposal, this proposed tax of individuals who are fleeing, not fleeing economic or political repression, but are attempting to shed their moral obligations of citizenship in this country of ours because they can move to tax havens and because the rest of Americans will provide through our defense and security systems for their protection in these tax havens, will enable these wealthy Americans to live safely in other parts of the world, but they will probably spend most of their lives here, but they will still be wards of the American Government.

Mr. Speaker, this proposal appropriately taxes the economic Benedict Arnolds of this country, and this proposal to instruct the conferees should be enacted.

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

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. PORTMAN], a member of the committee.

Mr. PORTMAN. Mr. Speaker, I thank the chairman for yielding.

I just have one small point to make.

I think a lot of us on this side want to get at this same issue the gentleman from Florida has been discussing, and many of us agree this is a problem that should be addressed in the tax law. We are not sure this is the right place to do it or the right time to do it or this is the right proposal to do it.

One of the things I have been hearing from some of my colleagues is what we would do in this legislation is similar to what other countries do, Australia, Canada, and so on. I have looked into it a bit as has the staff, both of the Committee on Ways and Means and the Joint Tax Committee. That is simply not true, What we do here is something different than is done in those other countries. There are specific differences.

Other countries do impose some kind of an exit tax. They are Australia and Canada. But they are different than ours. As an example, they would allow a step-up in basis, so if you were to go, for example, from Hong Kong to Canada and then emigrate from Canada somewhere else, you would get the step-up in basis, so the gain would only be during the time in which you are a resident or a citizen of Canada. That is a big difference from our proposal that we have before us which would not allow that step-up in basis.

Second, those two countries allow a deferral, so you can allow a deferral in the payment of the gain until the asset is actually sold. Again, that is a big difference.

I just think as we go through the debate, we ought to look at all the proposals before us, but make it very clear what we are talking about doing here in this motion to instruct is to accept language that is very different from that imposed by other developed countries on their citizens.

Perhaps the gentleman from California [Mr. MATSUI] or others will discuss this issue later. I think it is important for us not to say we are going to be doing something that other countries do.

Mr. GIBBONS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Florida [Mr. GIBBONS] for yielding the time.

You know, at a time when we are trying to deal with the issue of the deductibility of the self-insured insurance premium, we are paying for it because we want to close a loophole, and that loophole is the FCC loophole which gives preference to minorities, and we all know the Viacom case, the case in which if it went through would cost the taxpayers of America up to $600 million.

The reason we have moved quickly on the FCC and the Viacom issue is because we did not want people to take advantage of the Tax Code, because one individual, Frank Washington from California, was basically a front for the TCI Corp. which was buying the assets of Viacom, and so if we are willing to take on Viacom, if we are willing to take on the FCC regulations, because it is unfair, because we know that it is being abused, the tax system is being abused, how could we possibly, how could we possibly not take on these people that are American citizens who leave the United States, only renounce their citizenship only because they want a tax break, they want to avoid taxation? And as the gentleman from Florida [Mr. GIBBONS] has said, we have calculated over the next 10 years the Federal Government will lose $3.6 billion if in fact this loophole is not taken care of.

And, second, even more critically, if this loophole is not taken care of, you are going to see more and more American citizens renounce their American citizenship. It could be up to $10 billion or $12 billion over the next 10 years. The reason for it is because they are going to recognize, they are going to find out that this is a basically abusive tax proposal that they can take advantage of, and so as more and more people find out about it, they are going to take advantage of it. That is why we have to close this loophole in this particular conference.

I know if you want to make changes in it and clean it up a little bit, we can do that. The conference will have 4 or 5 days in which they can work.

We have got the Treasury Department, we have the fine minds of the majority and minority to make sure this proposal will work.

I think what people have to understand is American citizens are renouncing their citizenship not because they want to go to another country because they find the country is a better country to live in, but because they do not want to pay taxes that you and I pay and we will have to pay more of it if in fact they do this.

Bear in mind, these people do not have to leave the United States physically. They can still stay in this country. They just will not be American citizens. They can stay in this country for up to 120 days a year.

This is an abusive approach. These people are taking, as the gentleman from Florida [Mr. GIBBONS] says, we know the Dart family that have done it. We know a lot of families that have done it.

I have to tell you in terms of what the gentleman from Ohio has said, other countries have done it but not quite as abusive as we have. We have a list of about 10 countries that have current similar laws, Germany, the Netherlands, Denmark, Sweden, Norway, Finland, France, Philippines, Canada, and Germany, for example, will withhold 25 percent of one's assets if a person has been a resident of Germany for more than 10 years. This is much more stringent than the proposal that is being proposed in this conference.

We have other countries like Norway who will deem a tax period for over 5 years even though that person has not been a citizen for 5 years; he will have been deemed to be a citizen for 5 years; he will have been deemed to be a citizen of Finland for tax purposes. Our proposal is much less stringent than Finland's.

These 10 countries have proposals that are very, very stringent. I would further add that both Senator DASCHLE, the minority leader of the Senate, and Senator DOLE, the majority leader of the Senate, have said keep this provision in, keep this provision in because when we go to the conference, we may want to use this money not only for deficit reduction but maybe for giving the small-business owner, instead of 25 or 30 percent, maybe give them up to 40 percent in terms of a deduction.

Why not do that? Why not give some of these small businesses a larger deduction on their health insurance deduction instead of allowing these tax cheaters who leave the country, renounce their citizenship, the right to avoid U.S. taxes?

And so I might just conclude by making one final observation in my time.

As the gentleman from Florida [Mr. GIBBONS] says, we are talking about $3.6 billion, or $1.4 billion over the next 4 years, and we are only talking about 12 to 25 citizens on average per year, and this just indicates exactly the amount of money that these people are trying to avoid in taxes.

This is the proposal that must be taken out and put in this conference. This is a proposal that must become law at the same time we go after Viacom and others who attempt to abuse the tax system.

□ 1830

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

Mr. Speaker, the provisions in this motion to instruct which would force the House or attempt to force the House to accept the Senate provisions on which we have had no real deliberations over on the House side, and which the Senate gave only cursory attention to, were put in place, a new provision in the tax law, a tax increase that we are not really in a position to fully comprehend.

But, more importantly, it will potentially jeopardize the very badly needed deduction for health insurance for the self-employed, which must get out of this Congress and be signed into law before April 15.

That means out of the Congress before we recess next week.

The gentleman from California said it is easy to fix this in conference, that it will only take 5 days or so. That is too late.

We need to push through this 30-percent deductibility for the self-employed on their health insurance and make it permanent, which this bill will do, and not encumber it with the type of debate that is going on tonight.

It is very interesting to note that there is already a law on the books for over 30 years that is intended to deal with tax-motivated expatriation. But Treasury has never issued regulations to implement this provision in the law. Treasury has indicated it has no information about the number of taxpayers who expatriate for tax-avoidance purposes. We need to know much, much more about this.

We do not need to rush into it now, and our committee will carefully consider this issue as the year progresses. It should not be left to encumber the passage of badly needed tax relief for the self-employed on their health insurance.

Contrary to what the gentleman from California said, the provisions will make us the only country in the world that does this in the full dimension that is provided in the Senate bill.

It seems strange to me that where we have held out the banner over the years as supporting the ability of free exit from any country where a citizen disagrees with the policy of that country, where we have criticized other countries for putting in place exit fees; where we have stood strong for freedom, and this being the basic freedom without barriers, that we now are going to perhaps jeopardize our leadership role in the world in this regard, by thrusting through something that has not been adequately considered.

I encourage a vote against this motion to instruct, to give us the opportunity to adequately address this issue later on this year.

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

Mr. GIBBONS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I have listened to the debate. I was not at the subcommittee hearing, but I have worked on it since then. And I really am perplexed why the majority is defending the status quo. It feels like you are stonewalling on this issue, and there is no reason to do it.

If there are some imperfections in the Senate proposal, they can be looked at and they can be remedied in the conference. Compared to the other technical issues that are considered in a conference committee of the Committee on Ways and Means, this is relatively easy. It is relatively easy. It is not going to take 4 days.

I talked to the Treasury just a few hours ago, and they are persuaded that you can work it out. So why not work it out?

There is an abuse going on here. People are leaving the country, giving up their citizenship to avoid taxation. We know who they are. It is no mystery. You are talking about a dozen to two dozen people. All we are saying is tax their unrealized gains as they leave. You know where the money is going to come from that will go into the Treasury, as I understand it? It is not from the people who leave and cash in their gains, it is because those people will not renounce their citizenship. That is where the money is going to come from.

The abuse is going to end, and we are going to pick up money as a result.

What bothers me are some of the arguments. For example, with due respect to my friend whom I am so fond of and much admire, the exit thing, I do not think we should use extreme examples on this floor. To compare this with the Soviet Union, people can leave here if they want, they can renounce their citizenship; just do not let them take unrealized gains with them because they renounce their citizenship so they could take them free of charge and essentially cheat us out of several billions of dollars.

That is all we are saying. It is a perfectly free country. But why should they take advantage, kind of use a loophole? And in terms of the tax treaty, there is not going to be any problem, because these people are not going anywhere.

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

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

Mr. ARCHER. I thank the gentleman for yielding.

Mr. Speaker, I know the gentleman was shoulder to shoulder with me when we passed the Jackson-Vanik amendment, which was then called Jackson-Vanik-Mills-Archer amendment, and we heard the very same comments out of the Soviet Union. These people owe us something. We educated them. They have taken advantage of our system. Therefore, they must pay an exit fee when they leave. It is the very same thing that this country railed against, because I know, I was out in front railing against it. And I think we give up the high ground here without knowing precisely what the end result of our actions is going to be.

Mr. LEVIN. I am glad the gentleman raised the question. I was not here at the time. I would have voted for it. I admired the gentleman's efforts. It was a controversial issue.

I think Jackson-Vanik did some good. But there is no comparison. People were being kept in the Soviet Union. The whole purpose of the Soviet system was to keep people in, not to let them out. We are not trying to keep people here. If they want to leave, it is a 100-percent free country. Do not let them use the artifice of renouncing citizenship to avoid taxes when they just come back here and live anyway. That is what the issue is.

This is a pure artifice that a few very wealthy families are using to avoid legitimate taxation on what they realize, what they gained in the United States of America. I am not trying to go after them because they are wealthy. I am glad they made their wealth here. But do not let them use a technique, a loophole to renounce citizenship to avoid taxes when they end up here anyway.

I do not understand what motivates the gentleman. If it is the imperfection of this amendment, look, I will take your instructions of the last 12 years which I have been here.

Look, we all know the thrust of these instructions. It is not that we are asking you to take it lock, stock, and barrel. You do not have to do that. What this is, is a statement of the House, it is a statement that we are asking you to work to perfect this and to keep it in the bill.

No one is trying to sink the self-employed provision. I am very much for it. If we can expand it from 30 percent to 35 percent or 40 percent with the benefit of this money, let us do it. I am really serious here. I do not know why the gentleman is resisting this. Take the instruction, try to work it out. If

you feel you cannot work it out in the end, you will come back without it. But at least accept the thrust from the House that this makes good policy sense and work out the details.

I think the gentleman from Florida [Mr. GIBBONS] is on the mark here, and I rise in support of closing this loophole and using the money for good purposes.

Mr. ARCHER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], the chairman of the Subcommittee on Oversight, which has just begun hearings on this issue.

Mrs. JOHNSON of Connecticut. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to the motion, although I do not rise in opposition to the concerns expressed by the gentleman from Florida, for whom I have great respect, or for my colleague and ranking member on the Oversight Committee, who also supports the motion.

I am not defending the status quo. I think the administration has found a real problem. I think we need to deal with it. I do not believe, from the testimony we received yesterday, that it is possible to deal with it in 5 days. However, we can, by retaining that portion of this bill in conference, retain the date and therefore have the same effect in a month or 2 that we would have this week, if we bring it out of conference.

Now, it is important that we do the right thing in creating a more effective law in this area.

Let me give you an example of the kinds of misinformation that is afoot. For instance, in the Germany situation, Germany only taxes you if you own 25 percent of a corporation's stock. And then they only tax you at one-half of the normal rate and only on that stock that you own.

The scope of this bill is extraordinary. It is absolutely everything you own.

Furthermore, it forces you to pay taxes on something that you may have no way of generating income to pay.

Now, I was very interested that my colleague from California said there were 24 people involved. I questioned the representative of the Treasury Department yesterday. He did not know how many people were involved. He never mentioned numbers like that. He never gave any examples.

I am not confident that we are going to catch in our net so few people. Those people do need to be caught. There should be no tolerance in America for using relinquishing of your citizenship as a way of avoiding taxes that you are responsible to pay.

But this bill has some very serious and very significant problems. First of all, as I mentioned, the scope of the bill is enormous. It covers every kind of asset and it treats every one of those assets as if you could turn them into cash so that you could pay taxes on them.

In the area of trust, even the advocates of the bill said you must fix the problems in the trust area, but we do not know quite how yet. So, even those who testified in favor of the bill had some real concerns about some of its significant technical problems.

In the area of double taxation, this will require that we renegotiate all our tax agreements with other nations or we will subject people to terribly unfair double taxation. We are a Nation where justice matters. If we are going to adopt a law that will guarantee that everybody pay the taxes that they should—and we should do that—we should not want them to be taxed again on those same assets in another country. And without renegotiation of those tax agreements, that is exactly what will happen.

We had to negotiate an agreement with Canada to prevent that kind of action when they adopted legislation in this area. We will have to renegotiate all those agreements as well.

Let me close by commenting on two other aspects of this bill.

If we act precipitously in a way that appears hostile to foreign investors—and this bill from the outside, without hearing our debate, can easily appear hostile to foreign investment—we run a very grave risk. We are a Nation whose currency values are plummeting, we are a Nation that depends on foreign investments to fund our debt, a Nation that depends on foreign investors to fund our economic growth. We cannot afford to chill the interest of foreign investors in our economy by acting precipitously in a way that is not rational.

□ 1845

Finally I would say in regard to the human rights issue, Let me quote from the testimony of Robert Turner who was the staffer when they passed the Jackson-Vanik amendment.

He says:

> If the proposed "exit tax" is designed to discourage citizens from exercising their right to renounce U.S. citizenship, I think it is contrary to the law. If it is designed to impose an immediate and substantial financial burden upon citizens—on the specific and expressed grounds that they have elected to renounce their citizenship and emigrate to another country—and it is a burden that would not be imposed upon otherwise identically situated citizens who elected to remain American citizens (and did not elect to sell or dispose of their property or take other action that would recognize capital gains liability), then I think you have a very serious problem. In that event, I would want my money "up front" if I were asked to argue before an international tribunal that the proposed U.S. exit tax complies with the spirit of the Jackson-Vanik amendment.

Mr. Speaker, I say: My colleagues, if you impose a tax that a person cannot generate the resources to pay, you automatically prevent that person from having a choice about whether they continue to be a citizen or they don't continue to be a citizen. That is an entirely different issue than holding them liable for taxes they owe our country. To impose a tax that compromises the right to choose to be a citizen or choose not to be a citizen is a very serious human rights matter in this world, and it's one that we have been closely identified with over decades in our long struggle against communism.

So I would urge my colleagues to be patient in this matter. We can address this problem. We can use the effective date in the bill that is in the conference, but we absolutely must address the domestic and international implications of this proposal and do it wisely.

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

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Florida [Mr. GIBBONS] for yielding this time to me.

I strongly support what the gentleman from Florida [Mr. GIBBONS] is trying to do on this motion to recommit. Let me just respond, if I may, to a few of the points that were being made from the other side of the aisle.

First of all, this is not precipitous action. This was in the original President's budget in February of this year. We held extensive hearings on the entire administrative budget, so this did not come up just last Friday or last Monday.

Second, Steve Shay, who also testified; he was the international tax counsel for the Reagan administration at the State Department; he supports this proposal, and he says this was under deliberation under President Reagan, when Reagan was President.

So, this is an issue that was vetted, talked about, and has been constantly discussed within the administration for years and years, so this is not a new proposal.

Also, in terms of the renegotiation of treaties, as my colleagues know, a lot of people bring those issues up, and we find ourselves caught in a bind. We do not want to argue the issue substantively; we want to argue technical issues.

The best way to get a foreign country to renegotiate with us is by passing a law. We need to pass this law, and then every country will start negotiating, just as Canada did, just as Germany did, just as these other countries did as well.

I say to my colleagues, "So, you don't start negotiating before we actually pass a law. You pass a law, and then you start negotiating. That's what USTR has been doing recently as well."

The Jackson-Vanik issue:

We have Steve Shays, former Reagan administration official, as I said, who testified. He said there was no Jackson-Vanik or human rights issue. We have a Harvard professor who testified and sent a letter—Professor Bats at Harvard—that says there is no human rights issue, and I cannot understand how Members would at all think that this proposal that is supported by BOB DOLE, TOM DASCHLE, BILL BRADLEY, the gentleman from Florida, Mr. GIBBONS, has anything to do with Jackson-Vanik. I mean it is just not at all common sense to think this has anything to do with Jackson-Vanik, particularly since 12 other countries that we are aware of have similar proposals, some of which are more stringent than the one we have under entertainment.

Let me just conclude by making one further observation about this human rights issue because I think it is very interesting that the opposition is bringing it up. Before this even kicks in we have to have about 5 million dollars' worth of assets. We are talking about couples who have $1.2 million of capital gains. I mean it does not even kick in until they go beyond a couple beyond $1.2 million of capital gains treatment. Most of those people end up going to the Caribbean countries by the way. They are not trying to emigrate to England or some other countries that have democracy like we have, so we are not really talking about human rights. We are not talking about Jackson-Vanik in this situation.

I think we should really be realistic about this——

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

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

Mr. ARCHER. Mr. Speaker, can the gentleman name one country that has more stringent requirements and restrictions than what is in the Senate provision?

Mr. MATSUI. I mentioned Finland which requires the citizen to be deemed, who renounces citizenship to be deemed, a citizen for 5 years beyond the time he renounces his citizenship. I mentioned Germany which says that, if this individual is a citizen of our country, of their country for 10 years, it is a 25 percent tax on assets——

Mr. ARCHER. But what are the penalties—what country has penalties that are more stringent than in the Senate provision?

Mr. MATSUI. I just mentioned two.

Mr. ARCHER. No, those penalties are not more stringent, as I understood the gentleman's explanation. I am told by staff that has evaluated all the laws across the world that this is the most punitive of any country's.

Mr. MATSUI. As my colleague knows, if one wants to say this is more punitive than a 25-percent tax on one's assets from Germany if they are a citizen for 10 years, I guess it depends upon how one looks at it, but I think that is a pretty punitive tax.

Mr. ARCHER. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri [Mr. HANCOCK], a member of the committee.

Mr. HANCOCK. Mr. Speaker, I am not going to go into a lot of detail about the problems we are discussing, only to say that I strongly oppose the approach that we are talking to it.

When I first heard about what had been going on and I first started reading in the newspaper about certain individuals that were giving up their citizenship of the United States for the purpose of avoiding taxes, I have a reputation back home of being a tax fighter, but I certainly, certainly think, that the idea, the mere idea, that people that our tax law has evolved into a situation that people would even consider giving up their citizenship for the purpose of the way our tax law is written. Therefore I was very much in favor of what this motion to recommit—quite frankly I was in favor of it, however, after the hearing yesterday in which I sat through most of, and read, and studied, and looked into the situation of exactly what we are doing, how this affects international tax law and also the fact, in my judgment, a green card holder working in the United States and accumulating a lot of wealth would be better off than our own citizens. He would have to give up his citizenship to get the same treatment.

Now something is wrong with the tax law. So what we need to address is not on this vehicle. At this tax law at this time we need to address it later, and I want to go on record as being strongly opposed to the motion to recommit.

Mr. GIBBONS. Mr. Speaker, I yield, 5 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I originally came to the floor, and I regret to say there are not many people on the floor at this particular time, and I hope some people are tuning into this discussion. I originally came to the floor because I anticipated there would be no dispute about this. I anticipated that this would be agreed to and we would move ahead.

This is the most appalling debate that I have ever been a part of or witnessed in 21 years of public service. How is it possible? I have got immigrants, immigrants like my ancestors, driven out of Scotland, people in Hawaii today who are immigrants, paying taxes and working, proud to be Americans, striving for the chance to be Americans.

We had a welfare debate in here that said we do not want people in this country unless they are going to be Americans and move toward being American citizens. Otherwise we are cutting them off, even if they are legal immigrants, people that I deal with every day. I say to my colleagues, Maybe some of you come from areas where you don't see many immigrants. Maybe you have forgotten where your ancestors came from in this country. But I see them every day, and we deal with people everyday who are proud to be there.

I watched PBS on television last night where people were standing up, singing the Star Spangled Banner, just become being citizens of this country. They were not running away because they made money here.

I say to my colleagues, I know what program you saw. I know what got you interested in this. These people who have left this country because they don't want to pay taxes, they don't even have a fundamental ideological motive. They are not opposed to the war unless their ideology is, "I get to make everything I can or take everything that I can, and, when it becomes inconvenient to pay my share of taxes, like everybody else in America, I get to split, and once more I want my rights, my human rights."

How dare anybody bring up on the floor of this House of Representatives human rights and compare them to people trying to leave the Soviet Union, Jews trying to leave the Soviet Union, kept there in the iron grip of communism? I ask, "Do you think they're able to leave Burma today?" Look at all the analogies that can be made with repression, and dictatorship, and authoritarianism, and compare someone leaving the United States. I hear every aspect of their assets will be looked at.

If I had my way, this bill, this instruction by the gentleman from Florida [Mr. GIBBONS] is lightweight, lightweight. This proposal is not designed to prevent Americans from shifting their assets and citizenship to another country. If it was my instruction, it would. Why should I give two hoots about somebody that wants to give up their U.S. citizenship and shift their assets to another country and then say that they demand human rights, demand human rights as a citizen?

It has been brought up about double taxation. I say, "You can triple or quadruple tax them as far as I'm concerned, run it up to a hundred percent if they want to give up their citizenship because they don't want to pay their taxes."

They say here that maybe—it is impossible for me to understand why we are not passing this. I will tell my colleagues this:

I've tried mostly in my campaigns to say what I stand for and what I believe and not go to the other person, but I'm going to be very interested what the vote is. This is an instruction. This is just an instruction. We all know what 'instruction' means. This is a guidepost to you to go into this. I can't believe

that anybody will come down here and vote against this instruction, and, if you do, I tell you not only when I go home, but in every chance that I get to speak in this country, and, believe me, I get plenty of them, and to everybody here, I'm going to ask, 'How can you be against legal immigrants? How can you be against the kids? How can you say that we should all do our share in America, including making all the kids, and the elderly people, and everybody else, have to contribute to the deficit, to bring it down, and at the same time allow these sleazy bums, who don't want to pay their taxes, to leave this country, and renounce their citizenship, and expect me to have one iota of sympathy for them."

Pass this instruction, and stand up for America.

Mr. ARCHER. Mr. Speaker, I yield 5 minutes to the chairman from California [Mr. THOMAS], chairman of the Subcommittee on Health, a valued member of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, in case some folks think that what we are talking about is what was just talked about, let us take a look at what we are really talking about, and that is specifically a motion from the gentleman from Florida to require the House conferees to agree to the provisions contained in section 5 of the Senate amendment, not to the administration's proposal, not to the Clinton proposal to change the law we have on the books, which is clearly flawed.

□ 1900

Not to the administration's proposal; not to the Clinton proposal to change the law we have on the books, which is clearly flawed. That is not what we are being requested to do. We are being requested to bind ourselves to the Senate language.

What does that Senate language do that the Clinton administration language does not do? The Clinton administration language said we should go after noncitizens and citizens. What does the Senate language say? We should go after only citizens.

In other words, if we bind ourselves to the Senate language, we will treat citizens of the United States worse than noncitizens. Aliens can come in this country, take that money, and leave, and this provision of the law would not apply to them. It is only to citizens.

What happened to you folks when you moved from the majority to the minority? What is this, comparing us to other countries? We should not be compared to any countries. We should not take other countries' laws and say we are as good or this is not as bad as they are when it deals with citizens.

When the gentleman from Florida stands up and states his position, I will disagree with that position, but I will defend his right to say it. I will never, ever oppose his right to say it. When we offer citizenship, we ought not to offer it qualified. If we have a problem with the law, let us change the law. Maybe the problem is the Tax Code as well, in which Americans take a look at the confiscatory tax structure that we have and go so far as to say in weighing choices, maybe I will take a look at citizenship. If we buy the Senate position, a holder of a green card, a noncitizen, would never have to make that decision. We have American citizens making that decision. There is a law on the books that says if you renounce your citizenship for tax purposes, you will be punished. Should we change that law? Yes, we need to change the law. It is not working. It is hard to nail those people. We have to perfect the law. But not here, and not now, and especially not with the Senate provision.

Now, we have been told that we have to follow the Senate instructions. Then we have been told no, just go in and work out your differences. If it is not the specific instruction to buy the Senate provision, then let us go ahead and try to figure out a way in a couple of hours in a closed room how to solve this problem, when the gentlewoman from Connecticut came in front of you and said she held a hearing on it and the Treasury could not even produce accurate numbers of the number of people who are exercising this provision. We want to change the law, but not here, not now.

If you want to see the frustration of the minority, it is a little bit like the fellow trying to train his dog, and it will not behave. So if it is sitting, he says "sit"; if it stands, he says "stand"; if it is lying down, he says "lie down"; because they are desperate for some kind of control.

That is exactly what we are seeing here. You are putting so much weight into this motion to instruct on a flawed Senate provision, I do not understand. You heard the gentlewoman, who is chairman of the Oversight Committee saying we need to solve the problem, we need to sit down and resolve the law. Not here, not now.

We have said the money in the Senate bill is tied to the deficit. We have heard do not have it go to the deficit, we can have it go to the self-employed, up their percentage. We will have it this or we will have it that. However it is, you want it your way.

The answer is, this area needs to be changed. For you folks to stand up and get carried away about the question of citizenship is to put this out of complete context. You want control. You will go to the lengths you have just exhibited to show that control.

We have already said we want to sit down and perfect the law. The Senate provision is flawed. You want us to try to get it right in a couple of hours on a conference that is critically timed to the tax bill provisions so that these people can get the relief they so desperately seek.

What is the difference in a couple of months, if the gentlewoman from Connecticut has told you the date is locked in. Because of this discussion, we have the date locked in. Let us not do it fast. Let us do it right. If you are really honest about wanting to solve this problem, you will join with us in getting it right, and at the same time begin to change the Tax Code so no American citizen will ever consider renouncing their citizenship to get away from the confiscatory taxes that we have in this country.

Mr. GIBBONS. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am glad to hear this pledge about taking time and doing things right and not doing them too hastily. I thought the contract outlawed that.

I wanted to explain to my colleagues why our friends on the other side are not so worried about this. They are not worried because they have the solution. We are worried about wealthy people feeling that the Tax Code burdens them too heavily and renouncing their citizenship. But you forget, they are going to change the Tax Code. By the time they are through with the Tax Code, if they have their way, no wealthy people will feel bothered by it. By the time they are through weakening the minimum tax and giving them capital gains and giving tax credits for people with hundreds of thousands of dollars, there will not be any problem.

So they are solving the problem the other way. They are going to make the Tax Code rich-people-friendly, and no one will leave.

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

Mr. Speaker, let me simply say that what this issue is about today is not really substance. This issue can be discussed in the conference committee. But the motion to instruct would attempt, without having any binding force, I must say, to tie the hands of the conferees for a specific provision without change. This is unnecessary. We will be going to conference, we will be discussing this issue, and it is a nonbinding motion to instruct.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I do want to reiterate that I do not oppose amending the law so that people cannot use renunciation of citizenship to avoid the payment of legitimately owed taxes. But this bill does need amending. We cannot accede to the Senate language. And I want to make very clear that we are not just talking about 24 multimillionaires.

Do you realize that any Cuban-American who came here to escape Castro,

started their own small business, it could be a single woman, the small business did very, very well over time, she bought a very nice house, she bought a very nice car, made some other investments, now Cuba gets freed, she wants to go back. She wants to for symbolic reasons renounce her American citizenship, but she wants to leave a trust for her kids here and wants to leave her business here moving along. But she wants to sell her house, she wants to take a lot of her assets back, and she wants to be a Cuban citizen.

This bill catches her, and the trust provisions are such and the tax she would owe on the business she built are such that she would have to sell them to pay this level of tax.

This is not just about billionaires. This is about everybody who renounces their citizenship, and it is going to catch a lot of Cuban-Americans, it is going to catch a lot of Hungarian-Americans, and Czech-Americans and others who flew Communist nations and came here and worked with extraordinary energy and resources and built something for themselves and now decide to leave.

So let me say that this is a tough provision. It needs some improvement. My colleague said it is not tougher than the taxes of other countries. He used Finland as an example. Listen to what Finland does. A Finnish citizen who leaves the country is deemed to be a resident for 3 more years. In other words, they are treated for tax purposes as being a resident for 3 more years. Current law treats people as deemed to be a resident for 10 years. Our current law is tougher than the Finnish law.

Let us look at Germany. Germany has been held out saying they are tougher than we are. To pay this tax, you have to own 25 percent of the stock of a corporation, or more, of a corporation. You have to be a big stockholder in a German corporation to be caught in this tax, and then you are taxed only on the gain in the stock in that corporation and at half the regular tax ratio.

This is an entirely different tax than the tax being proposed; it would have an entirely different impact on foreign investors.

Furthermore, if you came into Germany and then left, you would only be taxed on the gain during the period you were in Germany.

Now, my friends, we are absolutely obliged to support the administration in closing a loophole they have identified. But we must treat noncitizens and citizens the same way, and must not adopt a tax that is so extraordinarily different than that of other countries that it has ramifications for people who are making investment decisions. We also must adopt a tax that is respectful of trust obligations and other obligations for which it is not possible to generate cash to immediately pay off tax obligations as defined under this bill.

It is perfectly possible for us to solve these problems. I only ask that in conference you give yourselves the time to do that, and not bind yourself to the Senate language. I do not ask that my colleagues, because this is a difficult issue, vote with me. I do not ask that. I do ask that this debate be considered by the conference and that we not adopt a policy that would be destructive for us as a Nation and probably in the long run destructive of our economic strength.

Mr. ARCHER. Mr. Speaker, on the assumption that the gentleman from Florida [Mr. GIBBONS] will close, I yield back the balance of my time.

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

Mr. Speaker, this is not a new issue. About 2 weeks ago this came up in the Committee on Ways and Means. The gentleman from Washington [Mr. MCDERMOTT] had an amendment like this, and, Mr. Speaker, every single, solitary Republican on the Committee on Ways and Means voted against it. Let me repeat that: This amendment came up in the Committee on Ways and Means 2 weeks ago, and every single, solitary Republican on the Committee on Ways and Means voted against it. They are still here defending these people who would escape taxation by renouncing their American citizenship, the place where they made the money.

All right. Now, the gentleman from Texas [Mr. ARCHER] would scare the people to death about how complicated this would be in conference. If we adopt my motion, all that the gentleman has to do is say I have been instructed by the House to accept the Senate language on this matter, and in 15 seconds that issue will be behind us.

All of you have been to conference. You know how it works. All the gentleman has to do is say, I am following instructions, and it is over. The Senate cannot take it off the table and it is a matter that becomes law. So there is nothing to that.

Now, this does not affect foreign investment in the United States. This does not affect anything except those selfish people who would make a fortune here in the United States, or inherit a fortune here in the United States, and would like not to pay any U.S. taxes, so they just renounce their citizenship. They do not even have to leave the country, Mr. Speaker. They can stay here and still just renounce their citizenship and say I am keeping it, fellows, the rest of you slobs pay taxes. But not me, because I am in that privileged category. I just renounced my American citizenship.

How stupid can we be? This is a tax loophole of major proportions, Mr. Speaker. It is a tax loophole for very wealthy Americans. They are the only people that are taking advantage of it, and not all the very wealthy Americans are taking advantage of it, Mr. Speaker. They stay here and they pay their taxes just like all the rest of us.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 193, nays 224, not voting 17, as follows:

[Roll No 272]

YEAS—193

Abercrombie	Fields (LA)	McDermott
Ackerman	Filner	McHale
Andrews	Flake	McKinney
Baesler	Foglietta	McNulty
Baldacci	Ford	Meehan
Barcia	Frank (MA)	Meek
Barrett (WI)	Furse	Menendez
Becerra	Gejdenson	Mfume
Beilenson	Geren	Miller (CA)
Bentsen	Gibbons	Mineta
Berman	Gonzalez	Minge
Bevill	Goodling	Mink
Bishop	Gordon	Moakley
Bonior	Green	Mollohan
Borski	Greenwood	Montgomery
Boucher	Gutierrez	Moran
Brewster	Hall (OH)	Neal
Browder	Hamilton	Oberstar
Brown (CA)	Hastings (FL)	Obey
Brown (FL)	Hayes	Olver
Brown (OH)	Hefner	Ortiz
Bryant (TX)	Hilliard	Owens
Cardin	Hinchey	Pallone
Chapman	Holden	Parker
Clement	Hoyer	Pastor
Clyburn	Jackson-Lee	Payne (NJ)
Coleman	Jacobs	Payne (VA)
Collins (IL)	Johnson (SD)	Pelosi
Collins (MI)	Johnson, E. B.	Peterson (FL)
Condit	Johnston	Pickett
Conyers	Kanjorski	Pomeroy
Costello	Kaptur	Poshard
Coyne	Kennedy (MA)	Rahall
Cramer	Kennedy (RI)	Rangel
Danner	Kennelly	Reed
de la Garza	Kildee	Reynolds
Deal	Kleczka	Rivers
DeFazio	Klink	Roemer
DeLauro	LaFalce	Rose
Dellums	Lantos	Roth
Deutsch	Laughlin	Roukema
Dicks	Levin	Roybal-Allard
Dingell	Lewis (GA)	Sabo
Dixon	Lincoln	Sanders
Doggett	Lipinski	Sawyer
Dooley	Lofgren	Schroeder
Doyle	Lowey	Schumer
Duncan	Luther	Scott
Durbin	Maloney	Serrano
Edwards	Manton	Sisisky
Engel	Markey	Skaggs
Eshoo	Martinez	Skelton
Evans	Mascara	Slaughter
Fattah	Matsui	Spratt
Fazio	McCarthy	Stark

Stenholm	Thurman	Waters
Stokes	Torres	Watt (NC)
Studds	Torricelli	Waxman
Stupak	Towns	Williams
Tanner	Traficant	Wise
Tauzin	Tucker	Woolsey
Taylor (MS)	Vento	Wyden
Tejeda	Visclosky	Wynn
Thompson	Volkmer	
Thornton	Ward	

NAYS—224

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

NOT VOTING—17

Bateman	Gephardt	Richardson
Clay	Harman	Rush
Clayton	Jefferson	Velazquez
Farr	Murtha	Wilson
Frisa	Nadler	Yates
Frost	Orton	

□ 1933

Mr. PETERSON of Minnesota and Mr. LATHAM changed their vote from "yea" to "nay."

Mr. DUNCAN and Mr. STENHOLM changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. ZIMMER). Without objection, the Chair appoints the following conferees: Messrs. ARCHER, CRANE, THOMAS, GIBBONS, and RANGEL.

There was no objection.

PERSONAL EXPLANATION

Mr. FARR. Mr. Speaker, on rollcall 272, I was not present for that rollcall. Had I been here, I would have voted aye.

TERM LIMITS

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

Mr. GUTIERREZ. Mr. Speaker, when you are given a contract read the fine print. The Contract With America suggests that those who ran on term limits actually believe in it. Well, the fine print allows those folks to hang on a lot longer unless we make term limits retroactive.

Let me suggest that if your Representative campaigned on cleaning out the barn, call them up and ask them, "OK, how long have you been in D.C.?"

Today, Mr. Speaker, I am going to submit an interesting list of names of those who support term limits of 6 to 12 years. You can get it on the Internet or in the copy.

I look at the list, and I see a gentleman from Florida first elected in 1980 who is a sponsor of one of these term-limit bills. I see a gentleman from my own State of Illinois, which reminds me, I forgot to congratulate the gentleman from Illinois [Mr. CRANE], first elected 26 years ago, for an award citing him as a term-limits hero. So let us do that right now.

Oh, yes, the Republican version, Mr. Speaker, of term limits, shows there is no limit to the length that they will go try to fool the American people.

ORIGINAL SPONSOR AND COSPONSORS OF THE INGLIS AMENDMENT

(Providing that no person may serve in Congress more than 2 full terms as a Senator, and that no person may serve in Congress for more than 3 full terms as a Representative. Also provides that service as a Senator or Representative before the amendment takes effect shall not be taken into account in determining length of service)

(All Representatives who have served more than three terms are in italic.)

ORIGINAL SPONSOR

Inglis (1992)

COSPONSORS

Dornan (1976)
Sanford (1994)
Armey (1984)
Goss (1988)
Hutchinson (1992)
Dickey (1992)
Royce (1992)
Hoekstra (1992)
Lewis (KY) (1994)
Salmon (1994)
Graham (1994)
Davis (1994)
Heineman (1994)
Chabot (1994)
Smith (WA) (1994)
Ganske (1994)
Chrysler (1994)
Ensign (1994)
Cooley (1994)
Christensen (1994)
Fox (1994)
Calvert (1992)
Nethercutt (1994)
Shadegg (1994)
Metcalf (1994)
Whitfield (1994)
Bass (1994)
Solomon (1978)
Forbes (1994)
Blute (1992)
Smith (TX) (1986)
Bachus (1992)
Kim (1992)
Riggs (1994)
Longley (1994)
Cox (1988)
Smith (MI) (1992)
Baker (CA) (1992)
Weldon (FL) (1994)
Coburn (1994)
Radanovich (1994)
Roth (1978)
Packard (1982)
Stump (1976)
Everett (1994)
Thornberry (1994)
Allard (1990)
Bono (1994)
Cunningham (1990)
Tate (1994)
Dunn (1992)
Talent (1992)
Chenoweth (1994)
Jones (1994)
Burr (1994)
Cubin (1994)
Stockman (1994)
Crane (1969)
Peterson (MN) (1988)
McIntosh (1994)
Fields (TX) (1980)
McCrery (1986)
Barcia (1992)
Minge (1992)
Myrick (1994)

ORIGINAL SPONSORS AND COSPONSORS OF THE MCCOLLUM AMENDMENT

(Providing that no person who has been elected to the Senate two times shall be eligible for election or appointment to the Senate, and that no person who has been elected to the House of Representatives six times shall be eligible for election to the House.)

(All Representatives who have served more than 3 terms are in *italic*.)

ORIGINAL SPONSORS

McCollum (1980)
Hansen (1980)
Peterson (MN) (1990)
Lobiondo (1994)

COSPONSORS

Lightfoot (1984)
Gillmor (1988)
Allard (Deleted Feb 7, 95) (1960)
Armey (1984)
Bachus (1992)
Baker (CA) (1992)
Ballenger (1984)
Barcia (1992)
Barr (1994)
Barrett (NE) (1992)
Bartlett (1992)
Bass (1994)
Bereuter (1978)
Bilbray (1994)
Bilirakis (1992)
Blute (1992)
Bonilla (1990)
Brownback (1994)
Bryant (TN) (1994)
Bunning (1986)
Burr (1994)
Buyer (1992)
Calvert (1992)
Camp (1990)
Canady (1990)
Chambliss (1994)
Christensen (1994)
Coble (1984)
Collins (GA) (1992)
Cooley (1994)
Crane (1969)
Cremeans (1994)
Cunningham (1990)
Deal (1992)
Diaz-Balart (1992)
Dickey (1992)
Doolittle (1990)
Dunn (1992)
English (1994)
Ensign (1994)
Everett (1992)
Ewing (1990)
Fields (TX) (1980)
Flanagan (1994)
Foley (1994)
Forbes (1994)
Fox (1994)
Franks (CT) (1990)
Frisa (1994)
Funderburk (1994)
Gallegly (1986)
Ganske (1994)
Gekas (1982)
Goodlatte (1990)
Goss (1988)
Graham (1994)
Greenwood (1992)
Gunderson (1980)
Gutknecht (1994)
Hancock (1988)
Harman (1992)
Hastings (WA) (1994)
Hayworth (1994)
Hilleary (1994)
Hobson (1990)
Hoekstra (1992)
Hoke (1992)
Horn (1992)
Houghton (1986)
Hutchinson (1992)
Inglis (1992)
Istook (1992)
Sam Johnson (1990)
Kim (1992)
Kingston (1992)
Klug (1990)
Knollenberg (1992)
LaHood (1994)
Latham (1994)
LaTourette (1994)
Lazio (1992)
Leach (1976)
Lewis (KY) (1994)
Linder (1992)
Lucas (1994)
McIntosh (1994)
McKeon (1992)
Meehan (1992)
Metcalf (1994)
Mica (1992)
Miller (FL) (1992)
Minge (1992)
Myrick (1994)
Neumann (1994)
Ney (1994)
Norwood (1994)
Nussle (1990)
Packard (1982)
Paxon (1988)
Pombo (1992)
Portman (1993)
Pryce (1992)
Quinn (1992)
Ramstad (1990)
Radanovich (1994)
Riggs (1994)
Rohrabacher (1988)
Royce (1992)
Saxton (1982)
Scarborough (1994)
Schaefer (1983)
Seastrand (1994)
Shadegg (1994)
Shaw (1980)
Smith (MI) (1992)
Smith (TX) (1986)
Solomon (1978)
Souder (1994)
Stearns (1988)
Stockman (1994)
Stump (1976)
Talent (1992)
Taylor (NC) (1990)
Thornberry (1994)
Tiahrt (1994)
Torkildsen (1992)
Upton (1986)
Waldholtz (1994)
Wamp (1994)
Weller (1994)
White (1994)
Whitfield (1994)
Wilson (1972)
Zeliff (1990)
Zimmer (1990)
McInnis (1992)
Hayes (1986)
Meyers (1984)
Walker (1986)
Deutsch (1992)
Coburn (1994)
Goodling (1974)

PERMISSION FOR CERTAIN COMMITTEES TO SIT TOMORROW, WEDNESDAY, MARCH 29, 1995, DURING 5-MINUTE RULE

Mr. IGNLIS of South Carolina. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule:

The Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on National Security, the Committee on Resources, the Committee on Small Business, and the Committee on Transportation and Infrastructure.

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

There was no objection.

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.

TERM LIMITS: THEIR TIME HAS COME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, we are almost ready to embark on a great decision of whether we should have term limits for Members of the United States Congress. When George Will writes about term limits, he uses a couple of baseball stories to illustrate his point.

When Earl Weaver was managing the Baltimore Orioles, he used to shove his chin into the chest of the umpire and shout at the top of his lungs: "Are you going to get any better, or is this it?" Well, the American people have decided that their Government in Washington is not going to get any better, something has to be done, this can't be it.

When the Washington Senators were owned by Clark Griffith, he said one day after the opposing teams had hit a bunch of home runs: "Fans like home runs, and we have assembled a pitching staff to please our fans." Term limits are a way of correcting this approach to Government.

The foundation of American thought with regard to Government goes as far back as the Athenian democracy, but I think it owes a good deal to the British political philosopher John Locke, who described government as a necessary nuisance to cope with inconveniences. Locke's view was we didn't need a powerful government to overcome the inability of Americans to deal with each other.

As with George Will, I have changed my mind on term limits. I now believe they are necessary to restore the faith of our Government. Alexander Hamilton, in the Federalist Paper No. 68, wrote: "The true test of a good government is its aptitude and tendency."

As we look over the last 30 years, what has been the aptitude and tendency of this Government? The aptitude and tendency is to borrow, to tax, to spend, and to perpetuate ourselves in office.

For example, this Government has now spent $5 trillion coping with our

welfare problem. We have resulted in a permanent underclass. We have got a Social Security system that is teetering on the brink of bankruptcy.

What have we done for future generations? We have gone into debt $5 trillion, thinking that what we do now is more important than giving them a responsibility to pay for our overindulgences. Is this it, or can we do better? I have come to believe in term limits only after examining our Government from the inside.

The Founding Fathers were aware of term limits. Mr. Speaker, I wonder how many Members of Congress know that term limits existed in the Articles of Confederation. While recognizing the inherent problem of perpetuating oneself in office, the Founding Fathers did not include term limits in our Constitution because at that time it wasn't a very fun job. It wasn't pleasant to be in Congress.

At that time, and they were to a great extent correct, the living wasn't good, and it was hot in Washington. It wasn't until after the Civil War that we saw the advent of the career politician in Washington.

Today, as we look at the modern Federal Government, it is obvious that things have changed. We do not have the citizen legislator that the Founders envisioned. We have failed to heed Jefferson's warning about public office. He said "Whenever a man casts a longing eye upon them, a rottenness begins in his conduct."

The Congress and the rest of the Federal Government has become a system of career politicians.

□ 1945

It is a problem where we now depend on this career for our livelihood. Can you imagine the career politician that wants this good-paying job when it comes to the tough leadership decisions that are often asked of Members of Congress? When it becomes a conflict between that career and a good-paying job and making the tough decisions, too often we see too many taking the easy road to perpetuate their own job in office.

Some people argue that we have term limits now. It is in the ballot box. But the reality evident to anyone who takes a look at this system, it is heavily weighted towards incumbents.

Let us look at this last election, which is such a good example, some people say, of the power of the people to exercise their own term limits. It didn't happen. Most incumbents won. Most of the PAC money went to incumbents.

And it is important, Mr. Speaker, that we do something to make this Government better, more responsive to the people. I suggest that something is to exercise term limits and our votes to include it in the Constitution.

THE NEED FOR TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I thought the remarks of the gentleman from Michigan [Mr. SMITH] on term limits were excellent.

I am not a convert on this. I came to this Congress in 1976 and declared in January of 1976 to campaign all that year. And in my declaration of candidacy remarks on January 27, 1976, one of the principal things I mentioned was the importance of term limits.

I had gotten out of the Air Force at 24 years of age and hoped to be a younger Member of Congress in my 30's to serve, at that time, I thought 10 years was a good figure, and leave.

I watched the person in my congressional district never get on what we would consider a middle level committee, let alone one of the serious committees like Ways and Means or Appropriations, Armed Services, Foreign Affairs, Judiciary. Just wasted 18 years, burned him up, did nothing. But he was tall, handsome and the son of a multi-multimillionaire and wasted 18 years doing nothing, accomplishing nothing.

But he had the money to defend his seat and voting as a moderate Republican which staved off any challenge from the left in the general election, it was basically a Republican seat, and always having the money to block a conservative challenger or even a radical activist moderate who might want to do something with the seat.

So I have been for term limits all of my adult life. And I hope, although the odds are diminishing, that we are going to pass it. I hope that our Speaker is right, and that NEWT GINGRICH says Congress after Congress, if we leave this place in the majority control of the GOP for the next several Congresses, we will get it passed sooner or later.

ROMAN CATHOLIC REPRESENTATIVES

Mr. DORNAN. Mr. Speaker, what I have come to the floor to talk about is something very uncomfortable. I think it is a very good reason for term limits and the end of careerism, and that is that people of my Christian denomination come to this House, Roman Catholics so enamored with hanging on to this $133,600 a year job that they will waffle on moral issues of principle, sell their souls almost literally, reject the admonition in the Scripture, "What does it profit a man to gain the world or a lousy seat in the House or the Senate and endanger his soul."

They come here and reject Mother Teresa's words about the importance of abortion as a terrible blight upon civilization, one that can literally cause the decline of civilization around the world, and is.

They reject the teaching of the Pope in Rome and the new encyclical coming out the day after tomorrow called Evangelium Vitae, the gospel of life. The hammer is coming down from the boss in Rome for those who are loyal to the teaching authority of the church.

Members in this House and Senate will make light of abortion. They will go against every single bishop, no matter how flaky or liberal a bishop on the left might be. There is not a single bishop, 300-plus in the United States, who wavers on what Vatican Council Number II called an unspeakable crime, what the church carefully delineates as intrinsically, inherently evil. They will waffle all over the place on this issue. Others will stay steadfast even if it jeopardizes their seat election after election.

That is why I am going to put in the RECORD tonight the list of all of the Catholics by name in this House and then do no follow-up on it, probably not. But ask everyone who is proud enough of his faith to put Catholic in their biographies and all of our major directories here to tell the press they are a Catholic.

If they are proud enough to do that, then they have an opportunity before we have our first abortion vote in this chamber or in the U.S. Senate to come home to renew themselves, to think about that little boy or girl they were at their First Communion, to think about their Confirmation when they became a soldier for Jesus Christ, to put their soul first, to put not giving a bad example to young people all across this country first, and to come home on that first vote.

We know how difficult it is in this Chamber and the other when you vote against your conscience and you have flipped, flipped out morally and voted against the teaching of your church. We know how difficult it is to flop back. Nobody wants to be a flip-flopper.

But I would say here it is a new day, a new Congress. The GOP is in control, at least for another year and 7 months. Come home. Vote with Mother Teresa. Recognize abortion for the intrinsic evil and the unspeakable crime that it is. And you are going to feel good because careerism has made cowards out of at least a third of Catholics in this House and out of the majority of Catholics in the other body.

The figures are there. We are at an all-time high: 128 in the House, 21 in the Senate; 74 Democrats, 54 Republicans in this Chamber.

I repeat for the fifth time, come home before we have that vote in the next 2 months. And, with that, Mr. Speaker, I submit the list of all those proud enough to call themselves Roman Catholics in their biography for the official record.

The list referred to follows:

[From the Southern Cross, Feb. 9, 1995]

TOTAL CATHOLICS IN CONGRESS SETS RECORD; MORE GOP CATHOLICS, TOO

(By Patricia Zapor)

WASHINGTON.—At a record 149, there are seven more Catholics in the 104th Congress than two years ago, and a greater percentage of them are Republican than in previous sessions.

According to *Congressional Quarterly*, Catholics constitute the largest single denomination, as they have for decades, although Protestants dominate as a group with 344.

The Senate has 21 Catholics, the House 128—a shift since 1992 from the 23 Catholic senators and 119 Catholic members of the House when the 103rd Congress began

Of this session's Catholics, nine senators and 54 members of the House are in the GOP, the most Catholic Republicans ever in Congress.

The next-largest single denomination is Baptist, with 67. There are 62 Methodists, 56 Presbyterians, 49 Episcopalians, 20 Lutherans and 14 Mormons, according to biographical questionnaires compiled by *Congressional Quarterly*. Another three senators and three representatives belong to Eastern Christian churches, including Greek and Eastern Orthodox.

The remainder of members listing Christian churches were in an assortment of denominations including Christian Scientist, Seventh-day Adventists, Unitarian and Church of Christ.

Thirty-four members are Jewish and seven were listed as "unspecified or other."

By state and party affiliation, the Catholic members of the 104th Congress are:

SENATE

Alaska: Frank H. Murkowski (R).
Connecticut: Christopher J. Dodd (D).
Delaware: Joseph R. Biden Jr. (D).
Florida: Connie Mack (R).
Illinois: Carol Moseley-Braun (D).
Iowa: Tom Harkin (D).
Louisiana: John B. Breaux (D).
Maryland: Barbara A. Mikulski (D).
Massachusetts: Edward M. Kennedy (D) and John Kerry (D).
New Hampshire: Robert C. Smith (R).
New Mexico: Pete V. Domenici (R).
New York: Alfonse M. D'Amato (R), Daniel Patrick Moynihan (D).
Ohio: Mike DeWine (R).
Oklahoma: Don Nickles (R).
Pennsylvania: Rick Santorum (R).
South Dakota: Tom Daschle (D), and Larry Pressler (R).
Vermont: Patrick J. Leahy (D).
Washington: Patty Murray (D).

HOUSE OF REPRESENTATIVES

Alabama: Sonny Callahan (R).
Arizona: Ed Pastor (D).
California: Bill Baker (R); Xavier Becerra (D); Brian P. Bilbray (R); Sonny Bono (R); Christopher Cox (R); Robert K. Dornan (R); Anna G. Eshoo (D); Matthew G. Martinez (D); George Miller (D); Nancy Pelosi (D); Richard W. Pombo (R); George P. Radanovich (R); Lucille Roybal-Allard (D); Ed Royce (R); Andrea Seastrand (R).
Colorado: Scott McInnis (R); Dan Schaefer (R).
Connecticut: Rosa DeLauro (D); Barbara B. Kennelly (D).
Delaware: Michael N. Castle (R).
Florida: Lincoln Diaz-Balart (R); Mark Foley (R); Pete Peterson (D); Ileana Ros-Lehtinen (R); E. Clay Shaw Jr. (R).
Georgia: Cynthia A. McKinney (D).
Guam: Robert Anacletus Underwood (D).
Illinois: Jerry F. Costello (D); Richard J. Durbin (D); Lane Evans (D); Michael Patrick Flanagan (R); Luis V. Gutierrez (D); Henry J. Hyde (R); Ray LaHood (R); William O. Lipinski (D).
Indiana: Andrew Jacobs Jr. (D); Tim Roemer (D); Peter J. Visclosky (D).
Iowa: Greg Ganske (R); Jim Ross Lightfoot (R).
Kentucky: Jim Bunning (R).
Louisiana: W.J. "Billy" Tauzin (D).
Maine: John Baldacci (D); James B. Longley Jr., (R).
Maryland: Constance A. Morella (R).
Massachusetts: Peter I. Blute (R); Joseph P. Kennedy II (D); Edward J. Markey (D); Martin T. Meehan (D); Joe Moakley (D); Richard E. Neal (D); Martin T. Meehan (D); Joe Moakley (D); Richard E. Neal (D); Peter G. Torkildsen (R).
Michigan: James A. Barcia (D); David E. Bonior (D); Dave Camp (R); John D. Dingell (D); Dale E. Kildee (D); Joe Knollenberg (R); Bart Stupak (D).
Minnesota: Gil Gutnecht (R); William P. Luther (D); James L. Oberstar (D); Bruce F. Vento (D).
Mississippi: Gene Taylor (D).
Missouri: William L. Clay (D); Pat Danner (D); Karen McCarthy (D); Harold L. Volkmer (D).
Montana: Pat Williams (D).
Nevada: Barbara F. Vucanovich (D).
New Jersey: Frank A. LoBiondo (R); Bill Martini (R); Robart Menendez (D); Frank Pallone Jr. (D); Christopher H. Smith (R).
New Mexico: Bill Richardson (D); Joe Skeen (R).
New York: Sherwood Boehlert (R); Michael P. Forbes (R); Maurice D. Hinchey (D); Peter T. King (R); John J. LaFalce (D); Rick A Lazio (R); Thomas J. Manton (D); John M. McHugh (R); Michael R. McNulty (D); Susan Molinair (R); Bill Paxon (R); Jack Quinn (R); Charles B. Rangel (D); Jose E. Serrano (D); Nydia M. Velazquez (D); James T. Walsh (R).
North Carolina: Walter B. Jones Jr. (R).
Ohio: John A. Boehner (R); Steve Chabot (R); Marcy Kaptur (D); Bob Ney (R); James A. Traficant Jr. (D).
Oregon: Peter A. DeFazio (D).
Pennsylvania: Robert A. Borski (D); William J. Coyne (D); Mike Doyle (D); Phil English (R); Thomas M. Foglietta (D); Tim Holden (D); Paul E. Kanjorski (D); Frank Mascara (D); Joseph M. McDade (R); Paul McHale (D); John P. Murtha (D).
Puerto Rico: Carlos Romero-Barcelo (D).
Rhode Island: Patrick J. Kennedy (D); Jack Reed (D).
Texas: Bill Archer (R); E. "Kika" de la Garza (D); Henry B. Gonzalez (D); Frank Tejeda (D).
Virginia: Thomas J. Bliley Jr. (R); James P. Moran Jr. (D).
Washington: Richard "Doc" Hastings (R).
Wisconsin: Thomas M. Barrett, (D); Gerald D. Kleczka (D); Scott L. Klug (R); David R. Obey (D); Toby Roth (R).

RELIGION ON THE HILL

Affiliations for members of the 104th Congress: 344 Protestant, 149 Catholic, 34 Jewish, 6 Orthodox, and 7 Other.

Source: Congressoinal Quarterly.

PRIVATE FUNDING FOR NEA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. HANCOCK] is recognized for 5 minutes.

Mr. HANCOCK. Mr. Speaker, Last night multimillionaire Hollywood actors, actresses, and producers—one after another—got up to accept their Oscar during the Academy Awards and ranted on national television about the need to preserve Federal taxpayer funding for the National Endowment for the Arts.

For most people these petty little tirades about the NEA were probably just annoying. But I got angry. Think about those spoiled rich elitists preaching to hard-working, middle-class Americans that America's families should make more sacrifices to fund a Federal Arts bureaucracy in Washington.

Nearly all the people in that room were multimillionaire entertainers. God bless them for being successful. I don't begrudge them their success. But if they really believe the work of the NEA is so important, they should start up a foundation and put their own money where their mouth is.

Steven Spielberg and Quincy Jones could personally fund the Endowment at its present funding levels with a portion of their annual incomes. Half of the proceeds from the movie Forrest Gump could fund the Endowment. I didn't hear any such offers from any celebrities. It is an outrage to have these people tell viewers across America who are making $5 and $6 an hour or $20,000 and $30,000 a year that they should be making more sacrifices as taxpayers so we can have money for the NEA.

I have nothing against the arts. I have personally contributed to the arts in my community. We need symphonies, community theatres, and local museums. Unlike the Hollywood hypocrites I have put my money where my mouth is.

But I am definitely opposed to further taxpayer funding of the arts. There are other priorities in the Federal budget that are just more important, especially when the arts can and should be supported privately by those with the means to do so.

The other problem with a government-funded arts program are the bizarre things that get funded when you trust bureaucrats with taxpayer dollars. I am not talking about the morally obscene grants, like the pornographic Mapplethorpe photos and the Annie Sprinkle nudie show—although those are definitely outrageous examples of abuse. I am talking about more mundane examples of waste and abuse.

Let me give you an example of a typical NEA grant. My hometown newspaper, the Springfield News-Leader, did a story on March 20 on a constituent of mine who recently received a $20,000 NEA grant to aid him in his work as a poet. A lot of people contacted my office and talked to me personally about this article.

I will call this individual Mr. Grantee which is not his name.

Mr. Grantee of Willard, MO is a creative writing professor at Southwest

Missouri State University making $42,000 a year—a salary funded by the taxpayers. His wife works on the government payroll as a nurse for the public school system. He says his $20,000 NEA grant will supplement his income so he won't have to teach summer school, allowing him to concentrate on his poetry.

Mr. Grantee says: "I will have less stress. I have a clearer creative mind." A $20,000 government grant would relieve a lot of stress for a lot of people, including those who don't already draw a government-paid family income of $60,000 or more a year.

Mr. Grantee, a very honest fellow, says he has already incorporated the money into his family budget. He says he used some of the funds to buy a dishwasher and an airline ticket to a conference. He also says he plans to buy a personal computer. I can think of a lot of Americans who wouldn't mind the government buying them appliances or paying for their personal travel.

We are promised by Mr. Grantee in the article that he will produce at least one book of poetry and that he will even begin work on a second before the grant money runs out—books he intends to commercially publish, no doubt, and for which he will receive royalties.

I have nothing against Mr. Grantee personally, and I regret the need to use him as an example. But this sort of routine grant is exactly what is wrong with the NEA. When there are so many competing budget priorities, when hard-working taxpayers are already so burdened, I just cannot justify taking money from families—many of them making less than Mr. Grantee—to buy college professors dishwashers and supplement their Government salaries to relieve them from the stress of paying bills.

Frankly, it is an outrage. While the flaky, politically correct Hollywierd crowd on the West Coast may look down on my unsophisticated concern for the average taxpayer, the time has come to defund the National Endowment for the Arts and get the Government out of the art business once and for all.

Worthy art—whether it is Mr. Grantees poetry or the local symphony—can survive with private support. Those who are spending so much energy and effort now to reserve taxpayer funding can and should turn their energy and effort toward private fundraising. That includes our self-righteous friends in Hollywood.

If the public will not support certain artistic endeavors through their voluntary contributions, I hardly see why I, as their elected representative, should force them to spend their tax dollars on them.

TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Tennessee. Mr. Speaker, I rise tonight in strong support of term limits.

There is a pervasive consensus among the American public to see Congress enact them.

The people of Tennessee who I represent are ready to see Congress move beyond power and politics and start functioning as a true representative body of the public.

Term limits will allow that to happen more than anything else.

Already, some 42 percent of the Members of Congress are currently serving under term limits.

And many cities and communities, including New York and Los Angeles—both renowned for politics and political entrenchment—have imposed term limits on their Government officials.

The first doctrine by which this country was governed—the Articles of Confederation—contained term limits.

I believe had our Founding Fathers foreseen some 200 years into the future how the purpose of public service has been interpreted, they would have placed term limits in the constitution.

Mr. Chairman, opponents of term limits will argue that elections such as this past November exemplify exactly why we don't need term limits.

But the fact of the matter is that over 90 percent of all incumbents were re-elected this past November.

The issue before us tonight is paramount to keeping our word with the American people.

Literally every poll shows they want to see term limits enacted.

As public servants, I believe the words of former South Dakota Senator George McGovern are a grim reminder to us all why Congress needs term limits.

When the Senator left the U.S. Senate after 18 years to open his own business, he had this to say:

"I wish I had known a little more bout the problems of the private sector . . . I have to pay taxes, meet a payroll—I wish I had a better sense of what it took to do that when I was in Washington."

I urge my colleagues to support the will of the people and enact term limits.

□ 2000

As I mentioned earlier, tomorrow this House will vote as far as I know for the first time on the floor on a bill that involves term limits. And I know there has been a lot of talk about term limits across the country. Many of us campaigned on that as freshmen. We subscribed to the Contract With America. And I believe most of my freshmen colleagues support this very strongly.

I think, though, there is a real opportunity for us tomorrow to bring to the floor those votes that represent Americans and vote for term limits. I think many believe that term limits will not pass. I think it will pass. I can assure the American public that tomorrow probably 80 percent or more of the Republicans will vote for term limits. The Republican Party can deliver on its votes for term limits.

And if we can get just half of the other side, 50 percent of the Democrats to vote for term limits tomorrow with us, we can see to it that a constitutional amendment is passed and that the American public, which overwhelmingly supports term limits, will have that constitutional amendment passed out of this House of Representatives.

I urge my colleagues on both sides of the aisle to work with us in a bipartisan fashion. Again, we can deliver the 80 percent of the Republicans if they can deliver the 50 percent, the one-half of the Democrats needed. And I believe so strongly in this that if we do not pass this term limits amendment, that many of the people who go up for reelection next year, in 1996, cannot possibly defend their vote against term limits to their constituents, and if this vote tomorrow does anything beyond hopefully passage, it will make everyone in this House vote up or down, yes or no for term limits for the first time ever, not bottled up in committee, but on the House floor for the first time and then the American public, each constituency, each constituent voter in the district can then see very clearly how their Congressman feels about term limits by looking at how they vote tomorrow.

With the difficulty of defending such a vote I would ask all of my colleagues to consider if they have any doubt about this amendment, consider voting for it. This is what the public wants, this is what is best for this country, and I urge my colleagues to vote for term limits tomorrow when they cast their vote for the first time ever on this House floor.

TRIBUTE TO BRIAN SCHLIENTZ

The SPEAKER pro tempore (Mr. ZIMMER). Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today with a heavy heart. Last Saturday my Upper Peninsula representative, Brian Schlientz, died. Brian was 27 years old. He had courageously battled a rare form of brain cancer. His life was brief, but it was filled with church and social activities, academic and athletic achievements, and community involvement.

Some would say success always came easy for Brian. But his greatest success

was Brian's love of God, his family, and his country.

It is difficult to articulate success as it applies to faith in God. It is difficult to describe love of family when cancer denied Brian his wedding day 3 weeks ago on March 4.

For some people, it is hard to envision one's love for their country when Brian never served in the armed services; still Brian left his college studies to help me get elected to Congress in 1992. Just to help me? No, but to help his country, for Brian believed with all his heart in life.

He worked so long, so hard, just so a right-to-life Democrat could be elected to the U.S. Congress.

It was Brian's love of God, his family, and his country that propelled him to become an extraordinary person.

Brian is survived by his parents Don and Dorothy, his twin brother Matt and Matt's wife, Tiffany, Brian's sister, Heidi, his brother-in-law, Chad, and his devoted fiancee, Kristy, many relatives and all of his many, many friends.

To his family and to each of us, Brian has his own special significance. He had his own personal impact on all of us. When we gather at Northern Michigan University this Thursday for a memorial service for Brian, a university where he starred in academics and on the football field, we will all have our own personal songs, thoughts, and prayers for Brian and his family. While there is certainly sadness in our hearts, it is quickly being replaced by joy, much like this holy season of Lent in which we sacrifice and we try to cleanse our spiritual life just to experience the joy and the holy significance of Easter Sunday. So too should we all bask in the joy of Brian's life, the joy of knowing him, the joy of his love for each of us.

Just think of the joy that Brian brought to each of us.

As my Upper Peninsula congressional representative, Brian and I traveled together, we worked together and we prayed together. Brian was a joy to be around. You wanted to be with Brian. He brought out the best in everyone.

As Brian and I would drive the vast distances between the small towns that comprise the Upper Peninsula of Michigan our discussions always seemed to turn to his love for God and the difficulty, yet the strength and the joy he found in being, and working with and for a right-to-life Democrat.

Brian excelled in his position as my Upper Peninsula representative because of his love, joy that he had in God, his family, and this great country.

Although he already had one bachelor's degree in biology and chemistry, Brian went back to his studies so he could become a teacher. But, Brian, you are a teacher. Brian, you have been a great teacher and for all of us, Brian, you will continue to be a great teacher. As you look down upon all of us with that huge smile upon your face, I know that you will grade us not in the classroom, not in our academic and athletic achievements, but in the joy, strength, and love that we bring to each other. For you taught us, teacher, that the joy, success, and accomplishment in life is found in one's love of God, family, and country.

Thank you, Brian, for teaching us and reminding us of the secret: the success and the joy of your life.

SUPPORT CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LATHAM] is recognized for 5 minutes.

Mr. LATHAM. Mr. Speaker, I rise today to express my strong support for adding a term limitation amendment to the Constitution of the United States.

At virtually every opportunity, American voters have demonstrated their preference for term limitation for their elected officials. They have seen too often how entrenchment of political power yields a political culture that is less responsive and less responsible.

The Washington political and media culture has uniformly lined up in opposition to the term limits movement. That should be our first sign that the American people are on to something positive.

The most frustrating aspect of listening to term limit opponents and most of the media has been their refusal to discuss this issue intelligently, but rather reject it out of hand. Much like the situation with the balanced budget amendment, opponents of term limits have relied on knee-jerk reactions against term limits rather than thoughtful discussion of the problems in the system and the need for systemic reform.

So, I'd like to address some of the arguments against term limits individually:

One, term limits would deprive the American people of experienced elected officials to address the Nation's problems.

Of all the arguments against term limits, this is the one most often cited by thoughtful term limits opponents. What I would point out, however, is that Congress is enriched when it is filled by persons with experience in all walks of life—not just legislating.

For too long, the way to real power inside Congress has been to come to Washington young and spend decades building up seniority.

Too many districts have been represented by men or women who've spent more of their adult lives in Washington than in the district they are supposed to represent.

By adopting term limits, a person who had worked successfully as a small business person, or a school teacher, or a homemaker could come to Washington later in life and still have the opportunity to play a major role in the process based on merit.

Two, term limits opponents also argue that term limits restrict the choices of the voters, giving us less freedom.

I think anyone who has ever looked at the reelection rates of Members of Congress immediately understands the weakness of this argument. Even in this last election more than 90 percent of the incumbent House Members who stood for reelection were returned to office.

The fact of the matter is that it is extremely difficult to beat an incumbent except in extraordinary years. By placing a limit on length of service, virtually every congressional district in this country would become competitive because local political organizations would not wither away waiting for a 20-term Congressman to finally move along.

Instead, Members would likely continue to face very competitive elections in their first few years after their election.

However, instead of becoming isolated and entrenched, even the most popular incumbent would likely face challenges during his or her later terms by those interested running in the future.

I believe that would drastically reduce the number of uncontested seats and contribute to a substantial increase in competitive races. That, not theoretical arguments about limiting choices, would be the real world impact of term limits.

Three, last year, we saw the embarrassing spectacle of long-time incumbents reduced to telling their electorates that they should be reelected strictly because of their seniority.

This type of campaigning amounts to a threat to the very people these representatives were supposed to represent. It's like trying to make your own constituents an offer they can't refuse. That's not what this democracy should be about.

Seniority has become the last refuge of a politician with nothing left to say. Term limits would hold our elected officials to a higher standard of political debate—policies, responsiveness, and accomplishments.

Four, the final argument I would like to address is the claim that if we want to limit a politician's terms, we should vote that person out of office.

The problem with this point is that a State with an entrenched incumbent often has a great incentive to keep that person in office for decades at a time. From a key committee position, one person representing less than one-quarter of 1 percent of the country's

population can dominate an area such as appropriations, commerce, or defense policy for decades.

That is the very type of concentration of power that we have traditionally sought to avoid in this country. No one district, and no one State, should be able to hold the rest of America hostage to its agenda or the whims of its favorite son.

One of the things that compelled me to run for Congress was that as a small businessman my family business was forced to pay tens of thousands of dollars to meet the dictates of entrenched incumbents here in Washington. I couldn't vote for these representatives who were dominating some of the committees that directly impacted my business, but I was paying the bill. I knew that passing term limits was one way to change that.

The new Republican majority has taken a giant step forward in addressing this problem by limiting the terms of committee and subcommittee chairmen, as well as the Speaker of the House. But, we need to keep moving ahead.

CONCLUSION

Mr. Speaker, as this country moves into the 21st century, I believe that we will need the input and expertise of Americans from every background and profession. The argument against term limits places a premium on experience in Congress and discounts experience in every other part of life.

That is a formula for a ruling class detached from those who they represent. That is the opposite of government of, by and for the people.

Adoption of a term limitation constitutional amendment would return us to a true citizen legislature and help win back the faith of the American people in our democracy. I urge my colleagues to vote for the version of term limits they support and vote "yes" on final passage of this resolution.

TERM LIMITS A NECESSITY FOR GOOD GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, term limits, the contract item with perhaps the most public support, comes to the floor of the House tomorrow and some say it has the least chance of passage. I hope not. Eighty percent of the Republicans at least support it, all we need is 40 percent of the Democrats in the House to support it for passage.

In my view, term limits are not only a reasonable approach but a necessity for good government. Some will argue that the results of the last election in November which brought each of my colleagues here to the 104th Congress indicate the need. However, the fact is that despite an above average turnover in the 103d and 104th Congresses, incumbents still enjoy a 9 in 10 chance of reelection. More importantly, in the 103d Congress the average tenure of Democrat committee chairmen was 28 years.

The fact is that the current system allows certain people to spend a lifetime in Washington while some quickly fall out of touch with their constituents and consolidate the power base that used to ensure continued success in passing wasteful and pork barrel programs.

□ 2015

Additionally, these career Members of Congress continue to stockpile money from special interest groups, making all the more unlikely that they could be defeated. The disparity of fund-raising capability discourages many qualified individuals from running in the first place.

After California passed term limits in 1990, the number of candidates for office increased by 40 percent.

Mr. Speaker, after 40 years of one-party rule in this Congress, before last November, Congress had grown insulated, unresponsive to the will of the American people. President Clinton has consistently opposed even the consideration of term limits and will again defend the status quo.

Now with Republicans in control of the U.S. Senate and the U.S. House of Representatives, for the first time in history we will vote on term limits. I am committed to passing term limits, and I am working with like-minded Members of Congress to create a citizen legislature that is accountable to the American people and not beholden to the special interests.

Term limits will end congressional careerism, and the American people will be better served under this kind of reform.

There are three major Republican bills that will come before the House, the Inglis bill, which calls for 6 years maximum, the McCollum bill, 12 years, and then Hilleary's bill, which calls for the States to decide the exact terms. Whatever the bill is, we believe that term limits is a step in the right direction, an idea whose time has arrived.

American democracy cannot be considered truly representative in the current system that perpetuates incumbency and seniority-based power. The seniority system forces a network that doles out power and influence according to time spent in office. Term limits will cause a systemic change in this internal power structure of the Congress. Instead of committee chairs and appointed leadership positions being granted on the basis of seniority, merit and competency will be the basis for our future leaders.

CONGRESSIONAL TERM LIMITS

The SPEAKER pro tempore [Mr. ZIMMER]. Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

Mr. GRAHAM. Mr. Speaker, I would like to thank the other participants who are going to let me go at this point in time.

You have heard a lot of good intellectual arguments why we need term limits. I am sure there will be some made tonight and tomorrow why term limits is a bad idea.

All I know is this, that of the 73 Republican freshmen that serve in this body, probably 90–95 percent of us support term limits. I think we are very close to the people in terms of the last election. I think the sophomore class above us has a high percentage of people supporting term limits, because we understand why 80 percent of the American public wants this body to impose term limits on itself.

Having said that, one thing that I think I need to say is that term limits is not going to cure every problem in America, and it should not be billed that way. It is not going to make us overnight more efficient. It is not going to balance the budget. But it will fundamentally change why people come to Washington, DC, and why they seek office.

What it will do in my opinion is you stop playing the game to become a subcommittee chairman, a committee chairman, and see how far you can go. You try to make the world better that you are going back to rather than try to make the world better that you are in up here.

I think the fundamental reason we need term limits in this country, Mr. Speaker, is to change the motivation of why people come to Washington, DC. I think spending will get better. I think a lot of things will get better up here. They will be less interested in trying to find a pork-barrel project to get us reelected and more interested in trying to make the world better where we are going to go back to, and that is home.

There are going to be four versions to be voted on tomorrow. I think we are going to fall short on all four of them. I am sorry. There is a lot of blame to go around. I tell you, the Republican Party has some share in that blame, and certainly the Democrat Party does, too.

We are probably going to deliver 80 to 85 percent of the Republican Conference on term limits. We need help from the Democratic Party. If you had every Republican voting for term limits, you would still need 60 Democrats. We are going to fall short for a variety of reasons, and I think the blame needs to be bipartisan.

We have got four versions to vote on. One version is by my roommate here, the gentleman from Tennessee [Mr. HILLEARY]. He has a version that says 12 years, and if there is an existing State law more restrictive, it stands. I

like that version. That is why I came to Washington, DC, was to improve Congress, not to overshadow the States. That is the best, I think, of the four. I am going to vote for all four.

Because I do not want it to be said the reason it failed was because of LINDSEY GRAHAM. I am going to vote for the Democratic version that says 12 years retroactively applied which simply means this, if you have been here 12 years or longer and the amendment is passed and it is ratified by the States, you lose your job. That is not the best way to implement term limits. I would rather have that than nothing.

I challenge my Democratic colleagues to deliver enough votes to make on version get out of the House. This is probably the most important thing that we will do in the 104th Congress. It is probably the most important vote we will take in my political life, because if you want to change politics, you need to change the reasons people seek the office. That is exactly what term limits does.

I implore my colleagues on the Republican side to deliver the votes to get an amendment out. If the Democrats play a game of chicken, loading up the votes for a retroactive term limits bill, let us meet them. Let us have term limits in some form rather than no form.

I am going to vote for term limits in any fashion, because I believe it fundamentally will change the way we govern in Washington, DC. That is why I think I got elected is to come up here and fundamentally change our government. I believe that is why 80 percent of the American public from Maine to California, from the Deep South to the Far West, support term limits, because they feel their Government does not serve them. It serves the institution, and if you really are serious about reforming government, it needs to start in this body.

This is the only vote we will take with the Contract With America that applies to us as individuals. It is going to be a gut-check for people in this body.

SUPPORT THE HILLEARY TERM-LIMITS PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. HILLEARY] is recognized for 5 minutes.

Mr. HILLEARY. Mr. Speaker, I guess it has been about a month ago now that some fellow freshmen and I got involved in this term-limits debate to the extent we are now. People here may remember that the House Committee on the Judiciary reported out a bill that in my opinion, did not really resemble real term limits. It said you could serve 12 years, lay out a couple years, serve 12 more years, lay out a couple more years, serve 12 more, et cetera.

It also specifically had language that preempted the work that people had done in 22 States that had their own term-limits laws. I felt I could not keep my pledge to my constituents that I made during the campaign that I would truly be for real term limits.

So I got involved with some of my fellow freshmen. We came up with a bill, drafted a bill, that simply did this: It said you could serve 12 years in the House, 12 years in the Senate, but also it had the additional language that said the States would be specifically protected in the work they did and the wishes of those people in those 22 States would be protected. I think that is very important.

And people like the gentlewoman from North Carolina [Mrs. MYRICK], the gentleman from Indiana [Mr. MCINTOSH], the gentleman from Washington [Mr. NETHERCUTT], the gentleman from Arizona [Mr. SALMON], the gentleman from Kansas [Mr. BROWNBACK], the gentleman from Florida [Mr. GOSS], the gentleman from South Carolina [Mr. GRAHAM], who just spoke, the gentleman from Arkansas [Mr. HUTCHINSON], the gentleman from Georgia [Mr. KINGSTON], the gentleman from Washington [Mr. TATE], and many, many others have worked very hard and feel the same way on this.

It is very important to people like Bill Anderson, who lives in Texas County, MO. Mr. Anderson is not a Republican or a Democrat. I do not think he is a liberal or conservative. He is simply a man who has never been involved in politics before. He is simply a man who felt very strongly this country was going in absolutely the wrong direction. He felt he had to do something about it. He got out in parking lots in hot summer days, got thousands of signatures on petitions, got in Missouri this issue put on a referendum for a vote, and it passed.

There are a lot of Bill Andersons all over this country whose hard work and wishes and rights of him and his fellow, people who helped him, will simply be washed away if we do not specifically protect those rights.

There is no other bill that we are going to vote on that will specifically give that protection. There are some that are silent. What that means is that nine black-robed men and women who work in a building very close to us here who are unelected, permanently tenured will decide this issue, not people who are elected representatives like our colleagues and myself.

I think it is important that we vote on the Hilleary amendment. We have had so much support from the grassroots. Every grassroots organization that you can think of is behind our bill that has anything to do with term limits: United We Stand America, American National Taxpayers' Union, American Conservative Union, Citizens Against Government Waste and on and on.

The reason they think this one is the bill is because it gives the most for the most people. It is a sort of middle-of-the-road bill. It has 12 and 12 for people who believe that you ought to be able to serve 12 years, but also says States can do something less if they so choose. It also kind of protects what I think is the most democratic form of legislative process in this country, that is, the referendum process such as in the State of California. It is almost part of the mystique of California. It is part of the legend of California that they have this referendum process. It is very famous.

All the propositions that have become so famous all across the country, and this is the only bill for the Members of those States that have the referendum process. It is the only bill that will specifically protect the wishes of the voters in those States.

So I ask everybody to come on board and support the Hilleary amendment. But no matter which bill comes to final passage, I think term limits, the concept of term limits, must supersede everything else, and I beg my fellow Members on final passage to vote for term limits.

Let me tell you, people say that this concept of term limits has no chance in this Congress. I do not know if I am willing to concede that yet. You know, our former Speaker felt pretty strongly about being against term limits. He is no longer with us. I think this is the first time, because this is the first time we are going to be able to take these little cards, stick them in the slot, and a recorded vote, the first time the people are going to have to actually go on record and think long and hard about are they going to face the voters in 1996 without a yes vote on term limits.

I think we have not seen how many votes we are going to get on this. I think it is building every day. I think my colleagues would with that.

Finally, I would just say there are a lot of people who have come before me on this term-limits concept. I have been here for the grand total of about 3 months, and people like the gentleman from Florida [Mr. MCCOLLUM], and the gentleman from South Carolina [Mr. INGLIS], the gentlewoman from Florida [Mrs. FOWLER], who is not even going to get to vote on her bill tomorrow, have moved this bill way far down the field way before I got here. They deserve an awful lot of credit.

To the extent we have success tomorrow, my hat is off to them.

The final thing I would like to say is this, that no matter if we get 290 or not, tomorrow should be scored as a victory for the Republican Party. We are going to bring this to the floor for the first time for a recorded vote. It has never happened. If you compare our Speaker with the Speaker last year and how our support has been, I think people must say we have taken a great

first step and a great first downpayment on this issue of term limits. It will come back, and the people will speak in 1996.

SUPPORT CONGRESSIONAL TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. TATE] is recognized for 5 minutes.

Mr. TATE. Mr. Speaker, it is, indeed, an honor to be able to address the House tonight in regards to this issue, because just look back, in 1990 in the State of Colorado, it caught on like a prairie fire. The whole issue of term limits, it came out of a frustration of the 22 States that have passed term limits. Twenty-one of them came through a State initiative. Just one State legislature, the State of Utah, has approved that.

In my particular State in 1991, for example, we gathered signatures around the State, over 200,000 signatures, to put a term-limits initiative on the ballot, but it was retroactive that year. It was defeated.

Right after that, the citizens picked that up one more time, and were able to put it on the ballot in 1992, and it passed overwhelmingly at the State ballot, and last September, I, with my fellow freshmen and Republicans alike, we stood on the Capitol steps and signed the Contract With America, pledging for the first time in the history of the United States that we were going to have term limits come up for a vote on the House floor.

And why do we need term limits? One does not have to look any further than 40 long years of Democrat rule. We had a House that was less accountable. It seemed that the longer they served, the more removed they became. The House banking scandals, House post office scandals, runaway spending. We needed true reform, and term limits ends careerism.

The House of Lords, for example, in Britain, you are appointed forever. That is not what the U.S. Congress was designed to be.

Even with the elections in 1992 and 1994, 9 out of 10 Members were reelected, 90 percent.

In the 103d Congress, for example, the average length of time for a committee chairman who had served was 28 years. I am 29. So when I was 1 year old they were beginning their political career. Things need to change.

Term limits overwhelmingly is supported by the American people. Over 80 percent of the American people support term limits. It has passed by a 2-to-1 margin in every State it has been on the ballot. Other offices are term-limited around the country. The President, for example, two 4-year terms. Thirty-five States limit Governors' terms, even some States, like the State of Virginia, limits Governors to one term.

It also assists in diversity. Seventy-two percent of the women in the House of Representatives were elected to open seats. Eighty-one percent of the minorities were elected to open seats.

It is time we make Congress look more like America.

And what a difference a year and an election makes. Last year the Speaker of the House, of this House of Representatives, from my State of Washington, sued the citizens of Washington State. This year the Speaker of the House limited his own terms to 8 years. We limited the chairmen and the ranking minorities to nothing more than 6 years.

So tomorrow for the first time in the history, let me say that again, in the history of the United States, we are going to pass it or bring it up for a vote, term limits. We are going to have several proposals. We are going to have one proposal very similar to Washington State, which is 6 years in the House and 12 years in the Senate.

□ 2030

Then we have, as we just heard, the Van Hilleary amendment that puts a cap of a total of 12 years you can serve in either body but allows States to limit, does not preempt State laws. We have a proposal of 12 years and 12 years.

But then we also have a retroactive proposal, which was defeated in Washington State. I do not like the retroactive taxes that were passed in 1993, and I am not going to like a retroactive proposal because it is being pushed by people that do not even support term limits. It is a sham, and it is a bunch of baloney.

They are going to hear many arguments against term limits tomorrow, that it is somehow going to empower lobbyists. Having served in the State legislature, the people most nervous about term limits are the lobbyists because they build their reputations on getting to know Members of Congress. So there is lots of changes that need to occur, and you are going to hear lots of arguments, but we will deliver our vote as we promised tomorrow for the first time in history.

And 80 percent of the Republicans are going to vote for it, maybe even more. What we need is at least 50 percent of the Democrats to make this happen. It takes 290 votes, as we all know, to pass a constitutional amendment. We only have 230 Republicans. If every single Republican votes for this, we still need 60 Democrats. So if it fails, which I believe it will not, but if it fails, the defeat will be on the hands of the Democrats, and the public will hold us all accountable, especially those that have voted no.

So I urge my colleagues tomorrow to support term limits and return the power back to the people.

CONTRACT WITH AMERICA

The SPEAKER pro tempore (Mr. ZIMMER). Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to talk a little bit about the Contract With America. I think it is very important that folks understand that the Contract With America was a campaign promise, and it is a promise which, unlike previous campaigns and previous promises, it is a promise that Republican Members of the House are keeping with them. We are looking at it daily. It is the instruction.

You may not agree with Contract With America, but I think what is important is that here is a fundamental contract, a handshake with the American people saying when we say we are going to do something, we are going to do it.

Now, the Senate is going to debate it. They are going to change some things. It is going to come back to the House, and we are going to have some changes. But I think it is very important to remember that the Contract was a campaign pledge and a promise that we are not going to forget, unlike other times in office when many, many members of both parties would make certain campaign warranties or promises and then forget them after they are elected.

This contract is different. One of the key planks of that is that we are going to get these issues on the floor of the House for a vote. It does not necessarily guarantee passage on everything, but getting them to the floor of the House, as the gentleman from Tennessee [Mr. HILLEARY] had said just a few minutes ago, is the key element, and that is what we are doing with term limits.

It is going to take 290 votes because it is a constitutional amendment. That is a lot of votes. And we are working with Democrats. We are working with Republicans. We are working with senior Members, working with freshman Members, trying to get that passed.

Now, the Hilleary amendment, what is so good about it and why I think it is important that this House support it is because it does two things. It says that you will have a 12-year limit, but also if States have individual term limits, 8 years, 6 years, 10 years or whatever, they can keep their own State law in place to self-impose term limits that are different as long as they do not go over the 12 limit. Now, I am going to support that.

I am also going to support the McCollum bill. Mr. MCCOLLUM of Florida has a bill that sets a 12-year term limit, and it is a uniform bill. The thing that I believe is important about that is that Congressman MCCOLLUM has introduced term limits, I believe, every year since he personally has been a member of this body and has been out

there as a lone wolf crying in the wind for term limits far before it was popular.

I think that it is great that finally, after all these years of him coming up, and there were others along with him who supported term limits, finally he is going to get a vote on it. And I plan to support both these bills and both these versions, and I hope we do get 290 votes on one of them so that we can move the legislation for him.

Now another key element of the Contract With America that is going to be coming up is the tax stimulus. This tax stimulus, unlike the Clinton stimulus 2 years ago which was a tax increase, this is a tax decrease. You know, this gets a lot of people nervous because the American Federal system of government has been robbing taxpayers for so many years now.

You know, in the 1950's the average American family paid 2 percent Federal income tax. Today that same American family pays 24 percent Federal income tax. Now that, along with all your intangible tax, your sales tax, your local option sales tax, insurance premium tax, utility tax, State income tax, in some cases municipal income taxes, these have been going up.

The average American family right not is paying 40 to 50 percent of their income in taxes. I believe it is time to return that money back to their pockets, and I would rather trust my constituents to spend their own money than some of the bureaucrats that I have seen up here. Because the bureaucrats, when they get their money, they overspend. They sit around and come up with new regulations, new ways to take freedom away from Americans.

But I promise you, as we know it with a study of economics, that lowering taxes will stimulate the economy because people will have more disposable income. They will buy more shoes, more clothes, more hamburgers, more cars, ultimately more houses. When they do that, jobs are created because businesses have to expand to create the new demand. When that happens, more people are working; and revenues go up.

This was proven in 1980 with the Reagan tax cuts, 1982 actually, but 1980 the revenues to the Federal Government were $500 million and in 1990 they were over a trillion dollars. Unfortunately, the spending outpaced revenues so we still had runaway deficits during that time period.

I would certainly say that that is a bipartisan problem. You had the Democrats controlling the House, but part of the time the Republicans controlled the Senate and the White House, so it is a bipartisan problem.

But these tax cuts are designed to create jobs which will increase revenues. And when that happens, Mr. Speaker, with all the reductions that we are doing we will be able to pay down the debt, reduce the deficit and turn this country around, which I think is extremely important for us to do.

So I am proud to be here tonight, and I am proud to support both term limits and a tax decrease that will stimulate the economy.

TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I rise to speak in favor of term limits. You know, term limits is in fact part of our heritage from colonial legislatures. There were some colonial legislatures that had a rotation in office concept. Besides that, in the Continental Congress during the Revolutionary War there was a 3-year term limit. No one could serve for more than 3 years.

In fact, rotation in office was the unwritten rule in the House of Representatives for many years after the founding of this country and after the Constitution went into effect. It was almost a hundred years, after the war between the States, when the average term became 4 years. It was the 1920's when the average term became eight years. This tells you something.

Today, over 90 percent, over 90 percent of incumbents win reelection if they run for reelection, and term limits is the most important political reform that we can make at this time.

The concept of term limits, of course, is that a Member goes and serves in a legislative body and then returns home to live under the laws that they have made.

Washington State had a term limit initiative. It was a 6-year term limit initiative, and it passed overwhelmingly there. And I pledged, and I said when I ran for Congress, I said I will pledge to serve no more than 6 years. The people passed it. I will obey it, regardless if it is held constitutional or not. If the people pass it, that is what I would consider my duty.

Over 80 percent of the Republicans are going to vote for term limits tomorrow, and what we are asking, and asking very sincerely, just 40 percent of the Democrats, if 40 percent of the Democrats will join the more than 80 percent of the Republicans, we will have the first real chance for term limits in this Nation, and I think we should.

I will work really hard, and I will vote for the 6-year term limit. But if that isn't what passes, I think we should be prepared to vote for whatever passes and has the best chance to attain term limits for this Nation. I think we have a mandate, and the mandate of the last election was, very clearly, pass term limits for Congress as Congress passed term limits for the Presidency.

TERM LIMITS VOTE IS HISTORIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, I rise to support term limits and to talk about what is going to happen out here tomorrow in a very historic vote.

I have been involved with the term limits movement for many years now. It was quite lonely when I first came to Congress and introduced the first constitutional amendment for a 12-year term limit of House and Senate Members. We did not have very many supporting it then. In fact, as recently as the 102d Congress, just 3 or 4 years ago, we only had 33 Members of the House willing to say they were for term limits in an open and public fashion.

In the last Congress, even though the now sophomore class had made its mark in the campaigns, many of them by advocating term limits, we only had 107 out of the 435 House Members willing to say they supported term limits.

Tomorrow we are going to have a vote, and we have a shot at getting to the 290, the two-thirds necessary to pass a term limits constitutional amendment. I do not know whether we will get there or not, but we are going to have well over 200 who are going to vote for some version of term limits and, hopefully, for the final passage. I think that is truly remarkable progress.

Whether it succeeds tomorrow or not, it is a big day, the first day in the history of the United States Congress to have such a debate and vote.

In 40 years of Democrat control of this Congress, they never let a vote occur. And only in the last term that they held power did they even allow a hearing on the subject. Now we are going to get that opportunity that the American public by nearly 80 percent in poll after poll say they support.

Interestingly enough, those Americans who are answering those poll questions are roughly divided in an even fashion, at about 50 percent Republicans and 50 percent Democrats. There is not a partisan matter involved in term limits. It is something the American public has said they want for a long time. It is not a new thing.

I just hope that when the sun sets on this vote tomorrow that we do get the 50 percent or so of the Democrats we need to have on that side of the aisle to vote with the, as the gentleman from Washington says, the better than 80 percent of the Republicans who are going to vote for this. We may get 85 or 90 percent before it is over with.

The point is, we need to have a bipartisan effort in order to pass term limits. Now I have my own personal views on why we need them, and I have my own convictions on which version is preferable. I happen to believe deeply that term limits are important to stop

the career orientation of Congress that has developed over the past 50 or 60 years as we have gone to a full-time, year-round job that was never envisioned by the Founding Fathers who saw Members serving only a couple of months a year and going home to their businesses.

We do not do that anymore. We are not likely to. As we have developed this full-time Congress, Members have learned to give up jobs back home. Most Members do not have outside incomes. They are dependent upon this. This is their career today.

That has changed the attitude of Members in a way that is not necessarily desirable. While some Members can stand above that, many Members, I think, consciously or subconsciously try to please virtually every interest group that comes to Washington seeking assistance in their voting pattern in order to get reelected. The idea being, if you do not displease anybody, those who have the squeaky wheel are going to vote for you, you are going to get reelected, and you are going to be able to come back and continue your, quote, career.

I do not think that is healthy. That is not healthy in areas like balanced budgets where we do not get there because every interest that is in a budget is supported by some interest group. It is not the money that is involved. It is the votes and the concerns about reelection.

We need to mitigate that. Term limits would do that, plus it would place a permanent restraint on the opportunity for anybody in the future to ever become a committee chairman and serve 15 or 20 consecutive years as was the case until the Republicans took power this time and put it in the rule to say you can only serve 6 years as a committee chairman, and it would assure fresh blood out here every time when we have an election cycle and a regular turnover.

Now as far as the preference is concerned. I happen to prefer my version, which is 12 years in the House, 12 years in the Senate. I think shorter limits in the House than in the Senate would weaken the body vis-a-vis the Senate.

I also think you need to have about six years here before you have the experience that is needed to be a committee chairman or to be in leadership.

I also think it would be preferable to have uniformity throughout the Nation instead of, as one of my other brethren offering an amendment would have, an amendment that leaves it to the States. Once we put a 12-year cap, you would wind up then with a hodgepodge of some States 6 years, some states 8, some States 12 for on ad infinitum. I do not think that would be good public policy in the end.

But the Supreme Court under my proposal will ultimately make the decision as regards to the present Constitution and its interpretation when they decide the Arkansas case shortly.

□ 2045

If they decide that the States have this power today, the amendment I am proposing would not disturb that. On the other hand, if they decide that it indeed is unconstitutional for the States to do what they have been doing, there would be established by my 12 and 12 amendment a uniform national standard which I think is preferable.

Then there are those who argue that well, retroactivity would be a good idea. I do not think it is a good idea. Twenty-two of the States that have adopted the term limits limitation around the country have said no to retroactivity, and the one State that had an opportunity to vote on it, Washington State, voted it down. It is like with tax laws or other kind of legislation out there, retroactivity is not a good idea.

There are Members of the other side of the aisle, some well intentioned on this issue, but some very much opposed to term limits, promoting this particular legislation just to create mischief, because they know it would cost votes on final passage.

We need to work very hard on whatever final version comes out here after we finish the amendment process tomorrow, and I am going to do this, to advocate my position ardently among the positions out there. But I am going to vote for whatever is left standing out here, and I urge any Member to do that. If you do not do it, I think the voters back home ought to hold you accountable on the vote you have on final passage of whatever is here tomorrow. It is our chance to get term limits that better than 80 percent of the American public strongly want. So I urge a favorable vote tomorrow on final passage, and, of course, I would prefer it if you vote for my 12-year version.

CONGRESSIONAL TERM LIMITS NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. INGLIS] is recognized for 5 minutes.

Mr. INGLIS of South Carolina. Mr. Speaker, tonight I rise on the eve of a very historic day in this Chamber. Tomorrow, for the first time in the history of this country, we are going to vote on term limits. This is a very exciting moment as we prepare to undertake what I believe to be the most significant reform that this body has ever made for itself. This is an exciting day.

First of all, I want to indicate to all watching here tonight and all of my colleagues here in the House that this rule that makes in order tomorrow these four options is a tremendous opportunity for us to get real accountability on the issue of term limits. Tomorrow there isn't going to be anyplace for Members of Congress to hide. They are either voting for my 6-year bill, they are voting for a 12-year bill that Mr. MCCOLLUM just spoke of, they are voting for a 12-year bill that Mr. HILLEARY spoke of earlier, or they are voting for a fraud that is masquerading as term limits that is really not term limits, it is designed as a poison pill to kill term limits by retroactivity provisions. Those are the options. Tomorrow Members in this Chamber will have to vote yes or no on term limits.

Tonight what I would like to do is begin laying the case that we will make after many hours of debate tomorrow on the need for term limits. I have a couple of charts that I think will demonstrate fairly well why we need term limits.

The first one I have here shows the average tenure of a Member of Congress and members of the general public in their jobs. As you can see here, the average American keeps his or her job 6 years. The average Member of Congress keeps his or her job 8 years. The average member, and this is a critical number, the average member of the leadership of this institution has kept his or her job for 22 years. That is ranking members and committee chairmen, add them all up, take the average, they have been here an average of 22 years.

I think this tells the story of what is wrong with this Congress. This is what the American people seek to change. They want a more fluid body. They do not want a leadership that has been here 22 years on average. They want it more in line with what the average American experiences, a job change on average every 6 years.

Of course, in the 1994 election we had a great deal of talk about change, and there was a tremendous change, because we got a change in the management team here in Congress. I should point out right here what a difference an election can make. The last Congress, the 103d Congress, we were fighting against a Speaker of the House of Representatives who sued the people of his State, arguing that what they had done in a State initiative was unconstitutional. Now we have a Speaker of the House who is helping us to get a good vote on this floor and is pushing Members of this Congress to vote for what the American people want, which is term limits. By 80 percent the American people want term limits. So when you look at this election, it made a tremendous difference.

The 1994 elections brought people like Mr. FOX, my colleague here, who arranged this series of special orders here tonight, and I very much appreciate all of his work on terms limits. It has brought wonderful people like Mr. FOX here. It has brought people like Mr. HILLEARY, who has an amendment

on the floor tomorrow. It has brought people like my two colleagues from South Carolina, Mr. SANFORD and Mr. GRAHAM, that are strong supporters of term limits.

But that election, for all that change and particularly that management change, really reflected a great deal of continuity in this body. Here is again why we need term limits. The 1994 election, of those who wanted to come back, 90 percent were reelected. In 1992, of those who wanted to come back, 88 percent were reelected. In 1990, of those who wanted to come back, 96 percent were reelected.

It is very important to look at those who wanted to come back, because the change we have gotten, particularly if you look at 1992 and 1994, has been as a result of open seat elections. In other words, people deciding to retire or leave for whatever reason, they left, they left an open seat. As a result, we had an open seat election.

The gentleman from Michigan [Mr. HOEKSTRA] is here with me tonight. When we were elected, both of us came in 1992, we both, maybe one of the best arguments against term limits, because both of us happened to defeat incumbents. That was very rare in 1992, 88 percent of those who wanted to come back, and again, 1994, 90 percent of those who wanted to come back came back.

This indicates we have got a permanent Congress. That permanent Congress needs to be changed by term limits. If we enact term limits, we will have a different kind of Congress, we will have a Congress that is more accountable to the American people, and a Congress that would not take much time to pass a constitutional amendment on term limits when they realize that 80 percent of the American people want it. The percentages are maybe reversed in here. It is hard to get people to vote for term limits inside here. But tomorrow I think we will do just that.

SUPPORT TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, tomorrow we will have an historic debate on the floor of the House. We are going to take another step in reforming the place where we do the people's business.

Mr. Speaker, if we reflect back on what we have accomplished so far during this year, on opening day we made the agreements, and we have now implemented cuts of committee staff. We have reduced the number of committees. We have cut committee budgets. We passed a bill which would apply the laws that apply to the private sector now also make those apply to Congress. That bill has now gone through the Senate and has been signed by the President.

We went on to reform the House. Republicans decided as we took control that we would limit terms of committee chairmen and chairwomen. We also decided that any individual Member could only chair one committee or one subcommittee. What we have been able to do is disperse power so that people like my colleague, the gentleman from South Carolina, Mr. INGLIS, and myself, who have only been here two terms, that within the second term that we are here, would have the opportunity to chair subcommittees. So we are creating more opportunities for more influence among more Members of Congress.

We went on to reform our process, additional reform for the House. This House of Representatives can be proud that we passed the balanced budget amendment. We can also express our disappointment that the other body failed to pass the balanced budget amendment. We have passed the line-item veto, and it looks like we are going to make progress in being able to take that through a conference committee and a Republican Congress providing a Democratic President with a line-item veto.

Tomorrow we will have an historic debate. We will do something that many States have not had the opportunity to do, or that they have not had the courage to do, is we will have a debate, and we will have a vote on term limits.

To date, what has happened with term limits around the country is that 22 States have considered state-imposed term limits, and in all of those States, they considered it through a process which I believe soon we are going to have to consider here on the floor of the House, is that they have returned power back to the people through an initiative and referendum process. They have not turned power back. What they have actually done is they have invited the people to participate with them in the process. It is interested to note that the only place where this kind of activity on term limits has taken place is where States have invited the people to participate with them in the legislative and lawmaking process of that State. No State legislature has passed term limits.

Where we now go is tomorrow we are going to have the discussion on this floor of the House. I hope at the end of the day tomorrow that we will be able to say that we have taken another step in the reform process and that we will have had 290 Members of this House who have been willing to step up and say that we endorse and recognize the importance of term limits. We recognize the input and the value and the direction that the American people have provided to us that says we believe that we need a flow in and a flow out of Members of the House of Representatives.

Remember, only 18 percent of the American people believe that we are doing a good job. I think maybe the recent polls show we may be all the way up to 32 percent. One of the primary reasons for that is they believe and they recognize that the policies and the directions and the laws that come out of this House bear only slight resemblance to the problems that they see in their local communities. They believe that by having Members coming in and flowing out, we will have better laws and better process; we will have Members coming in, moving out of real jobs, coming to Congress, and then moving back after they recognize that they have served here for a period of time. I do not think it is really all that important whether it is 6 or 12 years. I personally prefer 12. I will also vote for the—6-year-term proposal because the voters in my State have instructed me to support and to work for the passage of 6 years, but most importantly, to work for and push the concept of term limits for the House of Representatives. Mr. Speaker, it will be an historic debate. I am looking forward to the debate, and I am looking forward to Wednesday night when we can celebrate the passage of term limits.

PROPER ALLOCATION OF TAX DOLLARS REQUIRES EXPERIENCED LEGISLATORS

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, a large part of what we do here in the House of Representatives relates to budgets and appropriations. I would say 75 percent at least of what we do is related to the budget and appropriations process. It is the most important thing we do, and I think that there needs to be far more discussion of the budget and appropriations process. It is a highly complex process, it is a very important process and the details are very important also.

Mr. Speaker, one of the problems with term limits is that it trivializes the functions of the Congress. It makes it appear that this is an easy job and it is easy to understand what goes on here. The budget and appropriations process alone is a tremendously difficult job, and no one would recommend for a difficult job related to their health care that they go and seek the surgeon who has the least number of years, that nobody wants to have open heart surgery done by a surgeon with 15 or 12 years experience. On the contrary, most people seek the most-

experienced surgeon if they have an operation which is a life and death matter.

If you have a complicated legal case in the courts, you go seeking a lawyer who understands the complexities of the law and who has a lot of experience in the practice of law. No one automatically says it is more desirable to have a lawyer who has been practicing for 6 years only or 12 years only. That is a bit ridiculous.

The whole premise, the arguments that I have heard for term limits, are unscientific, they are illogical, they just do not hold water. It is based on an assumption that the work of the Congress is trivial, anybody can do it.

□ 2100

We should have a citizen Congress. Any citizen can make these decisions. Yes, we should have a Congress more reflective of the citizenry. We should have a greater cross section of the citizenry. But to throw out experience as being important is to say that you do not think the job that we do here is important. Eisenhower was how old when he led the forces in Europe? MacArthur was how old when he—not how old, but how many years had they been in the Army? How many years had they been generals. Would you want inexperienced generals to lead your armies? No, nobody would want that because that is too important. That is a life or death matter. You would not want a surgeon who is inexperienced; you would not want a lawyer who is inexperienced when a large amount of money is at stake or even in a civil suit, let alone a criminal case.

So why suddenly does it become a virtue to have less experience? To deal with the budget process here, to deal with the appropriations process requires a great deal of experience. It may be that there are some arguments, like those we have just heard, which are very important and there ought to be a more scientific and reasoned analysis of what this body is all about and what kind of structure we may need to deal with term limitations and being most efficient.

It may be that the prohibition on being Speaker for more than 8 years is a good idea. It may be that the prohibition on serving as the chairman of a committee for more than 8 years or 6 years, whatever it is, is a good idea because with the size of the body, the concentrations of power may be the problem and not so much that 435 people have been here too long.

One of the charts that was just presented said that the average Member of Congress stays 8 years; 8 years is what the average is. Then they went on to say the leadership is here for 22 years. There is a problem then with leadership that may concentrate too much power for too long. Let us correct that problem.

99-059 O—97 Vol. 141 (Pt. 7) 22

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

Mr. OWENS. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I would like to support the gentleman's statement here. In the previous Congress I was chairman of an appropriations subcommittee. I had served for 8 years on that appropriations subcommittee and became its chairman. The responsibility of that subcommittee was to spend $67 billion in a year for the U.S. Department of Agriculture and the Food and Drug Administration and several other agencies, 130,000 Federal employees, $67 billion budget.

There are people who will argue for term limits today who believe that Members should come in and in a matter of a few months or a few years be looking forward to leaving. I will tell you if that is the case, the decisions which will be made on those budgets will not be made by Members of Congress. Those decisions will be made by special interest groups who will still have influence on this body as well as the bureaucrats within the Federal agencies.

Mr. OWENS. There are no term limits on special interest groups, no term limits on bureaucrats, no term limits on the lobbyists.

Mr. DURBIN. Mr. Speaker, if the gentleman will continue to yield, I think what it does is take away the voice of the people, the voice of America in this process by minimizing the voice and role of individual Members, men and women who come to this body in an effort to make a contribution. We were able to do some substantial things in the couple years that I chaired it. And, frankly, I would not have been able to do it without some experience, because many times you make a suggestion for a change and some bureaucrat will say, You cannot do it that way; it has never been done that way; it is impossible to do it that way. After a few years you find out you can do it that way.

I would just say in closing to the gentleman, I am glad he had taken this special order. I hope that every Member of Congress who stands in this well on this floor arguing in favor of term limits will answer two questions before they say the first word. Those two questions are: How long have you been here and when do you plan on leaving? Because you are going to find so many Members who get up here, some Members have been arguing for 15 years that we should have a 12-year term limit in Congress. And you are going to find time and again that the Members who stand up here and argue for term limits have been here way beyond the period of time that they say is the right period of time to serve.

I go back to the people who wrote the Constitution. Two years up for reelection, let the people decide every 2 years whether this Congressman or anyone else should stay. There was wisdom in that decision, and I do not think we should overturn it lightly.

Mr. OWENS. I thank the gentleman.

Mr. Speaker, it is very important that you take note of the fact that I want to talk about appropriations. He is on the Committee on Appropriations. I want to talk about the budget. That is my primary concern. But I want to take note of the fact that one of the problems with the budget/appropriation process here is that it is very complex and there is too little discussion of it.

Four hundred thirty-five Members are not engaged in the discussion of the budget and appropriations process, which is the most important thing we do, which has an impact on the lives of all Americans. The Federal budget is more than a trillion dollars.

I do not know what the situation is now, but Great Britain, with a far smaller budget, used to dedicate at least 2 or 3 days where nothing was discussed on the British Broadcast Corporation network except the budget for 2 days; 2 or 3 days, nothing but the budget was discussed.

We have a very large budget, a very complex budget. It touches the lives of everybody. And that process alone requires that we have Members who have a great deal of experience. And we should reorganize the House so that more of them are participating in these very complex decisions related to the budget and the appropriations process.

All of the items that we have discussed up to now during this 104th Congress in various ways relate to the budget and appropriations process. Certainly, some of the ones that have gotten the most attention, the balanced budget amendment was very much related to an attempt to place parameters on the budget process so that there would be a squeezing, a forcing of, a ratcheting down of expenditures for social programs. That was the immediate aim of the Contract With America, to create a condition where they would be able to force more and more reductions in programs that were designed to help the people in greatest need. They certainly did not want to make reductions in the area of defense, where we have obsolete weapons systems that are now being still funded and manufactured and new weapons systems that are being proposed which are not obsolete but unnecessary because there is no enemy that is capable of threatening us and we do not need an F-22 fighter, we do not need another *Seawolf* submarine.

So the balanced budget amendment, the line-item veto, the rescissions that were made already by the Committee on Appropriations, $17 billion cut from this year's programs, of that $17 billion, $7 billion is cut from the Department of Housing and Urban Development, low-income housing programs;

almost $2 billion in education programs cut, and most of those cuts are in programs that help the poorest students across the country. It is all related to the budget and appropriations process.

Welfare reform is less a reform of welfare and more a search for dollars. What it turned into was a search for dollars. The Republican-controlled leadership did not address welfare reform in terms of moving people off welfare and into work.

They instead were searching mightily for ways to save money. I think they saved, according to the calculations, about $60 billion, among the dollars that they saved was about $2 billion saved on school lunches. This is a conservative estimate that comes from the Congressional Budget Office. You have heard a lot of different figures thrown around, but the Congressional Budget Office estimates that the school lunch savings in the Republican welfare reform package amounts to about $2 billion. The search for money is so intense that we reach into the mouths of kids and pull out food in order to save a few billion dollars to contribute to the overall process of accumulating enough funds to give a tax cut.

The tax cut for some of the wealthiest Americans is really the crown jewel. That is the crown jewel of the Contract With America. Everything else feeds into that. Some drastic things are being done, some extreme things are being done in order to guarantee that the crown jewel, the tax cut, is in place and that they are able to deliver on that.

Welfare reform degenerated into an opportunity to realize some savings on the backs of the most needy people in the country, people who are victims. We are very generous with victims, and we should be. We are not very generous, but we recognize victims and the Government comes to the aid of victims.

We have appropriated about $8 billion for the California earthquake victims; $6 billion was appropriated for the flood victims in the Midwest; $6 billion was appropriated for the hurricane victims in Florida. These are all victims of natural disasters, and we recognized that and we came to the aid of the victims.

We have victims of man-made disasters, a mismanaged economy in our big cities. There was a time when there were jobs in the cities and large numbers of people migrated from other parts of the country to our big cities to get those jobs during World War II. And a period for 20 years after World War II, more or less, there were jobs. And now the economy has been managed in such a way, including the decisions made on the floor of this House and the other body, decisions are made which allow for it to be more profitable to manufacture products outside the country, to chase the cheapest labor markets across the world, although the companies are owned by U.S. citizens and although the products are sold, the market is here, we are the consumers. Nevertheless, our policies encourage the people who are able to finance, manufacture to go to other parts of the world to do that.

So we have created a lot of unemployed people. A lot of unemployment destabilizes families. The easiest way to deal with many of our social problems, welfare certainly, which is primarily Aid to Dependent Children. Children who have no other way of surviving, get assistance from the Federal Government.

By the way, those checks average about $350 a month; $350 a month we are talking about. The most generous State, which is probably New York, gets up to about $600 a month, and the cost of living, of course, in New York in far greater than in most other places. If the average is $350, you know there are many places where you are talking about less than $200 a month for a family of three, $200 a month. That is cheaper than full employment.

We have welfare in America because it is cheaper than full employment. If you have full employment and have to provide jobs for people, you are talking about a minimum-wage job and probably has to have some health care benefits. It will cost you far more than keeping people alive on $350 a month or less.

So welfare is cheaper than full employment and that is why it goes on and on in America. It is always going to be here unless we decide we want full employment policies. Unless we decide that in our vision of America of the future, the vision that is being projected now by the persons, the group in control of the Congress is not a vision that talks about creating jobs for all Americans. They want to take away not only the jobs and the opportunities but also the opportunities to get the education, to get the jobs.

Their latest budget cut proposal, they are proposing to cut aid to college students, college loans, which are subsidized loans. There are areas in our society where subsidies are very much in order. There are some subsidies that we ought to get rid of as fast as we can. I will talk later on about some of those subsidies, subsidies to rich farmers. Subsidies to rich farmers are one category of subsidy we need to get rid of as fast as possible. But we certainly should subsidize students.

There is a proposal now that we save $12 billion, a proposal that $12 billion would be saved over a 5-year period. Again, the process here is to search for money that can be put into the cash box for the tax cut. So we are going to take $12 billion from the students, college students, by ending the subsidy on their loans during the time that they are in school.

Presently a college student gets a loan and they pay back the loan after they get out of school. And the interest on that loan starts accruing after they get out of college and begin to pay back the loan.

The Government picks up the interest for the time they are in school, our Government. It is a subsidy, and it is a subsidy that is very much in order. It allows a person to get a college education and go into the job market and get a job which will generate income taxes that during the course of their lifetime will pay for that subsidy over and over again. It is a very meager subsidy relative to the return that you receive for that subsidy.

So now that is the latest. We have gone for school lunches. We have gone for the poorest people on welfare. We have collected as much money from those programs as we can. Now we are going to go after the college students and take money from them in this budget process that is so important.

□ 2115

So the tax cut, as the grand scenario, the climax of it is the tax cut proposals that will be on the floor of the House next week.

This evening, I would like to talk in more detail about this budget and appropriations process. I would like to unmask some of the mysteries of the process and talk about some of the details. And in subsequent special orders we would like to go into the budget in even more detail.

I am the chairman of the Congressional Black Caucus alternative budget committee. We are considering an alternative budget that we would like to offer on the floor as a substitute to the leadership budget, to the Republican budget.

In the Republican budget, they will present their vision of America for the next 5 years. As we go toward the year 2000, the budget will reflect what they think is most important. They have already indicated that there are some people and some groups that are not important, some people who yield and sacrifice in order to take care of others. "The America of the future has no room for everybody."

We would like to present a Congressional Black Caucus budget which shows there is room in America for everybody. There are enough resources for everybody. We do not need to take food out of the mouths of hungry children. We do not need to harass college students and lessen the opportunities for college students. We do not need to make heavy drastic reductions in Medicaid.

A lot of things that are being proposed and will be carried out certainly in this House are not necessary, and we want to prove that and show you that we can balance the budget, too.

If American people think that there is too much waste in Government, I

would concur. There is too much waste in Government. The problem is the waste is not in the School Lunch Program. The problem is in the Aid to Families with Dependent Children Programs, what you call welfare, where there might be some abuses and some waste, and there is need for reform.

We support reform in welfare. Aid to Families with Dependent Children, the Democrats voted for a reform. I think the only time in this Congress and probably the only time in the last few Congresses that all Democrats have voted for anything together on the floor was last week when they all voted for the Deal substitute, which was a drastic reform of the welfare program.

It was welfare reform that was real reform. It provided for jobs. It provided for educational opportunities. It also maintained the entitlement that everybody who is a victim and needs assistance will be able still to receive assistance under Federal entitlement.

And we stand behind them. We do not propose a block grant, which is a swindle. Any time you hear the word or concept block grant, you know there is a swindle about to take place, that that function, whatever it is, and the recipients and beneficiaries of that function are going to end up with much less in 4 or 5 years than they had when the block grant was initiated.

That is the history of block grants. They are not done unless there is an attempt to foist them off on the States and begin to back away from the commitment at the Federal level.

So in the School Lunch Program, where they keep insisting that there is more money than there was before, each year there is more money, well, there is not. The Congressional Budget Office has indicated that there is not more money because the money is a relative thing. If there are more children to feed, then the amount of money has to go up. It has to go up in anticipation of the new enrollment, additional children being enrolled, and it has to go up in anticipation of more children becoming eligible because of economic conditions which move some families that were not eligible and not in need before to the category of needy. So, again, the details are important.

Where is the waste in Government? As we talk about the programs that the Republican-controlled House wants to cut, it might be good to juxtapose the programs that they want to cut with the programs that they want to keep.

They are all in favor of keeping every weapons system that anybody could imagine, including Star Wars, the Brilliant Pebbles in the sky that is supposed to intercept intercontinental ballistic missiles that are going to be fired by what country I do not know since the generals from this country have gone to visit the generals in Russia, and they have gone down into the silos, and they have all agreed to point the rockets away from each other. And a number of things are happening which lessen the need for the so-called Star Wars to intercept intercontinental ballistic missiles, even if it could be done; and most scientists say it cannot be done.

Yet it took a vote on the floor, the one time we have been able to win a victory for reason, rational thinking, scientifically based thinking on the floor of the House was a defeat of the Star Wars vote, but that was being proposed by the leadership.

The leadership is still proposing billions of dollars more for defense at the same time as they say there is a need to cut money from School Lunch Programs. They say there is a need to cut money from loans for college students at the same time we are going to go forward with these new weapons systems.

Where is the real waste? The waste is primarily in defense. The waste is in agricultural subsidies that go to rich farmers. We are going to talk about that in this great detail in a few minutes.

In defense, you still have the F-22 fighter, which was originally projected to be a $72 billion cost, and because of the questions raised they scaled it down. But even a scaled-down version of the F-22 fighter will cost you $12 billion in the next 5 years.

Listen to the figures closely. $12 billion will be used to build F-22 fighters that are the most sophisticated fighters ever known. The trouble is, the second most sophisticated fighter planes ever known are already owned by the United States of America so who will fight the F-22's?

Nevertheless, they are being built for $12 billion over the next 5 years. $12 billion is exactly the same figure that is being sought, the same amount being sought from the college students, college student loans. By making the students pay the interest on the loans during the time the students are in college, they will yield about $12 billion. The same $12 billion, if you want to save it, you can save it by jettisoning, discontinuing the manufacture of F-22 fighters.

Why can't we discontinue the manufacture of F-22 fighters? One of the reasons may be is that they are manufactured in the Speaker's district in Marietta, GA. One reason may be that in the other body, the very prominent person in the area of making decisions about defense also hails from that State.

Why do we have obvious waste continuing in the area of defense? Take a close look, and you might find it.

The *Seawolf* submarine, another one. The argument is given we need another *Seawolf* submarine because we want to keep the technology alive. Nobody expects it to be able to be used to fight. That is $2.1 billion. Listen closely: $2 billion, slightly more than $2 billion to build a nuclear submarine. Happens to be the same figure that is being saved from the School Lunch Program. $2 billion, a little more than $2 billion is what the Republican-controlled House of Representatives will get from the School Lunch Program. We could get the money instead from a discontinuance, a canceling of the *Seawolf* submarine.

Or if you do not want to cancel the *Seawolf* submarine, then look at the CIA's budget, which is a secret budget, is estimated to be no less than $28 billion. All intelligence operations, because the CIA is really atop of all intelligence agencies, that whole operation is $28 billion at least.

If you save 10 percent, if you cut the CIA 10 percent per year for the next 55 years, you got them down to about half the size of present CIA, you would be saving each year $2.8 billion. $2.8 billion would certainly cover the cost of the School Lunch Program.

And you can contribute it toward some of the other programs, the WIC and a couple of other programs that did not get increases. We are not going to serve all of the eligible babies and mothers in the WIC Program.

So if you feel like one of my constitutents feels, that somebody has to do something, she said, "We have to tighten our belts. That means the kids have to eat cheaper lunches, OK? We have to suffer because we do not want to bankrupt the country. Everybody has to contribute a little."

Well, I am not certain that everybody should be contributing a little. I am not certain that growing children should have to sacrifice any part of lunch in order to contribute to a situation which is not desperate. It is not a desperate situation. We have places where money can be saved.

There are places where money can be saved in the corporate welfare structure. We give a lot of money to corporations.

In the first place, over the last 20 or 30 years, the amount of the tax burden borne by corporations has dropped drastically. It used to be more than half, around half of the total tax burden. All the taxes collected in the U.S. corporations were contributing almost half by the corporate income tax. Now the corporations are down to about 25 percent.

And the amount, proportion, percentage being contributed by individuals, April 15 is not far away. On April 15, individuals pay far more income taxes than corporations.

I would like to see us move toward a situation where we eliminate the individual income tax, the personal income tax as we know it. I would like to see us move toward a situation where we increase, get back to corporate, a greater share of the taxes being borne by corporations.

I would like to see a situation where we have taxes from other sources and less from personal income tax, certainly people earning $75,000, $50,000 or less maybe should not be paying any personal income taxes at all. We should be looking to other sources.

In the Congressional Black Caucus budget proposal we are going to call for the creation of a tax commission. That is not the first time that has been called for, but I think a more creative commission is needed to take a hard look at all the ways in which wealth is generated in our society now. We are generating wealth now in ways that never were imagined even 10 or 15 years ago.

The recent sale that was highlighted by President Clinton yesterday, the recent sale of frequencies above us, you know, above our heads there is wealth. Frequencies optioned have brought $7 billion already into the Federal coffers, and it is estimated that pretty soon that figure will be up to $9 billion.

Well, 10 years ago we wouldn't dream of anything up above our heads owned by all the people being worth $9 billion. They are just beginning the process.

Well, let us take a hard look at that wealth in the sky or wealth above our heads and how it may be used for the public good. Maybe we shouldn't be selling all of it. Maybe we should be leasing it or maybe there should be some arrangement whereby you do not have to be rich to buy it.

Maybe we should have a lottery system so every American would have a chance, rich or poor, anybody with some know-how and might get into the business, could draw lots. And the Federal Government would lease it to him instead of a person having to put up the capital as an alternative. And because that arrangement didn't involve capital the Federal Government would go in as a partnership. Forty percent of profits would go to the people, to the Government and to the people; and the other 60 percent would go to the person who makes it work and earns a profit.

There are many arrangements that we do not look at, royalties on products that are created as a result of Government action and Government research, et cetera. We ought to take a harder look at those.

I am not going to go into that much more detail now, but that is part of the process. We need, as I said before, people in Congress who understand these things factually. We need some people who have been here long enough to be able to imagine creatively how we may do things better, how we may collect revenue in less painful ways and more effective ways, targeting the revenue collection process to those who are able most to afford it and those who have benefited most from the riches of America in various ways.

So let me just mention a few corporate welfare setups that ought to be looked at in more detail in this budgetmaking process. Instead of cutting school lunches, instead of going after students and trying to squeeze $12 billion out of the Student Loan Program, let us limit tax subsidies for exports.

□ 2130

Tax subsidies for exports, if they were limited, would yield revenue to the tune of $21 billion. Tax subsidies for exports, what is that? There is a title passage, a thing called the title passage, sourcing rule and reform the title passage sourcing rule and eliminate the foreign sales corporation loophole. That would enable U.S. corporations, I mean, that does now enable U.S. corporations to shelter a portion of their export income from U.S. taxation. We have a loophole to the title passage and the foreign sales corporation that, you know, whoever talks about these things, the Committee on Ways and Means has a monopoly on this language and a monopoly on the process, and even the other, most of the other 435 Members of Congress never even discuss the tax subsidies for exports.

The tax subsidies for exports, according to the Congressional Budget Office, the Congressional Budget Office, as you know, is an objective body, about as objective as you can get. Most of the people who work there are civil servants. The top leadership is appointed by the leadership of the House of Representatives, so you have leadership in the Congressional Budget Office that is appointed by the party now in control of the Congress, the Republicans, but basically, the civil servants who were there before, people who have civil service status, are still there, and their objectivity is about as good as you are going to get.

They said export subsidies increase investment and employment in export industries, but they do not increase the overall levels of domestic investment and domestic employment. In the long run, export subsidies only increase imports. You do not get any great benefit from it. So why subsidize corporations for exports?

Twenty-one billion dollars would be gained over a 5-year period if you eliminated that.

Impose a minimum tax on foreign-owned businesses. That is another corporate welfare scheme we could go after. If we merely established a minimum tax on foreign-owned corporations to discourage the manipulation of transfer prices which shield income from U.S. taxation, we would realize $1.9 billion. The formula approach under the minimum tax provides a simple way to ensure that foreign-owned companies conducting business in the U.S. pay an acceptable amount of U.S. tax.

This is a quote from the Congressional Budget Office. Let us go after these corporate welfare items, eliminate the loopholes, and you will realize a lot of the taxes, the revenue that are being sought, savings being sought by going after the school lunch programs and college student loans.

There is a dairy and breeding cattle exclusion. If we end the special exclusion for the cost of raising dairy and breeding cattle, you would realize another $700 million.

There is a tax deferral on income of controlled foreign corporations; $5.7 billion would be realized over a 5-year period if we end the ability of U.S. firms to delay the tax on income earned by their foreign subsidiaries until the income is transferred to U.S. accounts, $5.7 billion, and on and on and on it goes.

I am not going to exhaust the list of corporate welfare items today. But out there, the American people should take note this is not a simple process, not easy to decipher even when you are a Member of Congress. So I do not expect you to comprehend what has really gone on here.

The mysteries are here. You hear the drum beating against people on welfare, demonizing of people on welfare, the comparison of people on welfare to alligators, comparison of people on welfare to wolves. Demonize and scapegoat, and all that is supposed to make you forget that corporations are receiving billions of dollars in subsidies from the American taxpayers.

One of the groups that likes to pride itself on not receiving Government aid is the farm community. I have often heard and seen people from the Midwest and the Far West and the South who insist that they do not want Government giving them any kind of help; Government ought to get off people's backs; Government should not intrude into people's lives.

There is a great deal of hypocrisy here. A large amount of your taxpayers' dollars are going to subsidize rich farmers. Welfare for rich farmers is a major scandal. It is a legalized form of corruption. We are just going to talk a little bit about one aspect of it.

It is so corrupt, legal corruption, you cannot arrest anybody. I am not saying that you should go out and try to effect a citizen's arrest, or you can bring a suit. It is all legal, because it is so complex until most of the Members of Congress, certainly those who come from urban areas and are concentrating on other kinds of things, have not really deciphered exactly what is going on with the farm subsidy program and how awful the giveaway is to rich farmers.

Let us take a hard look at it, and I invite you to follow me through a quick review of a report called City Slickers. City Slickers is a report produced by the environmental working group. The environmental working

group is a nonprofit environmental research organization based in Washington. It is a project of the Tides Foundation and the California Public Benefit Corp., and they have started preparing a series of reports related to agricultural subsidies, welfare for the farmers. This is just the first report. If you want to get a copy of the report, I will tell you at the end where you can order a copy.

It is a very well documented report based on an analysis of data that would probably not have been possible 20 years ago, using computers and analyzing the records of the Department of Agriculture. They have been able to come up with this very informative study which should open your eyes. What they are saying is that in the farm subsidy program, the program that has been in existence now for several decades, actually the program that was started in the New Deal by Franklin Roosevelt, that program was to help poor farmers. The Government got involved in paying farmers to do certain things, and it worked. It was very much needed.

In fact, the intervention of our Government into the agricultural sphere has been very successful in general. We are the most productive nation on the face of the Earth when it comes to food production. Our farm industry cannot be challenged by any other industrialized nation. What we produce on our farms, the kind of productivity is unparalleled, and part of the reason for that, a large part of the reason for that, is the early intervention of the U.S Government in the process. Government sometimes can intervene and be a player in a very productive way.

The land grant colleges that were created, the experimental agricultural experimental stations, the county agents, all of that was federally, you know, generated. People talk about government should stay out of local affairs. Well, the Department of Agriculture program penetrated right down to the county level, and the county agent went out into the fields with the farmers. It was government involvement at its best. I am all in favor of government involvement when it is necessary.

We basically have a capitalistic economy. That does not mean there are not a lot of places where there should not be intervention and government assistance. Government assistance to farmers made a lot of sense when it started. Government assistance to poor farmers kept a lot of people from starving. Government assistance to poor farmers enabled poor farmers to build, to gain the know-how and to build a great agricultural industry of America, but it long ago wore out. It long ago became corrupted.

We do not have many poor farmers anymore. Less than 2 percent of the American population now lives on the farm. The billions of dollars that are being, of your taxpayers' dollars, that are going to subsidize the farms or the agricultural industry are going to rich people. They are going to corporations, agricultural corporations. Agribusinesses are absorbing your dollars. They are going to individuals, too many of them are rich also.

And many of them do not live on the farm, and the last few years they have not set foot on the farm. That is what this report is all about. This report is about city slickers, people who get billions of dollars from your taxpayers' money, your money, meant for farm subsidies to help keep the farm industry alive.

There are many good reasons why we started these programs, to guarantee that we would never lose the family farmer, that they would always be there to make farming competitive, to keep the land productive, to conserve the land, et cetera. There are many good reasons, and there are still good reasons.

But the process has been corrupted to the point where people who live in the cities have never visited a farm and are drawing now checks for farm subsidies. Let me just read from the report City Slickers; I think it is such a good report, I will read verbatim from several parts of it.

> What is wrong with the city dweller owning a bit of land in the country? Absolutely nothing, as far as we are concerned. Why, we would not mind owning a little farmland ourselves, nor do we have a problem with urbanites investing time, money, or both in a farm operation even if it is not their main livelihood, and even if the farm is thousands of miles away. But why on Earth should taxpayers be involved in the arrangement for these gentleman farmers? And as this report documents, we are involved big-time by virtue of Federal agricultural subsidy policies that are out of date and out of control. It is time for a change. Sending hundreds of thousands of Federal farm subsidy checks worth hundreds of millions of dollars to a handful of city dwellers each year can hardly be the best, the fairest, or the most efficient way to help farmers stay on the land, give rural communities a chance to survive and prosper or protect water, land, and wildlife that farming so profoundly affects. Left to the farm policy fraternity, the country's depression-era farm programs will continue to misspend taxpayers' dollars. Americans can do better, but only if more people become involved in the debate over the Nation's multibillion-dollar farm programs. After all, you do not have to be a farmer to get farm subsidies. You should not have to be a farmer to have a say in how your money will be spent after the new 1955 farm bill is signed into law.

It just so happens that the farm bill is up for reauthorization this year. So aside from the budget process and the appropriations process, there is a new authorization process for these farm programs.

I recall the last time we had the agricultural subsidy program on the floor of the House, I joined with a colleague, the gentleman from New York [Mr. SCHUMER], in offering an amendment which said that any gentleman farmer or gentlewoman farmer, persons who are not living on farms who have other incomes, any one of those who earns more than $100,000 a year should not be eligible for the farm subsidy program, and that is a clear opportunity for the Members of Congress to take some action in a very meaningful way.

They would cut off anybody making $100,000 or more who also was not a farmer full-time from the farm subsidy program. We got only 140-some votes out of 435. That is the nature of the deep entrenchment of the vested interests that support welfare for rich farmers.

Let me continue to read from the report though. City Slickers, that is the name of this report, the first in a series of Environmental Working Group studies on Federal farm subsidy programs that will be published over the coming months. They are going to publish other reports. It was made possible through the efforts of the environmental working group, analysts and computer programmers. They went to work in the Department of Agriculture files to pull out all of this data, and what I am reading from in the report is based on hard data. They have the charts in here. They have the graphs in here. They have the statistics in here. If you doubt their findings, get a copy of the report and check it out. It is very sound, basic work. I commend the people who put this report together.

Let me read further from the findings of City Slickers:

> American taxpayers are sending hundreds of millions of dollars in Federal farm subsidy checks every year to a handful of absentee owners, corporations, and other farmers who live smack in the middle of the country's biggest cities. Over the past decade, taxpayers wrote 1.6 million agricultural subsidy checks worth more than $1.3 billion to city slickers, city slickers whose permanent mailing address is in the heart of one of 50 of the most populous urban areas in the United States.

□ 2145

They did a study and focused on the 50 largest cities, and they traced the checks coming from the Department of Agriculture to addresses in zip codes in the 50 largest cities in the country.

The environmental working group analysis of 110 million U.S. Department of Agriculture computer records, computer records of $106 billion worth of farm subsidy payments made since 1985, found over 74,000 recipients whose current mailing addresses for Agriculture Department checks is in downtown New York City, Los Angeles, Chicago, Houston, Phoenix, Miami, St. Louis, Detroit, Dallas or other top U.S. cities.

If you are laboring under the assumption that welfare for the farmers, the subsidy program for the farmers,

should not be questioned or not challenged because, after all, they are the people who grow our food and we want to keep them out there, we do not want a monopoly to be established by the agribusinesses. I have heard many reasons offered on the floor of this House.

A large portion of the people receiving the checks are not farmers, ladies and gentlemen. They are drawing down the checks and receiving the subsidy from you taxpayers, and they are not setting foot on any farm, I assure you.

When they analyzed major suburbs and satellite cities surrounding these big cities, they found that the payments increased greatly. A lot of people living in suburbs also around big cities are receiving payments. It went from $1.3 billion to $1.8 billion when you include some of the other people close to the city.

From Beverly Hills to Key West, the research shows that it is the rare, well-heeled suburb, urban enclave or resort spot in the United States that does not receive Federal farm subsidy payments. The pattern, the rule, is that they do. It is rare that they do not receive. The richer the community is, the more likely you are to see large numbers of farm subsidy payments flowing into that area.

In every major U.S. city farm subsidy checks pour in from farms located in dozens of States. Farms in 42 States pump government subsidies into New York City. Thirty-eight States send Federal farm dollars to Los Angeles, 37 States have farm program recipients in Chicago, and 41 States are sending agricultural assistance to farmers in Houston.

In many cities, New York City, Los Angeles, Chicago, and Tucson, for example, half or more of the subsidies come from farms located outside of the State.

If you want to make the argument of, somebody has already got a rationalization put together, well, sure, people may live in the cities, but New York State has a big farming sector. Agriculture is a big business in New York State.

So these people may live in New York City, but outside New York City in certain parts of the State there are farms.

But these checks are not coming from farms in New York State. The checks that are going to New York City are coming from 42 different States, 42 different States. You taxpayers are funneling money meant for farmers into city slickers from 42 different States to New York.

And in other cities it is much worse. I am going to read from a chart later on of the five highest ranking cities receiving these payments from you. In big cities, as in the countryside, a small number of individuals, partnerships, trusts and corporations collect the lion's share of Federal farm subsidies. These are rich people mostly who are collecting these checks.

Just 862 big city subsidy recipients collected $388 million over the period checked, nearly 30 percent of the total payments to the postal areas in the top 50 cities. A general partnership in Dallas, TX, for instance, received 157 checks over six of the last 10 years. And this general partnership's 157 checks, listen to this, totaled $1.8 million. The $1.8 million came from farms in two counties in Mississippi. Mississippi, one of the poorest States in the country.

The money is flowing from your taxpayers' pocket, supposedly to help the farmers in Mississippi, but it flows into a firm in Dallas, TX, which one firm alone collected $1.8 million over the last 6 years.

The top recipients in Los Angeles is a general partnership in zip code 90024, and they received 22 checks over 7 of the last 10 years, and those 22 checks were worth more than $837,000.

The top farmer in Washington, DC, received a total of 271 farm subsidy checks from a North Dakota county in 8 out of the past 10 years. And his checks, the name of that person appeared in a newspaper article, totaled $286,000.

San Diego's top producer is a corporation which stockholders have brought in 246 checks worth $968,303 from a farm in Montana, a farm in Montana that has drawn down your taxpayer subsidies every year since 1985.

More than 63 percent of the total farm subsidies paid to big-city recipients went to individuals who on average received at least $13,000 a year over the 10-year period. General partnerships brought in $150 million, averaging $72,000. Corporations with stockholders collected 11 percent of total big-city subsidies, which equals about $138 million. Corporations in big cities collected about $138 million over the period, the 10-year period studied. Joint ventures collected $74 million, averaging $200,000 each over a 10-year period.

These are your taxpayer dollars flowing to poor farmers according to the original legislation. The idea was to keep the farmers solvent, help the farmers make a good living, but now it is a corrupt racketeering enterprise, a legal racketeering enterprise.

You know, there may be a contradiction in that when you say racketeering and legal, but the savings and loan scandal showed us how you can swindle people, how you can have a massive racketeering enterprise which is mostly legal.

Continuing to read from the report, and I am reading from a report called City Slickers. City Slickers is prepared by the Environmental Working Group. They are located at 1718 Connecticut Avenue Northwest, Suite 600, in Washington, DC 20009.

I have given you this information because if you do not believe my figures, if you do not trust me or if you want to see more documentation and if you want to read the report in more detail, if you want to get to know about this gigantic swindle, you might want to see the whole report. Environmental Working Group, 1718 Connecticut Avenue Northwest, Suite 600, Washington, DC 20009, (202) 667-6982. Fax number (202) 232-2592.

Now I understand there has been some controversy about giving out information about books or things for sale. This is for sale for $10 I think. I have no connection whatsoever with this group. I have never been to their office. I am not a member. Nobody on my staff is a member. It is a nonprofit environmental research organization so far as I am concerned. I welcome you to contact them to get the whole report.

We need to know. Members of Congress need to know more. Even those who have been here 10, 12 years do not know enough, have not been here long enough to really learn, no matter how studious they may be or how hard they work at it.

It is a complicated world, ladies and gentleman, The American Government is the most complicated entity on the face of the Earth. The Members of Congress, 435, plus the Members of the Senate, 100, are 535 vice-presidents of the world's largest and most complex corporation, the world's most powerful corporation.

We hear people talk about term limits. They want to make this body weaker. They want to trivialize what we do here. They want to make it weaker for the purpose of continuing these kinds of scams, these kinds of racketeering enterprises.

The weaker the Congress is, the more it is ridiculed, the more it is trivialized, the less it is likely to have the people who will be able to take on correcting these massive racketeering enterprises which waste a great deal of taxpayers' money.

The weaker the Congress is, the more likely people are to fall for demonizing of welfare mothers, demonizing pregnant teenagers, calling of alligators and wolves and making it appear that they are about to bring the country down.

No, the waste that is about to bring the country down is here. This is one example. We are going to be showing you many others in the weeks to come.

Continuing to read from the report City Slickers:

> Massive and widespread cash payments to absentee interests in cities are just one of many indications that America's Federal farm subsidy programs are out of date and badly out of control. This study underscores just one of the fundamental problems with America's depression-era farm programs. They mostly now reward the ownership of land, not the farming of the land but the

ownership of the land. They reward most those who own the most, not those most in need.

Let me repeat that. From the report City Slickers:

This study underscores just one of the fundamental problems with America's depression-era farm programs. They mostly reward the ownership of land, not the farming of it, and reward most those who own the most, not those most in need.

Welfare for the farmers is not means tested. People on welfare, aid to dependent children, that is what we call welfare. You have to prove you are poor before you can get a dollar.

Farmers do not have to prove they are poor. In fact, it is well known that many of them are rich, big agribusinesses. Everybody knows. The rich know. Nothing hidden there. No secret. They are the ones who are receiving the taxpayers' dollars. Free money to people who do not need it.

Continuing to read from the report, I quote:

Absentee landowners, distant corporations and far-flung investors are able to draw substantial government agricultural subsidies, though they may reside in a big city hundreds or even thousands of miles from the farm and never set foot on that farm for years on end. As a practical matter, almost anyone, almost anyone can qualify for Federal agriculture subsidies. You do not have to farm the land, you do not have to live anywhere near the land, you do not even have to visit from time to time. You do not have to be related to the farmer or to anyone else who has an interest in the farm. And wealthy, absentee farm owners who are most likely to run afoul of payment limits or other rules have ready access to legal advice that can help them maximize their government payments, advice provided by the government itself.

The fact that Federal farm programs transfer massive Government subsidy payments to recipients in big cities, as we document in this report, is just one more compelling reason why the 1995 farm bill must not result in business as usual.

I conclude by stating this is a report called City Slickers, and we need to read more of it together. Get a copy yourself.

And as we progress on our discussion of the budget and appropriations process here in this Congress, we are going to talk more about where is the real waste, where is that money that is needed to give a tax cut or do anything else? It is not in the school lunch program. It is not in the college loan program. There are billions of dollars that are routinely being wasted, and we should take note of that as taxpayers.

TERM LIMITS

The SPEAKER pro tempore (Mr. ZIMMER). Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, tomorrow we will vote on what former Senator Howard Baker has called a bad idea whose time has apparently come. That idea, of course is term limits.

Term limits will pass this body with a very large margin, although maybe not the two-thirds vote necessary. However, I know from private conversations and believe that there are quite a few members of this body who publicly are for this very bad idea but who privately are hoping that the legislation does not receive the two-thirds vote necessary.

□ 2200

I can tell you this, Mr. Speaker, that if ever there was an idea or something that corrects a problem that does not exist, that idea is term limits. Two hundred and three new members have been elected in just the last 2 years. Let me repeat that: 203 Members, almost half of this body, have been elected in just the last 2 years. We had 110 freshmen elected 2 years ago. There were six Members, three of whom left to move into the President's cabinet and three others left for better jobs, and then 87 new Members were elected at the start of this Congress. So that is 203 new Members in just the last 2 years.

This is the greatest turnover in the history of this Congress and in the history of this Nation, and that same turnover, very high rates of turnover, are occurring in elective offices all across this country.

I mentioned Senator Howard Baker a moment ago, a man who is really one of my heroes and for whom I have the greatest respect. If we had had term limits in effect, we would not have had Senator Baker's greatest service to this country. We would not have had his service during the years he was minority leader and then majority leader of the U.S. Senate. We would not have had the service of Senator Everett Dirksen during his greatest service, or our own Speaker of the House, NEWT GINGRICH, who is in his 17th year. He would not be in the House if we had the term limits we would be talking about tomorrow. Roll Call, the newspaper that covers Capitol Hill, pointed out Great Britain would not had the service of Winston Churchill during World War II. His greatest moments of public service would not have taken place if term limits had been in effect in Great Britain.

Term limits do not make sense. It makes no sense whatsoever to go to a great teacher and say that we know you are a great teacher and you are doing a wonderful job, but you have been here 6 or 8 or 12 years and we feel we should have new blood, or to do that same thing to a great nurse or a great engineer. If term limits should not be applied to other fields, they should not be applied to elected officials either.

We already have term limits, the terms to which we are elected. We are elected to 2 year terms in this body, 6 years in the Senate. The voters can get rid of us very easily. Every other year we face the voters. Term limits are very undemocratic. They take away a little bit more control the people have over their own Government. They take away the right of the people to vote for whomever they want. I think it is part of this trend that these very liberal elitists have said for years "Take the politics out of this, take the politics out of that," and that sounds good on the surface. But if you take the politics out of everything, you take away the control of the people over their own Government, and term limits is just another part of that very dangerous trend.

Term limits will strengthen the power of the unelected in this country. They will strengthen the bureaucracy, the lobbyists, the committee staffs. Already we have a Government of, by and for the bureaucrats, instead of one that is of, by and for the people. We need to reestablish the control of the people over their own Government, and term limits will do just the opposite.

We need to solve the real problems of this country. Mr. Speaker, turnover in the Congress and in other elected offices is not one of those major problems that we face in this country today. I am one of the most conservative Members of this body, but I can tell you that term limits are not a conservative idea. Our Founding Fathers specifically rejected them, and even conservatives like the Libertarian columnist Lewellyn Rockwell and others are now saying term limits are a very, very bad idea. In fact I think they are a very radical idea, and I think they should be rejected, although I know that they are very popular because many people do not realize how much turnover there is and how much change is going on in this place and in other offices around the country.

In no other field do we think that experience is a bad thing. People want an experienced surgeon when they go into have surgery, they want an experienced lawyer and so forth. So we need experience in public office as well.

Some people had the mistaken impression that Dan Rostenkowski was a typical Member. He was not typical. I realize that term limits are popular and they are going to pass, but I think, as I said, that they correct a problem that does not exist, and I do not think they will solve the real problems that face this country.

WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Louisiana [Mr. FIELDS] is recognized for 60 minutes as the designee of the minority leader.

Mr. FIELDS of Louisiana. Mr. Speaker, I rise tonight to talk about two issues. One, I wanted to talk a little bit about what took place in the House of Representatives on last week and the week before last. On last week, we passed legislation, in a real sense an insult and also is an assault on young children, on babies, on kids, on infants, and we passed that legislation in a spirit of welfare reform. But I just wanted to talk about some of the impact that this legislation will have on children and infants all across this country.

The cash assistance block grants that provides that no Federal funds for children of mothers under the age of 18 or less unless certain requirements are met, it is very easy and very popular to talk about how we should make parents more responsible, and I do not think there is a Member of this body who does not wish to make parents responsible or would not like to have responsible parents in our society. But the real impact will not be on parents. The real impact of these cuts will be on children. Nationwide, 70,000 children will be denied benefits. In my own State, about 600 children will be denied benefits because of this legislation that was passed. Now, I would hope that parents are responsible.

I would hope that no parent or no woman, young lady who is not married, would not even have a child. I mean, that is a perfect world, a perfect idea, but it is not happening today. And since there are women who have children out of wedlock, I think the Government has an interest and should have an interest in children and should, to the degree that we can, make sure that not a baby in America goes to bed hungry at night.

The other point of this legislation that we passed provides that no benefits will go to anybody after 5 years. Now, that sounds very good. That is a very popular statement to make, but the benefits are really not for the mother. If we want to call it irresponsible, then so do it. But the benefits are not designed for the mother, the so-called irresponsible mothers. Those benefits are for the children. They are for the infants who cannot get up in the morning and go to work. And we cannot chastise innocent kids in our country because of some faults or some mistakes of their parents. I would hate that this country get to the point that we not take care of those who can do very little for themselves, like infants and children, and those kids with handicaps.

Well, 4.8 million children would be denied benefits as a result of this 5 years and you are off. In Louisiana, about 100,000 children. No Federal benefits for additional children born while a parent is on welfare. Well, parents ought to be responsible. But whose fault is it if a kid is brought into this world while his parent is on welfare? And who do we penalize in this piece of legislation? We penalize 2.2 million children across this country, and in Louisiana we penalize about 46,000 children.

Now, my idea of welfare reform is the thought of giving parents, giving mothers, the opportunity to learn a skill, so that they can be productive, so that they can do for themselves. But in this legislation, we do not require job training. We do not have funds available to the extent that is necessary for real job training, so that we can teach mothers skills and parents skills, and then put them to work and provide them with a job so that they can provide for themselves. But we do have a provision in the bill that says 2 years and you are off.

Well, 2 years and you are off is popular. It makes a good 30-second sound bite, but is it fair? You do not require the parent to learn any job skills or work, but if she is on welfare and does not have a job after 2 years, she is automatically off of the welfare rolls.

Well, who really suffers as a result of that? Are we teaching the parent a lesson or are we really teaching the children a lesson? I mean, children cannot be responsible. Many of them are infants. These infants, all they know how to do is cry when they are hungry and want to be changed when they are wet. Many of them cannot even speak, they are toddlers. You know, they are 1 month old, 2 months old, 6 months old. They need somebody to take care of their self. And if the mother, because of whatever reason, be it irresponsible or be it because she does not have the wherewithal to do so, somebody ought to step in and have an interest in that child. And I just think that our Federal Government should have a compelling interest in children.

So I just wanted to express that interest and that concern tonight, because I do think that this Congress has taken a step in the wrong direction when we penalize children simply because their parents are not responsible or because their parents do not have a job skill or because their parents are unemployed. I think we need to have more thought, a little bit more thought put into this welfare reform debate. I would hope when this legislation arrives in the Senate, that the Senate puts much, much more thought into it.

School nutrition program. I mean, we have talked about that so much I am tired of talking about school nutrition, because every time you talk about school nutrition, there are folks who stand up and argue with you as relates to whether or not it is a cut, whether or not school nutrition will be sacrificed as a result of the block granting, and it almost makes me sick in the stomach, because the numbers are very real. I mention the numbers, many students in this country will not have the benefit of a balanced meal because there is no national standard for nutrition in this legislation that was passed, and many of my colleagues will argue that students will not be jeopardized.

The reason why we took this program in the first place is because States were not doing a good job. When we get to the point that this Congress should not have an interest in the nutrition, school nutrition, that is the point we ought not have a Congress. That is just one of the interests we should have, we ought to have an interest in child nutrition, we ought to have an interest in making sure that every child who goes to school receives a balanced meal.

I would feel a little bit better about this rescission package as well as the welfare reform legislation, and I do not want to get into the summer jobs debate again, if we would cut money that goes to other places in this world. You know, we cut domestic programs on one hand, and then we increase money to go overseas. I do not understand the rationale and logic. How do we say to our children that we cannot give them a summer job, but we can give them somewhere in the neighborhood of about $30 billion in jail cells and build more prisons, but we cannot give them a job this summer, and we expect our streets to be safer this summer?

Of course not. We cannot expect our streets to be safer in this summer by taking some 1.2 million kids off of the payrolls. We are taking their parents off the welfare rolls, then taking their children, you know, taking their mother off the welfare rolls and taking the child off of the payrolls. To me, I mean, how inconsistent can we get? I mean, we are consistently inconsistent in this Congress when we do those kinds of things. And to me I think we need to really, when this legislation gets back to this House in the way of a conference committee, I would hope that we just stop for a second and really put more thought into it, and not jeopardize and not penalize poor innocent children in this country. That is one of the reasons why I wanted to stand here tonight, Mr. Speaker.

Also, I want to talk about another subject, but I see my very good friend from Texas is on the floor, and it is always good to have her, because she is an eloquent person who cares about children in this country.

Mr. Speaker, I would like to yield very briefly to my very good friend from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE. I appreciate the gentleman yielding, and I could not help, listening to your eloquence, to just come over and not only share in your concerns as you have expressed them considerably and articulately throughout this session.

But I was reminded of a story that you told just a couple of weeks or so

ago relaying your own personal experience. It made it very real for many of us who likewise experienced what you experienced, and that is that you were, if you will, a participant in these programs, the school lunch program and the school breakfast program, and as a youngster, you, if you will, benefitted from the fact not of a handout, but simply of an opportunity to come and get a meal. And a meal is not a partisan issue. A meal simply is reflective of the concern of this country. I had in my office today a representative from the teachers association, National Education Association, out of the Houston area, and that teacher, with a great compassion, spoke about seeing elementary school children come to school to get a breakfast or get a lunch and how they took the last grain of food off the plate because it might have been the only meal that they would have had.

I had some other ladies come from the National Council of Jewish Women who indicated that they were themselves concerned about some of the very cuts that you have already mentioned, and indicated how ridiculous it is when we are talking about welfare reform, and in fact we are talking about suggesting that the parent, whether it be a mother or father, get out and work. And we know very often in this very busy society how many of us have time to sit down with our families to eat. So some cavalier comment was made, let them eat with their families, meaning their children that get the school breakfasts and lunches. This very insightful lady said, "I live in different conditions. I didn't eat with my children." She noted the fact we live in different times. But how insensitive to suggest that you now want the welfare mothers or welfare parents to find work and to be independent, but yet you are not going to give them the kind of supportive services like a school lunch program, a school breakfast program, like a job training program or transitional child care. You are simply going to, if you will, throw them to the wolves.

□ 2215

It simply does not make sense. And none of us, as we have come from State government, I know that you have a very fine record in the State of Louisiana, you had to make hard decisions about where we cut and how we reduce government, none of us ignored those concerns. But what we are asking for is a simple understanding of the compassion upon which we though this Nation was founded.

It was founded on opportunity and founded because people were hungry for jobs and for work. And it was founded on freedom of religion. But most of all, people coming here, certainly many of our ancestors and most of our ancestors did not have that luxury, but the whole thrust of the Nation was to come here for opportunity. And yet we throw it back into the faces of the American people who we are telling to get up, stand on your own two feet, be independent, unshackle yourself from welfare.

Yet we take, if you will, the slash and burn attack and we cut off programs like you have been speaking of. I could not help but come here to simply share with you.

Let me just mention these points and I would certainly want to dialog with you about this and ask you how it is impacting your area, because I have gone home to my community and heard nothing but screeching, shrill screams of outrage, not of violent outrage that they would act violently, but pained outrage, shock and wondering what are we telling our children. What examples are we setting? Again, as we begin to look at the tax cuts we have already gone through rescissions, many people are in shock because they said, We thought those dollars were authorized.

Summer jobs cut out, you were mentioning that. Safe and drug free schools, cut out. This is in the State of Texas. I can quote the dollars, $780 million, $40 million. Youth job training, very effective programs to get our youth moving from school to work. The Goals 2000 program that in fact this teacher was mentioning to me, a very effective program that helps establish greater educational goals, the title 1 education program, $9.2 million, and in the vocational education tech prep program. I wanted to share with you those because all of those are program based upon our children.

I would like to ask you this question, this is what is puzzling me. Take, for example, a gentleman who is going into business. He is in the exotic bird business, and he wants to go into a store that offers to the public exotic birds. Not being able to get many investors, he goes out and gets a very, very large loan, but he is able to employ some 6 to 10 employees because, as he sees his way clear, this exotic bird business is taking off. And he is doing well.

Would you think that he would immediately then, as his meager profits are coming in, seek to, if you will, provide an opportunity to bring down that debt, meaning that large debt that he has gotten from a bank, say like the deficit, or would he be seeking to take that money and maybe spend it foolishly, something like a tax cut, or would he be looking to make sure that he puts his business on sound footing, because he had an exotic business now and he could not find any investors and so his loan was extremely huge.

And so, rather than taking these profits, maybe I could take it to even a more visible or visual type example. Would he run off to some luxurious vacation with the dollars or, if he is a sound business person, who he seek in order to ensure the viability of his business, to go and reduce that deficit or to reduce that huge debt that he has outstanding on this business.

Mr. FIELDS of Louisiana. Any reasonable man or any reasonable women of ordinary prudence would use that money to pay the debt. That is just something that reasonable people would do. Any irresponsible person would probably do just the opposite, use the money to do everything but to pay the debt. And I think that is one of the problems that we have here in this Congress.

We take money from the poorest Americans in the world, I mean the country, in our country, the poorest Americans in the United States of America, and we give it to those who have. We take from the have nots and we give to the haves.

I think that is not only unconscionable but unbelievable and unfair. For us to take infant formula, for example, from a baby because her mother so happens to be 17 years of age, we want to teach that mother a lesson because she should not have had this baby when she was 17, we are not going to give her baby any milk. We are going to teach her a lesson.

Ms. JACKSON-LEE. Then we are asking her to be independent.

Mr. FIELDS of Louisiana. That is right. We want her to pull herself up by the bootstraps. We are not going to teach you any job skills but we want to set an example.

What happens, if the gentlewoman would answer this question, what happens if that baby, while we big Americans, Members of Congress, I do not know, I do not think any of us have to worry about eating at night, we make a pretty decent salary, what happens if that baby dies of infant mortality? Does that make us big Members of Congress? We are talking about maybe 1.7 percent of the whole budget goes to welfare programs, and we are going to solve the deficit problem by taking money out of this person's, this baby's mouth. And we are going to teach the parent to be responsible and, at the same time, we are going to give to big business over there or the individual who makes $200,000 a tax break.

Ms. JACKSON-LEE. If the gentleman would yield, you raise a very striking question. Just a couple of days ago I was here on the House floor and had in fact a chart that answered your very question dealing with women and infant and children nutrition. That is the program, the WIC Program, that has been so effective in not only helping with care of that new infant but it also helps monitor the young infant's progress and also it brings in mothers in the prenatal stages to ensure that they know about good health care, good nutrition for their babies.

But it said that if we did not invest in the Women and Infant and Children's Nutrition Program, we would have a bill of some $15,000 per infant with the kind of illnesses, for example, that that baby would have when it was born and, ultimately, the kinds of problems that it might face in early childhood education and as it grew up to be an adult.

Clearly, the data suggests that when you invest in that young child, whether it is a school lunch, whether it is a school breakfast, whether it is the Women and Infants and Children Nutrition Program, that you are truly making an investment.

Let me say this, because there is something about us here on the House floor believing that this is such an important issue, wanting to communicate with the American people, the great citizens in the great State of Louisiana and the great citizens of my great State, Texas, for us to be branded as speaking the words of only a few Americans, but let me say, knowing that you have got certainly a State that is well endowed with energy leadership, energy corporations, I face the business community.

I have not heard a hue and cry for the need for the kinds of tax cuts that are not really bringing in all of us to discuss what best way to energize, if you will, if you can use that term, the economy. I have not seen individuals with incomes at a certain level standing in the highways and byways screaming for a tax cut. I have heard them speak eloquently and forcefully, as good business men and women, about bringing down the deficit to create the kind of economy that would be the most, if you will, energized and forceful in stabilizing this Nation.

Let me share with you on this point, because I think we have had some discussions on this, there is something about having a job, being able to go to work. We know that we are facing some hard decisions. I just simply want to acknowledge that we have got a headline that says, "NASA cuts 55,000 jobs." We know we are going to have to make some hard decisions. But I would imagine that in the course of these cutting of jobs, potentially in this reinventing government that we all have to do, you might be able to go up to any citizen and say, what do you think is most important in this nation? Allowing people to work, stabilizing the economy to allow them to work, making sure that if you have welfare mothers who are seeking independence, that they have jobs? Or is it to have this big balloon tax cut that seems to go nowhere and you are talking about thousands of people in the streets with no jobs?

I raise that question to you because it is puzzling to me how we can make decisions with no data, no hearings of crowds pouring in saying, tax cut, tax cut. And yet we are having to put people out of work.

Mr. FIELDS of Louisiana. The gentlewoman makes a very good point. I think one of the problems we have in this country is we are blaming the wrong people. When we had the S&l crisis, for example, that hit the TV screen for a few days, a few weeks. And we developed the RTC, and we are now getting to the point we are resolving that whole issue, multimillion dollars.

And when a person who has food stamps, for example, walks into a store. I had the occasion of walking into a grocery store in my own district, purchasing food and standing in line. And then a lady in front of me with maybe one or two kids, who is about to purchase her food with food stamps, she turns around and sees me. And then, all of sudden, she forgot something. And she said, Go ahead, Mr. Fields, I forgot something.

And in a real sense, she did not forget anything. But she was embarrassed because the whole nation is blaming her for the problems, blaming her for the deficit. Blaming her for everything that is wrong with America. And she did not want her congressman to see her purchase her food with food stamps. And it is a shame and a disgrace that we have poor people in America who are being blamed for every ill that we have in this country.

For example, it is amazing that we would take $30,000 and we would put it in jails and persons, and it takes $60,000 to build a jail cell in this country. And it takes about anywhere from $28,000 to about $30,000 a year to maintain a prisoner in that jail. And we are spending all of that money to put kids in jail who violate the law.

And we find out, we look at all the statistics and all the statistics reveal that 86 percent of the people who are incarcerated, who are behind jail cells, are high school dropouts.

Now, it takes very little discussion and very little debate to pass that kind of appropriation. But if we tried to put more money in schools, we just cut $100 million out of infrastructure. Prisons and jails in this country are in better condition than our schools. but it would take a literally an act of Congress, not really knowing what the cliche of an act of Congress really means, to pass any appropriation to put more money in education.

It is a clear correlation between education and incarceration, but the problem is, the question is whether or not we really want to address these real meaningful problems.

I feel, and I may be wrong, but I feel the way we address these problems is not by pointing our finger at poor people but by lifting them up, by making sure that every parent receives job training and then provide a job so she can go to work.

I am not against workfare. I am for workfare and making sure that deadbeat dads be responsible dads and make them pay child support for the kids that they bring into this world. I am for that. And I am also for a kid having a summer job.

That hurts me the most because I know what it feels like to be a part of a summer jobs program during the summertime. And I have been taking this mike now almost every night because these are programs, maybe I am one of the few Members of Congress who has been through most of the programs that were cut, but I know what it felt like to have a summer job during the summertime.

I mean it gave me self-esteem. It gave me pride. It gave me dignity. I was getting up and I was going to work. I went to work, Monday through Friday. And I made a salary. I got a check with my name on it. And I was able to buy my school clothes, and I was able to help my mother pay her rent. And that made me feel good. And that really taught me job skills; taught me responsibility.

And now even the thought that this summer kids will not have the opportunity that I had when I was growing up in Baton Rouge, they will not be able to go into a summer job this summer because this Congress had the gall to cut 1.2 million kids off of the program in the spirit of fiscal reform and personal responsibility, and then talk about how we need to get kids off the streets, my God, where would I be today if I did not have a summer job, many of my friends, when we were growing up?

□ 2230

Mr. FIELDS of Louisiana. I do not understand the rationale and I will yield to the gentlewoman and then I want to talk about something else, I certainly hope the gentlewoman would stay, a little bit about term limits because I have heard some very interesting discussions tonight about that issue.

Ms. JACKSON-LEE. Well, I thank the gentleman and I could not help but just be absorbed by your recounting of your life's history because I wonder whether or not because of the missing life experiences maybe of some who would argue differently than what we would argue whether this is why we are where we are today.

I certainly was a beneficiary of a summer job and took as much pride as you have articulated in working in the city's parks during the summer, having that check, but most importantly the responsibility, the uniform, the self-esteem. Let me say a great big thanks to all the parks workers throughout this Nation.

The important thing is that we are speaking in essence out of two sides of our mouth and that is that we ask on one side, stand up and be counted and be independent and then we tell our

children and I have been on the local box station if you will, meaning I have gone to where the youngsters listen and talk to them in between their music to tell them that this is something they need to take up.

The outcry that I have gotten from a parent who is a single parent who says Johnny has been off the streets now for 4 years straight because he has had a summer job, and you know what is even better than that, you know what is even better than that is Johnny's younger brother is aspiring to get the summer job like Johnny, not aspiring to hit the streets to join the gang that is right next door but aspiring like Johnny.

As I conclude, let me simply say what the misnomer is. We go back to welfare. I think we all have seen this documentary about hoops and basketball, a true story about youngsters off the street and aspiring to be basketball players and there were some good endings for those youngsters in there. The one point that really got me is when the mother said, "Do you know we live off of $300 a month?" Because there is some myth about how much people are living off of.

Then just to reflect on the State of Texas where an AFDC recipient with one child gets $184 a month, so let us not fool ourselves to think that these folks are rolling in dollars. All of these people would far benefit from cutting the deficit.

Then when we talk about some sense of independence, we have got the other side of the coin. Say you pulled yourself up by the bootstraps, you got out of high school, how would you get to college? Summer jobs as well as student loans. Do you know what is going to be cut with these tax cuts? We are talking about cutting an enormous amount, half of all of the students attending college would be cut in terms of their student loans or their opportunities to go to college.

I do not know about you because I understand that we have come from different States, but I can assure you how much that will hurt the community that I come from and how important it is to our students who are seeking independence, some of whom have come from homes where they were dependent upon welfare and are now seeking an opportunity through education and look what is happening to them.

So I thank the gentleman for yielding but I had to come and join you and certainly you are raising another issue that I hope I will briefly be able to share with you on that because I think that impacts, if you will, how we run government.

I also have not heard the reasoned hue and cry on the other issue you just mentioned about what we do about people who are in office when I believe truly in the process of voting people in and voting people out. But I will say it is important for people to have a history of what has been done previously by government, people who can bring insight to these issues and reflect upon their life experiences to share.

I hope that we will have the opportunity as this goes to the U.S. Senate, the rescissions bill that we have talked about and now as we move into the tax cuts, that we will have an opportunity through conference, as I am working very hard to ensure that some of these very devastating dollars that have been removed that are not doing anything for the deficit will come back to help people who are seeking to be independent.

Mr. FIELDS of Louisiana. I thank the gentlewoman and we hope we are both hopeful that in the Senate there is a much more deliberative debate on these issues. Even if they are not cleared up in the Senate, we would hope that in conference that these issues are cleared up to the best interests of all the people across America. Even if they are not cleared up in that arena, we would hope that the President takes a very, very strong look at these rescissions as well as this Personal Responsibility Act and make sure that children and infants are not penalized as a result of some fault of some third party.

I would like to at this time talk a little bit about term limits. As the gentlewoman from Texas knows, tomorrow we will be debating the issue of term limits on this floor. We will decide whether or not the terms of Members of Congress should be limited.

I have been tussling with the idea of term limits now for about 7 years because when I was a member of the State Senate in Louisiana, being Chairman of Senate Governmental Affairs, I had to deal with the issue of term limits and wanted to give the best possible opportunity for those who felt that term limits was a good idea for America.

But no one, even idea, has been able to convince me that term limits is good for America. You know when I walked into this Congress on January of this year, I raised my right hand and said that I would support and defend the Constitution. And every Member of this body said the same thing, we would support and defend the Constitution of the United States of America, this Constitution. I look at this Constitution and article I, section 2 of this Constitution says in no uncertain terms, "The House of Representatives shall be composed of Members chosen every second year by the people of the several States."

It is very clear in no uncertain terms. That is article I, section 2. I do not understand how one can say they are for term limits and not realize that term limits are already in the law. I think it is an insult to the average voter's intelligence to tell a voter in America that they do not have a right to select a candidate of their choice and we ought to have some self-imposed term limit.

Well, I have decided to do something tonight that I would hope that all of my colleagues take heed to. For those individuals who believe and truly believe in term limits, we can have a self-imposed term limit and we can start term limitation tonight and all you have to do is sign this term limit pledge card.

I want to make sure that every Member of Congress receives this pledge card because I am sick and tired of Members walking into that well and saying to the American people, we need to limit the terms of Members of Congress and many times those Members who walk into the well are Members who have served for 16 or 20 years. I do not understand that. I think that is what hypocritical to say the least.

This pledge card is very simple. There is nothing complex about it. "I," and you put your name in it on the line, "pledge to the people of," whatever district you represent, whatever State you represent, "that I will not seek reelection to the United States House of Representatives after" X "number of terms," signed by the Member and dated.

And we put it in the CONGRESSIONAL RECORD, and then every Member should live up to that term limit commitment.

You know my term is limited and your term is limited. You cannot serve over 2 years in the House of Representatives without the approval of the people of Texas.

I as a Member from Louisiana. I cannot serve in this Congress after 2 years without the approval of the people, the Fourth Congressional District of Louisiana. When I raise my right hand, I take the oath of office for 2 years and 2 years only, and then I have to go back to my district and get reelected. So that, in itself, is a term limit.

Now what puzzles me is how people say, well, term limits or the lack thereof is the reason why we have so many problems in this Congress.

Well, the last three elections, over 200 new Members of Congress were elected. Two hundred new Members of the House now reside in this House of Representatives today. And they were elected in the last three elections, last three elections. The last three elections brought 200 new faces to this institution. You were one of them. I am one of them.

What happened in the Senate? The past 10 years 55 new Senators are now sitting in that august body down the hall, new Members of the United States Senate.

Now, if I am a Member of Congress and if I am doing my job and I do everything that I am supposed to do as a

Member of Congress, then the people of Louisiana then make the decision as to whether or not I will return to Washington, DC, as their Congressman.

But for this Congress to tell people in Louisiana in the Fourth Congressional District that they do not have a right to send CLEO FIELDS to Congress or SHEILA JACKSON-LEE from Texas, irrespective of what kind of job performance she had for the past 2 years or 4 years, is wrong. And it is taking away the voice of people.

Ms. JACKSON-LEE. Would the gentleman yield?

Mr. FIELDS of Louisiana. I would be happy to yield.

Ms. JACKSON-LEE. You have raised several important points, and I think tomorrow we will have additional time to grapple with these issues. But I, too, have kept an open mind on this whole question of term limits, looking for the higher ground in terms of the real reasons behind what has been labeled as a movement to ensure that we have term limits. And each time I seek an answer, it comes back simply flat, and let me tell you why.

You have hit on a very salient point. We are now debating this whole issue of let the States do it, the local communities do it. What this debate simply says is that we do not appreciate and furthermore have no respect for the local constituents of each individual Member's district. We have no respect for them.

For we will tell them that what they will have to vote on if we do a term limit amendment is they will have to not vote on a Member that they may want to vote on. They may even want to cast a no vote against the Member, meaning that they would like to vote for someone else with the Member being on the ballot. Just think of it. They do not each have that opportunity.

Mr. FIELDS of Louisiana. If the gentlewoman would yield.

Ms. JACKSON-LEE. I would be happy to yield.

Mr. FIELDS of Louisiana. You make a very good point.

I have heard some arguments that we are to send Members back home, and they need to live with the people and live in the community and work with the folk in their respective communities. And then if they choose to come back then they could run for office after they sit out for 2 years. Well, my God, I do not know about you, but I go home every week.

Ms. JACKSON-LEE. I am right with you.

Mr. FIELDS of Louisiana. I am not removed from the people of the Fourth Congressional District of Louisiana. I return home every week. I meet with people. And at the point, if I ever get to the point that I am not returning home and I am not taking care of the business of the people of the Fourth District of Louisiana, they have every right and the responsibility to go to the polls and vote me out of office.

Ms. JACKSON-LEE. If the gentleman would yield.

Mr. FIELDS of Louisiana. Be happy to be yield to the gentlewoman.

Ms. JACKSON-LEE. I respect my constituents and, you are very, very right, spend a great deal of time making sure that I interact with the great constituents of the Eighteenth Congressional District.

But what I argue is that the real key to the Founding Fathers in terms of the laymen Congress was the whole concept of responsibility and accessibility. I mean, that is what they wanted to ensure when they designed this format. And so that should be the criteria by which you determine whether you have someone you want to return or someone that you do not want to return.

With that in mind, the interaction with one's constituents is the term limits in and of itself that will be determined every 2 years by constituents saying to you, no, you have not done what we have asked you to do. And, therefore, I raise the question what is this false term limits, in essence?

Because there may be constituents who you have who say, I like the method, the procedure, the way you are doing your business but, more importantly, the way you are representing us. And it would be a disservice to us if we did not get a chance to vote for you or against you based upon our pleasure or displeasure.

We are putting in a false and imaginary buffer between the voting people, the voting public, citizens, owners of the Constitution, and their choice for who they would want to represent them.

Mr. FIELDS of Louisiana. If the gentlewoman would yield.

She mentioned the laymen's legislature and the citizens' legislature, and I have heard those terms throughout the night. But what I find, I find a fault with this argument of the citizens' legislature, laymen's legislature which I would think this legislature should be and every legislature should be. And if it is not, then the people should make the decision as to how it should be, what it should be made of and who it should be made of.

But even States that passed term limits, I find it hard to believe, let us take, say, the State of California, passed term limits. And, by the same token, they talk about how they want to give greater access to people and then they are not implementing the motor voter law, for example.

□ 2245

Giving access to people is by making people a part of this process, and I find it almost unfair to say we want to give people more access to this process and not try to make the voting process as easy as possible, and the voter registration process as easy as possible, because if you really want a citizens' legislature, for example, then you should do everything you can to make sure that citizens have access to the ballot. You cannot have access to the ballot box in this country if you are not registered to vote.

So one of the elements of giving people access to the ballot box is by making sure that we have voter registration laws that afford every citizen the opportunity to partake in the voting process and then after we make sure every citizen can register and we do not have all of these prohibitions and all of these complicated ways of registering to vote, then we ought to make sure on election day every citizen is afforded that opportunity to go to the polls and vote on election day, and for example, and I will yield back to the gentlewoman, in this past Presidential election, only 35 percent or 37 percent of the people voted. On the average, the maximum we get is 50 percent of the people voting in America. So if you really want to give the citizens of America more access, you create laws that are conducive to giving more access to exercise their constitutional right, registering to vote and then actually exercising their right to vote on election day.

We have four States, as the gentlewoman knows, we have four States in America right now that are refusing to implement the motor voter law, but yet we want a citizens' legislature. Well, afford every citizen in this country the opportunity to go and register to vote in the least complicated format possible, and then encourage them to go and vote on election day. Then maybe we will see some differences in this Congress and in State legislatures across the country if we really want a citizens' legislature.

Let us have voter registration drives in every housing facility in this country, every public housing facility; when you register for section 8, you ought to register to vote at the same time. Public transportation ought to be an element of voter registration. Then we ought to encourage people to go out and vote, and maybe we would change this Congress and more so-called citizens and laymen will be in the halls of this body and other bodies across this country.

Ms. JACKSON-LEE. I wish people would listen to the intent of the discussion here, because one of the interesting points, and I think before we have had an opportunity to address the Speaker, is that we find out that this issue is not one that falls along philosophical lines or party lines. There is going to be a vigorous debate, because this is an issue that goes to the very crux of the Constitution.

This should not be labeled as a contract issue, Contract on America, with

America. I am not sure what the thrust of it is.

You have got conservative Republicans and others who understand what the Constitution is truly saying, and that is a representative body of government, in fact, a republic, and I always remind my constituents when we say republic, we are not necessarily labeling a party, Republican, Democratic. It is a form of government that is representative.

What helps you be more representative than to encourage people to make their choices to, as you have said, open up the opportunities of registration? I am certainly a supporter and advocate of the motor vehicle legislation and working hard to ensure that it is working in the State of Texas, but the key is that let us expand the places where people can register. Let us ensure that our educational system has a real body of instruction that deals with the Constitution and voter participation, and how to access your elected officials. That is where I think the thrust should go.

Because one of the interesting things that I think should be noted, and I share it with my constituents, and might I add, I certainly welcome all the representatives or constituents that come in on issues to my office, that means the businesses that certainly have those prepared and paid individuals that come in. I respect them. But I also recognize many times there are constituents who are home in your district who do not get to come to Washington, DC. They do not get to make their voices heard by way of sitting in your offices in Washington, DC.

How do they get to be heard? One, you interact with them when you come to the district and you better make sure that is a realistic and viable part of what you do for your constituents. The other way they inform you of their voices is through the vote and through the vote every 2 years, being able to vote for you or against you, not by an artificial term limit that comes in and intervenes between that citizen, the purest sense of the word, going to the ballot box, not being told by intervening law that they have the very power in their hands to send you back from the great State of Louisiana or, if I am sent back from the great State of Texas, that is the key that I think that we are missing when we engage ourselves in this very benign, in term limits of its meaning, but certainly very devastating debate in terms of what it does of interfering with the democratic process.

Mr. FIELDS of Louisiana. Does the gentlewoman know that many of the individuals who say they are proponents of term limits are some of the same, very individuals, who are on a bill to repeal motor voter? I mean, I just find it hard, and maybe, you know, maybe I do not have the wherewithal to understand it. I do not know. But I find it hard to understand a person standing in the well saying, "We want to give voters greater access and we want the voters to be able to have more control of their Congress," on one hand, and then on the other hand, turn around and say, But we do not want them to register to vote at a driver's license place, we do not want them to register to vote if they are on some kind of government subsidized program, we do not want them to be able to register to vote as easy as they can under the motor voter law, we do not want that at a time when the voting participation is at an all-time low. It seems like if we really want this Congress to be more citizen-oriented, we ought to get more citizens involved in the process by making sure they have every opportunity to register to vote and participate in the process.

I think another way we can deal with this problem of how we make sure incumbents are responsible, if that is the whole problem with Congress and with institutions, political institutions, and the thing that we want to address, why not have stronger campaign finance reform laws? You know, I would be for having very, very tough campaign finance reform legislation where the average citizen could, in fact, compete in an open election or in an election against an incumbent. You know, I think we can do something in this Congress to make the playing field a little bit fairer as it relates to incumbent versus challenger. I think that is real discussion.

If we really want to give the average citizen, and I consider myself an average citizen, you know, for some reason or another, there is some thought that people in Congress are not average citizens. I mean, I wake up every morning, I go to work, I go home every week and work with constituents, and I do everything that the average people do. I mean, I work hard. I try to make a difference.

But to give access to the so-called average citizen, let us make this playing field a little fairer. But you cannot do that by having a $50 dinner, you know, because most Americans, the vast majority of Americans, cannot afford to pay $50 to go to a dinner where the funds will be put in some campaign coffer to elect and reelect Members of the Congress.

I just find there is a conflict with this whole argument of we are looking out for the average Joe Blow on the street and we want the average Joe Blow to be able to have access to this Congress, and we are tired of all of these career politicians taking over Congress. I think we really insult the intelligence of voters in this country.

I want to speak now not as a Member of Congress. I want to speak now as a voter. I do not want this Congress telling me that I cannot vote for somebody because they served two term limits. As a matter of fact, I just do not think this Congress has a right to tell me who to vote for, because that is basically what you are telling, who I cannot vote for, so you are telling me who I cannot vote for and can vote for, because if you are telling me I cannot vote for this guy because he served two term limits, then you have limited my options. I just do not think this Congress, I, as a voter, do not think this Congress should tell me I cannot vote for a person irrespective of how well SHEILA JACKSON-LEE represented me, and irrespective of how well SHEILA JACKSON-LEE represented me in the State of Texas; she got up every morning, she is my kind of Representative, she works hard, and when I call her, SHEILA JACKSON-LEE returns my call, and she has town hall meetings, and she also goes into schools and she talks to our children, and she is one of the best Congresspersons in America as far as I am concerned. And I would be insulted if this Congress tells me I could not vote for SHEILA JACKSON-LEE because this Congress wanted to clean the House out. That is my decision.

If I wanted to clear SHEILA JACKSON-LEE out of the House, then I would do it with my vote, and you cannot tell me and you cannot speak for me, because I am going to do that very well, and I am going to do it at the polls, and I think that is what this argument is all about.

Are we going to let the people decide who sits in this body, or are we going to pass a law saying, it is almost like we have a reputation of doing this sort of stuff, three strikes and you are out, now we have three terms, you are out. Everything is almost like a baseball game here. I do not understand it. I am speaking as a voter. I just do not want this Congress to tell me I cannot vote for a person that represents me well.

Ms. JACKSON-LEE. There are so many points, if the gentleman would yield, that you hit upon that are so very important.

First of all, let me commend you for the untiring manner in which you have come to the House floor to speak about issues that take away from what we have come here for, and that is to enhance freedom. As we stand here and debate and dialog with each other, Americans might be wondering, the lateness of the hour, they might be looking at the Chambers and they might be wondering, and I would simply say that you are to be commended for the commitment, because we are standing here to be able to educate the American people and certainly to reflect upon the great constituents that we represent.

You talked about campaign finance reform, and you might be puzzled about that, because obviously that is not part of the contract. That has not been part of the 100-day session that we are in

which should have been. That is a reasonable response to ensuring that the average fellow, if you will, can engage themselves in running for office without this enormous amount of dollars that is very important, and then it is interesting that you had your pledge card. You do not hear a lot of debate about retroactive term limits, because if we are truly going to be pure, and I am looking at an amendment that is being raised by two Members, DINGELL and PETERSON, that talks about if you are going to pass term limits, then make it retroactive, knock out, if you will, all of the Members at this immediate time. You do not get serious debate on that.

Mr. FIELDS of Louisiana. Half of the Members proposing it would not be able to serve tomorrow.

Ms. JACKSON-LEE. That is why I am wondering, is this truly a realistic debate and an honest debate with the American people, or are we trying to make, if you will, a coverup on what actually we are supposed to be doing, or the contract is supposed to be complying with?

But we are not going to really do an honest review of term limits. We are going to act like it, play around the edges of term limits. I want to be forthright and honest about it. I truly believe it would be an intervening force that would negate the activity of citizens to vote for persons of their choice.

But if we were to do it, then I think retroactivity should be a viable part of any legislation that comes, because you hit it on the nail, hit the nail on the head, you are saying this is the 104th Congress. Well, the 104th Congress would be telling the 105th and 106th and 107th individuals elected by their constituents what to do on something which is so personal and strongly meaningful as voting upon the person whom you would represent.

Let me lastly say to you, what is the structure of Congress? Seniority. How do you help to enhance your constituents? Yes, we have done, as they say, major tasks in just plain hard work, and I respect that. But I do not hear anyone trying to rid this system of a seniority system that, in fact, requires that Members at least have a 2-year term to respond to some of the urgent needs of this American people.

So I would like for it to be an honest debate. Campaign finance reform is not even on the agenda at this time. The issue of seniority that has not even been raised, and then the question of whether or not it is appropriate that if you talk about term limits in a honest manner that you talk about retroactivity which means that my colleagues on the other side of the aisle would immediately have to leave this body, and I am sure they would not mind it in their majority State because they truly believe in term limits.

Let us have a fair and open debate. That is what I think is important.

Mr. FIELDS of Louisiana. I agree with the gentlewoman. Congress is, I mean, every 2 years we have to face the voters. I mean, I think we have the most awesome term limits there is probably in public life, because most offices are 4 years. The U.S. Senate, for example, every 6 years, but the Congress, every 2 years we must go and face voters.

But let me ask the gentlewoman a question, because I have toyed with this question for a while in my mind. If I had to choose between a person who could serve only one term, because there is a term limit, and a person who can serve as long as he is responsible and as long as the voters choose to go to the polls and elect him or her, to me, I would feel more frightened by this person who has a term limit of one term, for example. He knows and she knows in his or her, in their own minds, that they cannot run for reelection, and you tell me, who do you think you would have the most trust in, a person who will never have to come and ask for your vote again; we elected this person, he goes to Washington, he never is going to have to appear on the ballot as a congressional candidate again.

□ 2300

I got this other guy or lady who can run for reelection; and if they choose to do so, of course, then they will appear on the ballot.

Now I don't know about you, but I just feel much more comfortable as a voter, not as a Member of Congress, as a voter. I feel much more comfortable with voting for this guy where we have got this carrot, and if he does a good job, I am going to send you back.

That is what democracy is all about. You do a good job, I am going to send you back there, and I am going to keep you there.

But this guy here, he knows that I know that he is not going to serve in Congress another day of his life. He does not have to return my phone calls because he does not need my vote. He does not have to do a good job. He can vote against everything that this district believes in. He does not have to hold one town hall meeting.

Now you tell me, who do you feel, not as a Congresswoman but as a voter, who do you feel would be most representative of your views?

Ms. JACKSON-LEE. Well, as the gentleman from Louisiana well knows, it wasn't too long ago when I was not standing here at the well and was that citizen in my hometown. And I could just see glaring headlines when you were talking, government by reckless abandonment.

That is the fellow over there that has got a term, one 2-year term, does not have to worry about responding to any of the issues that his or her constituents are concerned about, clearly articulates views that are off the mark and off the margin, maybe his or her own personal views, does not have to fight and go to the mat for the issues of that district, whether it be highways or whether it deals with energy laws, whether it deals with welfare, whether it deals with business investment, whether it deals with tax cuts or whether it deals with bringing down the deficit.

You had asked the question what he or she is doing. I would simply say to you again, governing by reckless abandonment. It would be simply what they would want to do.

The fellow or the lady that is dealing with the fact that they have to present themselves to the voters, they have to stand up to the test, and voters can be as sharp and to the point on their issues, do not sell any of those individuals cheap or undermine their understanding. And they ask the hard questions of where you have been over the last 2 years on the issue. And if you want their confidence, that is the question. You are taking away voters giving an elected official the confidence of their vote.

The most high honor that you can get from an individual is their confidence in voting for you. You take that away. You undermine the very system of government, and you leave it to reckless abandonment when you ensure that you have an artificial term-limiting process.

Mr. FIELDS of Louisiana. If the gentlewoman would yield on this final point.

And I really think that what we do, we are saying, what we are saying to voters across America, we are actually reaching into every congressional district, 435 congressional districts across the country, and we are saying to people in those districts, you are too stupid to do what is right. You keep sending the same people here time and time again.

Well, you know, to me that is an insult to a voter's intelligence. If they say people served in this Congress x number of years, it has only been because the people in that district evidently wanted them to serve.

Ms. JACKSON-LEE. The choice is theirs.

Mr. FIELDS of Louisiana. I want to thank the gentlewoman from Texas for joining me tonight in the special order. I thank the Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

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. LEWIS of Georgia) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.
Mr. MFUME, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. STUPAK, for 5 minutes, today.
Mr. POSHARD, for 5 minutes, today.

(The following Members (at the request of Mr. INGLIS of South Carolina) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.
Mr. DORNAN, for 5 minutes each day, today and on March 29.
Mr. KINGSTON, for 5 minutes each day, today and on March 29.
Mr. FORBES, for 5 minutes, today.
Mr. SHAYS, for 5 minutes, on March 29.
Mr. HANCOCK, for 5 minutes, today.
Mr. BRYANT of Tennessee, for 5 minutes, today.
Mr. LATHAM, for 5 minutes, today.
Mr. JONES, for 5 minutes, on March 29.
Mr. DAVIS, for 5 minutes, on March 29.
Mr. TIAHRT, for 5 minutes, today.
Mr. FOX, for 5 minutes, today.
Mr. HILLEARY, for 5 minutes, today.
Mr. INGLIS, of South Carolina, for 5 minutes, today.
Mr. TATE, for 5 minutes, today.
Mr. GRAHAM, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.
Mr. DUNCAN, for 5 minutes, today.
Mr. FOLEY, for 5 minutes, today.
Mr. METCALF, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LEWIS of Georgia) and to include extraneous matter:)

Mr. ENGEL.
Mr. HASTINGS, in two instances.
Mr. GORDON.
Mr. GIBBONS.
Mrs. SCHROEDER.
Mr. KLECZKA.
Mr. LANTOS.
Mr. STOKES, in two instances.
Mr. TRAFICANT.
Mr. MILLER of California.
Ms. PELOSI.
Mrs. MALONEY, in two instances.
Mr. RICHARDSON.
Mr. PAYNE of New Jersey, in two instances.
Mr. WILLIAMS.
Mr. STARK.
Mr. FILNER.
Mr. MENENDEZ.

(The following Members (at the request of Mr. INGLIS of South Carolina) and to include extraneous matter:)

Mr. WELLER.
Mr. MCDADE.
Mr. SAM JOHNSON of Texas.
Mr. SMITH of New Jersey.
Mr. ZIMMER.
Mr. CRANE.
Mr. HOBSON.
Mr. DICKEY.
Mr. PACKARD.
Mr. QUINN.
Mr. CASTLE.
Mr. FOLEY.
Mr. EMERSON.
Ms. MOLINARI.
Mr. HOKE.
Mr. ENGLISH of Pennsylvania.
Mr. CHAMBLISS.
Mr. SOLOMON in three instances.

(The following Members (at the request of Ms. JACKSON-LEE) and to include extraneous matter:)

Mr. MARTINI.
Mr. GILLMOR.
Mr. PASTOR.

ADJOURNMENT

Mr. FIELDS of Louisiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p.m.), the House adjourned until Wednesday, March 29, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

618. A letter from the Acting Secretary, Department of Agriculture, transmitting a draft of proposed legislation to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to recover the full costs for Federal inspection of meat, poultry, and egg products performed at times other than an approved primary shift; to the Committee on Agriculture.

619. A letter from the Secretary, Department of Energy, transmitting the annual report on research and technology development activities supporting defense waste management and environmental restoration, pursuant to Public Law 101-189, section 3141(c)(1), (2) (103 Stat. 1680); to the Committee on National Security.

620. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's 1994 annual report, pursuant to 12 U.S.C. 3305; to the Committee on Banking and Financial Services.

621. A letter from the National Foundation on the Arts and the Humanities, transmitting the Federal Council on the Arts and the Humanities' 19th annual report on the Arts and Artifacts Indemnity Program for fiscal year, 1994, pursuant to 20 U.S.C. 959(c); to the Committee on Economic and Educational Opportunities.

622. A letter from the Secretary, Department of Energy, transmitting notification that the study to evaluate the legal, institutional, and other constraints to connecting buildings owned and leased by the Federal Government to district heating and cooling plants will be transmitted to Congress by the end of July 1995, pursuant to Public Law 102-486, section 152(g)(2) (106 Stat. 2848); to the Committee on Commerce.

623. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to provide for the sale of oil from the Strategic Petroleum Reserve and the transfer of oil from Weeks Island, and for other purposes; to the Committee on Commerce.

624. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 95-13), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

625. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

626. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's Memorandum of Justification under section 610 of the Foreign Assistance Act to support Baltic peacekeeping; to the Committee on International Relations.

627. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-31, "Advisory Neighborhood Commission Special Election Repeal Temporary Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

628. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-32, "Technical Amendments Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

629. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-34, "Budget Implementation Temporary Act of 1995," to the Committee on Government Reform and Oversight.

630. A letter from the U.S. Agency for International Development, 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.

631. A letter from the U.S. Office of Special Counsel, transmitting the 1994 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

632. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Resources.

633. A letter from the Director, Federal Bureau of Prisons, transmitting the Federal Bureau of Prisons annual report on functional literary requirements for all individuals in Federal correctional institutions, pursuant to Public Law 101-647, section 2904 (104 Stat. 4914); to the Committee on the Judiciary.

634. A letter from the Secretary of Labor, transmitting the annual report on employment and training programs for veterans

during program year 1992 (July 1, 1992 through June 30, 1993) and fiscal year 1993 (October 1, 1992 through September 30, 1993) pursuant to 38 U.S.C. 2009(b); to the Committee on Veterans' Affairs.

635. A letter from the Secretary of the Treasury, transmitting a report on the Savings Bonds Program; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McCOLLUM: Committee on the Judiciary. H.R. 1240. A bill to combat crime by enhancing the penalties for certain sexual crimes against children; with an amendment (Rept. 104–90). Referred to the Committee of the Whole House on the State of the Union.

Mr. CANADY: Committee on the Judiciary. H.R. 660. A bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons; with an amendment (Rept. 104–91). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ENGLISH of Pennsylvania:

H.R. 1326. A bill to authorize and request the President to award the Congressional Medal of Honor posthumously to Bvt. Brig. Gen. Strong Vincent for his actions in the defense of Little Round Top at the Battle of Gettysburg, July 2, 1863; to the Committee on National Security.

By Mr. KASICH (for himself, Mr. ARCHER, and Mr. BLILEY):

H.R. 1327. A bill to provide tax relief to strengthen the American family and create jobs, to reduce Federal spending and the budget deficit, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, Commerce, Government Reform and Oversight, and Rules, 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 (for himself and Mr. DOYLE):

H.R. 1328. A bill to amend the Internal Revenue Code of 1986 to provide that no amount shall be includable in gross income by reason of participation in a State prepaid tuition program; to the Committee on Ways and Means.

By Mr. EVANS (for himself, Mr. GUTIERREZ, Mr. KENNEDY of Massachusetts, Ms. PELOSI, Mr. GENE GREEN of Texas, Mr. GEJDENSON, Mr. FILNER, Mr. UNDERWOOD, Mr. DEFAZIO, Mr. COSTELLO, Mr. FROST, Mr. DOYLE, Mr. SANDERS, Mr. JOHNSON of South Dakota, Mr. FATTAH, Mr. BISHOP, and Mr. DELLUMS):

H.R. 1329. A bill to amend title 38, United States Code, to extend the period of eligibility for inpatient care for veterans exposed to toxic substances, radiation, or environmental hazards, to extend the period of eligibility for outpatient care for veterans exposed to such substances or hazards during service in the Persian Gulf, and to expand the eligibility of veterans exposed to toxic substances or radiation for outpatient care; to the Committee on Veterans' Affairs.

By Mr. HAYES (for himself, Mr. SHUSTER, Mr. TAUZIN, Mr. YOUNG of Alaska, Mr. EMERSON, Mr. PETE GEREN of Texas, Mr. SOLOMON, Mr. COSTELLO, Mr. CLINGER, Ms. DANNER, Mr. BLUTE, Mr. LAUGHLIN, Mr. BATEMAN, Mr. PARKER, Mr. HUTCHINSON, Mr. KIM, Mr. EWING, Mr. INGLIS of South Carolina, Mr. DICKEY, Mr. ENGLISH of Pennsylvania, Mr. BREWSTER, Mr. MICA, Mr. FIELDS of Texas, Mr. COBLE, Mr. DUNCAN, Mr. DOOLITTLE, Mrs. FOWLER, Mr. HANSEN, Mr. CALVERT, Mr. LATHAM, Mr. POMBO, Mrs. CUBIN, Mr. JONES, Mrs. LINCOLN, Mr. TAYLOR of North Carolina, Mr. SHADEGG, Mrs. CHENOWETH, Mr. DELAY, Mr. POSHARD, Mr. BAKER of Louisiana, Mr. WAMP, Mr. LIVINGSTON, Mr. CLEMENT, Mr. PACKARD, Mr. LEWIS of California, Mr. LAHOOD, Mr. DEAL of Georgia, Mr. QUINN, and Mr. GALLEGLY):

H.R. 1330. 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 Ms. FURSE (for herself, Mr. HASTINGS of Florida, Mr. MANTON, Mr. RICHARDSON, Mr. BEILENSON, Mr. YATES, Mr. WYDEN, Mr. DICKS, Mr. DEFAZIO, Ms. WOOLSEY, Mr. VENTO, Ms. NORTON, Ms. MCKINNEY, Mr. HINCHEY, Mr. MORAN, Mr. SANDERS, Mr. STUDDS, Mr. BARRETT of Wisconsin, Mr. PORTER, Ms. ESHOO, Mr. EVANS, Ms. VELÁZQUEZ, Mr. MILLER of California, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. GILCHREST, Mr. FROST, Mr. BRYANT of Texas, Ms. RIVERS, Mr. CONYERS, Mr. MARKEY, Ms. SLAUGHTER, Mr. ENGLISH of Pennsylvania, Mr. DELLUMS, Mr. TRAFICANT, Ms. PELOSI, Mr. GIBBONS, Mr. WISE, Mrs. MEEK of Florida, Mr. RUSH, Ms. LOFGREN, Mr. JACOBS, Mr. TAYLOR of Mississippi, Mr. BROWN of California, Mrs. MORELLA, Mr. ROSE, Mr. RANGEL, Mrs. LOWEY, Mr. MCDERMOTT, Mr. OLVER, Mr. FARR, Mr. PALLONE, Mr. THOMPSON, and Mr. CLYBURN):

H.R. 1331. A bill to amend the Watershed Protection and Flood Prevention Act to establish a waterways restoration program, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, and 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. GALLEGLY (for himself and Mr. FALEOMAVAEGA):

H.R. 1332. A bill to establish certain policies and responsibilities with respect to the administration of the Rongelop resettlement trust fund, and for other purposes; to the Committee on Resources.

By Mr. MINGE (for himself, Mr. KLUG, Mr. SHAYS, Mr. BARRETT of Wisconsin, Mr. CASTLE, Mr. MCHALE, Mr. DICKEY, Mrs. WALDHOLTZ, and Mr. DEAL of Georgia):

H.R. 1333. A bill to require that excess funds provided for official allowances of Members of the House of Representatives be dedicated to deficit reduction; to the Committee on House Oversight.

By Ms. MOLINARI (for herself, Mr. CALVERT, Mr. KING, Mr. MCHUGH, Mr. PAXON, Mr. SKEEN, and Mr. UNDERWOOD):

H.R. 1334. A bill to amend title XIX of the Social Security Act to provide a financial incentive for States to reduce expenditures under the Medicaid Program, and for other purposes; to the Committee on Commerce.

By Mr. MOLLOHAN:

H.R. 1335. A bill to provide for the extension of a hydroelectric project located in the State of West Virginia; to the Committee on Commerce.

By Mr. MONTGOMERY:

H.R. 1336. A bill to suspend through September 30, 1995, the duty on certain textile manufacturing machinery; to the Committee on Ways and Means.

By Mr. PASTOR (for himself (by request), Mr. COLEMAN, and Mr. BRYANT of Texas):

H.R. 1337. A bill to amend the Federal Water Pollution Control Act to authorize appropriations in each of fiscal years 1996 through 1998 for the construction of wastewater treatment facilities to serve United States Colonias and to provide water pollution control in the vicinity of the international boundary between the United States and Mexico; to the Committee on Transportation and Infrastructure.

By Mr. PASTOR (for himself, Mr. FILNER Mr. COLEMAN, and Mr. BRYANT of Texas):

H.R. 1338. A bill to amend the Federal Water Pollution Control Act to authorize appropriations in each of fiscal years 1996—2001 for the construction of wastewater treatment works to provide water pollution control in or near the United States—Mexico border area; to the Committee on Transportation and Infrastructure.

By Mr. RICHARDSON (for himself, Ms. ESHOO, Mr. FROST, Mr. MCHALE, Ms. RIVERS, Mr. VENTO, Mr. MINGE, Mrs. LOWEY, Ms. PELOSI, Mr. LOFGREN, and Mr. DELLUMS):

H.R. 1339. A bill to amend title XIX of the Social Security Act to provide for mandatory coverage of services furnished by nurse practitioners and clinical nurse specialists under State Medicaid plans; to the Committee on Commerce.

By Mrs. SMITH of Washington:

H.R. 1340. A bill to modify the project for Bonneville Lock and Dam, Columbia River, OR and Washington; to the Committee on Transportation and Infrastructure.

By Mr. STROKES (for himself, Mr. PAYNE of New Jersey, Mr. MFUME, Mr. CONYERS, Mr. DELLUMS, Mr. OWENS, Mrs. COLLINS of Illinois, Mr. DIXON, Mr. CLAY, Mr. TUCKER, Mrs. CLAYTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, Mr. TOWNS, Mr. WYNN, Mr. SCOTT, Mr. BISHOP, Mr. FRAZER, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. WATT of North Carolina, Mr. CLYBURN, Ms. BROWN of Florida, Mr. LEWIS of Georgia, Ms. WATERS, Mr. JEFFERSON, Mr. FIELDS of Louisiana, Mr. FATTAH, Ms. JACKSON-LEE, Mr. FORD, Ms. MCKINNEY, Ms. NORTON, Mr. HILLIARD, Mr. FLAKZ, Mr. RUSH, Mr. THOMPSON, Mr. REYNOLDS, and Miss COLLINS of Michigan):

H.R. 1341. A bill to amend the Public Health Service Act to provide authorizations of appropriations for programs relating to

the health of individuals who are from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H.R. 1342. A bill to provide for conveyances of certain lands within Cook Inlet Region, AK, for reconveyance to village corporations under the Alaska Native Claims Settlement Act; to the Committee on Resources.

By Mr. BILIRAKIS (for himself, Mrs. MALONEY, Mr. GEKAS, Mr. ZIMMER, Mr. ENGEL, and Mr. KLINK):

H. Con. Res. 50. Concurrent resolution concerning the protection and continued livelihood of the Eastern Orthodox Ecumenical Patriarchate; to the Committee on International Relations.

By Mr. COX:

H. Con. Res. 51. Concurrent resolution expressing the sense of the Congress relating to the removal of Russian troops from Kaliningrad; to the Committee on International Relations.

By Mr. ROHRABACHER:

H. Con. Res. 52. Concurrent resolution expressing the sense of the Congress regarding the visit of the Prime Minister of New Zealand, the Hon. James Bolger; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII.

28. The SPEAKER presented a memorial of the House of Representatives of the State of Maine, relative to memoralizing the Congress and the President of the United States to suspend the July 26, 1995, deadline for sanctions against the State of Maine under the Federal Clean Air Act Amendments of 1990; to the Committee on Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII.

Mr. GOSS introduced a bill (H.R. 1343) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Beula Lee*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 42: Mr. BONO, Mr. OBERSTAR, Ms. ROS-LEHTINEN, and Mr. HASTINGS of Florida.

H.R. 70: Mr. HALL of Texas and Mr. FAZIO of California.

H.R. 120: Mr. MCKEON and Mr. MFUME.

H.R. 218: Mr. STUMP.

H.R. 224: Mrs. CHENOWETH, Mr. BONO, Mr. CALVERT, Mr. DORNAN, Mr. ZELIFF, and Mr. LIVINGSTON.

H.R. 264: Mr. BROWN of California.

H.R. 359: Mrs. MINK of Hawaii, Mr. SCARBOROUGH, and Mr. DELLUMS.

H.R. 558: Mr. BENTSEN.

H.R. 559: Mr. KLECZKA, Mr. LAFALCE, and Mr. OLVER.

H.R. 580: Mr. BOUCHER, Mr. VOLKMER, Mrs. MEEK of Florida, Mr. SKEEN, Mr. NEY, Mr. MCHUGH, Mr. THORNBERRY, Mr. PICKETT, Mr. ACKERMAN, Mr. SCHIFF, Mr. STUMP, Mr. SHUSTER, Mr. CANADY, and Mr. CHAPMAN.

H.R. 586: Mr. ENGEL.

H.R. 653: Mrs. LOWEY, Mr. GILMAN, and Mrs. KELLY.

H.R. 655: Mr. BAKER of California.

H.R. 660: Mr. SMITH of New Jersey, Mr. LINDER, Mr. STUMP, and Mrs. SMITH of Washington.

H.R. 682: Mr. INGLIS of South Carolina, Mr. SPRATT, Mr. FROST, and Mr. HILLIARD.

H.R. 709: Mr. JEFFERSON and Mr. NADLER.

H.R. 789: Mrs. MEYERS of Kansas, Mrs. MORELLA, Mr. PASTOR, Mr. EHRLICH, Mr. MCHALE, and Mr. BARCIA.

H.R. 795: Mr. LAHOOD and Mr. LARGENT.

H.R. 843: Mr. ZIMMER.

H.R. 860: Mr. ZELIFF.

H.R. 878: Mr. SCHUMER, Mr. FROST, Mr. DOYLE, Mr. GENE GREEN of Texas, Mr. MCHUGH, Ms. MOLINARI, Mr. BROWN of Ohio, Mr. BISHOP, and Mrs. LOWEY.

H.R. 1018: Mr. EMERSON and Mr. EWING.

H.R. 1023: Mr. BISHOP and Mr. DELLUMS.

H.R. 1024: Mr. BROWNBACK, Mr. MCINTOSH, and Mr. KIM.

H.R. 1029: Mrs. FOWLER, Mr. UPTON, and Mr. HILLIARD.

H.R. 1077: Mrs. WALDHOLTZ.

H.R. 1085: Mr. GORDON.

H.R. 1103: Mrs. CLAYTON, Mr. MCHUGH, Mr. HERGER, Mr. HASTINGS of Washington, and Mr. JONES.

H.R. 1111: Mr. MCINTOSH and Mr. SMITH of Texas.

H.R. 1118: Mr. SMITH of Texas, Mr. CUNNINGHAM, Mr. COLLINS of Georgia, Mr. RIGGS, Mr. PETRI, and Mr. GENE GREEN of Texas.

H.R. 1142: Mr. CHRISTENSEN and Mr. LATOURETTE.

H.R. 1143: Mr. BRYANT of Tennessee and Mr. CANADY.

H.R. 1144: Mr. CANADY.

H.R. 1147: Mr. EVANS, Mr. DURBIN, Mr. FRANK of Massachusetts, Ms. MCKINNEY, Mr. UNDERWOOD, Mr. LIPINSKI, Mrs. SCHROEDER, Mr. STARK, and Mr. WOLF.

H.R. 1170: Mr. HANCOCK, Mr. BAKER of Louisiana, and Mrs. CHENOWETH.

H.R. 1176: Mrs. FOWLER, Mr. LAHOOD, Mr. BASS, Mr. STUMP, Mr. PACKARD, Mr. CHRISTENSEN, Mr. BURR, Mr. RAMSTAD, Mr. ARMEY, Mr. BLILEY, Mr. KLUG, Mr. SENSENBRENNER, Mr. ISTOOK, Mr. HALL of Texas, Mr. HERGER, Mr. GOSS, Mr. CANADY, Mr. THORNBERRY, Mr. BILBRAY, Mr. DREIER, Mr. LIVINGSTON, Mr. BAKER of California, Mr. BACHUS, Mr. BATEMAN, Mr. SKEEN, and Mr. WICKER.

H.R. 1229: Mr. MORAN, Mr. LIPINSKI, Mr. FILNER, and Mr. FOX.

H.R. 1232: Mr. CRAPO, Mr. COOLEY, and Mr. HAYWORTH.

H.R. 1274: Mr. SAXTON and Ms. FURSE.

H.R. 1300: Mr. FRISA, Ms. MOLINARI, Mr. WHITFIELD, and Mr. JONES.

H.R. 1318: Mr. HANCOCK.

H.J. Res. 3: Mr. HANCOCK.

H.J. Res. 48: Mr. GUTKNECHT.

H.J. Res. 61: Mr. GOODLATTE.

H.J. Res. 70: Mr. CLYBURN, Mr. HILLIARD, Mr. GENE GREEN of Texas, Mr. LEWIS of Georgia, Mr. BENTSEN, Mr. OWENS, Ms. RIVERS, Mr. MCDERMOTT, Mrs. MEEK of Florida, Ms. NORTON, Mr. WILSON, and Mr. KENNEDY of Massachusetts.

H.J. Res. 71: Mr. TANNER.

H.J. Res. 76: Mr. TORKILDSEN, Mr. WHITE, Mr. WHITFIELD, Ms. FURSE, Mr. HANCOCK, and Mr. HOKE.

H.J. Res. 79: Mr. EDWARDS.

H. Con. Res. 12: Mr. MORAN, Mr. ENGEL, and Mr. PARKER.

H. Con. Res. 19: Mr. SENSENBRENNER.

H. Con. Res. 45: Mr. WATTS of Oklahoma, Mr. FOX, Mr. THOMPSON, Mr. TORKILDSEN, and Mr. HALL of Texas.

H. Res. 59: Mr. SABO, Mr. LEVIN, Mr. LEWIS of Georgia, and Mr. MARKEY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4. The SPEAKER presented a petition of the mayor of the city of DeRidder, LA, relative to a petition for damages filed by two residents of Beauregard Parish; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1215

OFFERED BY: MR. BROWDER

AMENDMENT NO. 1: After section 1 of the bill insert the following new sections (and conform the table of contents accordingly):

SEC. 2. EFFECTIVE DATES DELAYED UNTIL FEDERAL BUDGET PROJECTED TO BE IN BALANCE.

(a) IN GENERAL.—Notwithstanding any other provision of this Act and any amendment made by this Act, except as otherwise provided in this section—

(1) any reference in this Act (or in any amendment made by this Act) to 1995 (other than to the short title of this Act) shall be treated as a reference to the calendar year ending in the first successful deficit reduction year,

(2) any reference in this Act (or in any amendment made by this Act) to any later calendar year shall be treated as a reference to the calendar year which is the same number of years after such first calendar year as such later year is after 1995,

(3) any reference in this Act to the date of the enactment of this Act shall be treated as a reference to the date of the certification referred to in subsection (b)(1), and

(4) any reference to the base year for any adjustment based on a change in the gross domestic product deflator or the Consumer Price Index shall be treated as a reference to the calendar year preceding the calendar year referred to in paragraph (1).

(b) FIRST SUCCESSFUL DEFICIT REDUCTION YEAR.—For purposes of this section and section 3—

(1) IN GENERAL.—The term "first successful deficit reduction year" means the first fiscal year beginning after the date of the enactment of this Act with respect to which there is an OMB certification before the beginning of such fiscal year that the budget of the United States will be in balance by fiscal year 2002 based upon estimates of enacted legislation, including the amendments made by this Act.

(2) OMB CERTIFICATION.—The term "OMB certification" means a written certification by the Director of the Office of Management and Budget to the President and the Congress.

(c) CERTIFICATION DURING 1995.—Subsections (a) and (d) shall not apply if there is an OMB certification made during 1995 that the budget of the United States will be in balance by fiscal year 2002 based upon estimates of enacted legislation, including the amendments made by this Act.

(d) SPECIAL RULES.—

(1) CAPITAL GAINS; INDEXING; NEUTRAL COST RECOVERY.—Any reference in subtitle A or B of title III (or in any amendment made by such subtitles) to December 31, 1994, or January 1, 1995, shall be treated as a reference to the day preceding and the day on which, respectively, the certification referred to in subsection (b)(1) is made.

(2) LESSOR IMPROVEMENTS; MINIMUM TAX.—Any reference in section 322 or 331 of this Act (or in any amendment made by such sections) to March 13 or March 14, 1995, shall be

treated as a reference to the day preceding and the day on which, respectively, the certification referred to in subsection (b)(1) is made.

(e) TECHNICAL CORRECTIONS.—This section and section 3 shall not apply to title VI and the amendments made by such title.

SEC. 3. TERMINATION OF TAX BENEFITS IF FEDERAL BUDGET DEFICIT REDUCTION TARGETS ARE NOT MET.

(a) NO CREDITS, DEDUCTIONS, EXCLUSIONS, PREFERENTIAL RATE OF TAX, ETC.—No tax benefit provided by any provision of the Internal Revenue Code of 1986 added by this Act shall apply to any taxable year beginning after the calendar year in which the first failed deficit reduction year ends.

(b) FIRST FAILED DEFICIT REDUCTION YEAR.—For purposes of this section, the term "first failed deficit reduction year" means the first year (beginning after the earliest date on which any amendment made by this Act takes effect) with respect to which there is an OMB certification during the 3-month period after the close of such fiscal year that the actual deficit in the budget of the United States for such fiscal year was greater than the deficit target for such fiscal year specified in the following table:

"In the case of fiscal year:	The deficit target (in billions) is:
1996	$150
1997	125
1998	100
1999	75
2000	50
2001	25
2002 or thereafter	0.

(c) NO RECOVERY OF FOREGONE COST-OF-LIVING ADJUSTMENT.—Any change in the gross domestic product deflator or the Consumer Price Index which would (but for this section) be taken into account under any amendment made by this Act for any period shall be reduced by the portion of such change attributable to any calendar year beginning after the first failed deficit reduction year.

(d) PHASEIN OF BENEFITS SUSPENDED.—For purposes of applying sections 86(a)(3), 1979(b)(1), and 2010(c)(1) of the Internal Revenue Code of 1986 (as added by this Act) and section 203(f)(8)(b)(D) of Social Security Act (as added by this Act), in lieu of applying subsection (a), the level of benefit under each such section with respect to the calendar year in which the first failed deficit reduction year ends shall apply with respect to all succeeding calendar years.

(e) RESTORATION OF TERMINATED MINIMUM TAX PROVISIONS.—If any tax benefit does not apply to any taxable year by reason of subsection (a), the provisions of subpart G of part IV, and part VI, of subchapter A of chapter 1 of the Internal Revenue Code of 1986 as in effect on the day before the date of the enactment of this Act shall apply to such taxable year.

(f) INSURANCE RESERVES.—In lieu of applying subsection (a), the amendment made by section 221(b) shall not apply to contracts issued after the calendar year in which the first failed deficit reduction year ends.

H.R. 1215

OFERRED BY: MR. ORTON

AMENDMENT NO. 2: At the end of title I of the bill insert the following new sections (and conform the table of contents accordingly):

SEC. 105. CERTAIN RETIREMENT PLANS AUTHORIZED TO MAKE EQUITY INVESTMENTS IN PRINCIPAL RESIDENCES FOR FIRST-TIME HOMEBUYERS.

(a) EXEMPTION FROM PROHIBITED TRANSACTION RULES.—Section 4975 (relating to tax on prohibited transactions) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) SPECIAL RULE FOR HOME EQUITY PARTICIPATION ARRANGEMENTS.—

"(1) IN GENERAL.—The prohibitions provided in subsection (c) shall not apply to any qualified home equity participation arrangement.

"(2) QUALIFIED HOME EQUITY PARTICIPATION ARRANGEMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified home equity participation arrangement' means an arrangement—

"(i) under which the trustee of an individual retirement plan, at the direction of the eligible participant, shall acquire an ownership interest in any dwelling unit which within a reasonable period of time (determined at the time the arrangement is executed) is to be used as the principal residence for a first-time homebuyer, and

"(ii) which meets the requirements of subparagraph (B) of this paragraph.

"(B) OWNERSHIP INTEREST REQUIREMENT.—An arrangement shall meet the requirements of this subparagraph if the ownership interest described in subparagraph (A)—

"(i) is a fee interest in such property (and, in the case of an arrangement which is not otherwise at arm's length, the trustee's fee interest would be reasonable in an arm's length arrangement),

"(ii) by its terms requires repayment in full upon the sale or other transfer of the dwelling unit, and

"(iii) may not be used as security for any loan secured by any interest in the dwelling unit.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) ELIGIBLE PARTICIPANT.—The term 'eligible participant' means an individual on whose behalf an individual retirement plan is established.

"(B) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means an individual who—

"(i) is an eligible participant or qualified family member, and

"(ii) had (and if married, such individual's spouse had) no present ownership interest in a principal residence at any time during the 36-month period before the date of the arrangement.

"(C) QUALIFIED FAMILY MEMBER.—The term 'qualified family member' means a child (as defined in section 151(c)(3)), parent, or grandparent of the eligible participant (or such participant's spouse). Section 152(b)(2) shall apply in determining if an individual is a parent or grandparent of an eligible participant (or such participant's spouse).

"(D) ACQUISITION; ETC.—

"(i) ACQUISITION.—The term 'acquisition' includes construction, reconstruction, and improvement related to such acquisition.

"(ii) ACQUISITION COST.—The term 'acquisition cost' has the meaning given such term by section 143(k)(3).

"(E) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to arrangements entered into after the date of the enactment of this Act.

SEC. 106. LOANS USED TO ACQUIRE PRINCIPAL RESIDENCES FOR FIRST-TIME HOMEBUYERS.

(a) INDIVIDUAL RETIREMENT PLANS.—Section 408(e) (relating to tax treatment of accounts and annuities) is amended by adding at the end thereof the following new paragraph:

"(7) LOANS USED TO PURCHASE A HOME FOR FIRST-TIME HOMEBUYERS.—

"(A) IN GENERAL.—Paragraph (3) shall not apply to any qualified home purchase loan made by an individual retirement plan.

"(B) QUALIFIED HOME PURCHASE LOAN.—For purposes of this paragraph, the term 'qualified home purchase loan' means a loan—

"(i) made by the trustee of an individual retirement plan at the direction of the individual on whose behalf such plan is established,

"(ii) the proceeds of which are used for the acquisition of a dwelling unit which within a reasonable period of time (determined at the time the loan is made) is to be used as the principal residence for a first-time homebuyer,

"(iii) which by its terms requires repayment in full not later than the earlier of—

"(I) the date which is 15 years after the date of acquisition of the dwelling unit, or

"(II) the date of the sale or other transfer of the dwelling unit,

"(iv) which by its terms treats any amount remaining unpaid in the taxable year beginning after the period described in clause (iii) as distributed in such taxable year to the individual on whose behalf such plan is established and subject to section 72(t)(1), and

"(v) which bears interest from the date of the loan at a rate not less than 2 percentage points below, and not more than 2 percentage points above, the rate for comparable United States Treasury obligations on such date.

Nothing in this paragraph shall be construed to require such a loan to be secured by the dwelling unit.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' has the meaning given such term by section 4975(h)(3)(B).

"(ii) ACQUISITION.—The term 'acquisition' has the meaning given such term by section 4975(h)(3)(D)(i).

"(iii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iv) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (B) applies is entered into, or

"(II) on which construction, reconstruction, or improvement of such a principal residence is commenced.".

(b) PROHIBITED TRANSACTION.—Section 4975(d) (relating to exemptions from tax on prohibited transactions) is amended by striking "or" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; or", and by inserting after paragraph (15) the following new paragraph:

"(16) any loan that is a qualified home purchase loan (as defined in section 408(e)(7)(B)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to loans made after the date of the enactment of this Act.

EXTENSIONS OF REMARKS

PRIVATIZE AMERICAN EDUCATION

HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. CRANE. Mr. Speaker, the public education system in America, having been infiltrated by Federal regulations, has significantly diminished fundamental learning opportunities that should be available to all students.

Since the Department of Education was established in 1980, curriculum standards, as well as the incentive for students to succeed have plummeted. What many people do not recognize is that future social stability and adequate education run parallel—when one rises, the other will follow.

It is obvious that quality education in America's schools, mainly public, needs to be resurrected. The fundamental step in reforming public school systems begins with decentralization. The power to reduce the standard curriculum, held by the Department of Education, should never have been created. There is no benefit to bureaucratic control over our Nation's learning institutions. It literally threatens the level of competence that future adults will possess.

Dr. Milton Friedman, a senior research fellow at the Hoover Institution in Stanford, CA, and a recipient of the Nobel Prize in 1976, introduces the benefits of a voucher system within privatized schooling. In his article, "Public Schools, Make Them Private," he illustrates how the voucher will eventually boost student performance and help low income families pay for school without raising taxes.

I commend to the attention of my colleagues the following article written by Dr. Friedman in the hopes that we can correct the flaws in American education.

[From the Washington Post, Feb. 19, 1995]

PUBLIC SCHOOLS: MAKE THEM PRIVATE

(By Milton Friedman)

Our elementary and secondary educational system needs to be radically reconstructed. That need arises in the first instance from the defects of our current system. But it has been greatly reinforced by some of the consequences of the technological and political revolutions of the past few decades. Those revolutions promise a major increase in world output, but they also threaten advanced countries with serious social conflict arising from a widening gap between the incomes of the highly skilled (cognitive elite) and the unskilled.

A radical reconstruction of the educational system has the potential of staving off social conflict while at the same time strengthening the growth in living standards made possible by the new technology and the increasingly global market. In my view, such a radical reconstruction can be achieved only by privatizing a major segment of the educational system—i.e., by enabling a private, for-profit industry to develop that will provide a wide variety of learning opportunities and offer effective competition to public schools. Such a reconstruction cannot come about overnight. It inevitably must be gradual.

The most feasible way to bring about a gradual yet substantial transfer from government to private enterprise is to enact in each state a voucher system that enables parents to choose freely the schools their children attend. I first proposed such a voucher system 40 years ago.

Many attempts have been made in the years since to adopt educational vouchers with minor exceptions, no one has succeeded in getting a voucher system adopted, thanks primarily to the political power of the school establishment, more recently reinforced by the National Education Association and the American Federation of Teachers, together the strongest political lobbying body in the United States.

(1) THE DETERIORATION OF SCHOOLING

The quality of schooling is far worse today than it was in 1955. There is no respect in which inhabitants of a low-income neighborhood are so disadvantaged as in the kind of schooling they can get for their children. The reason is partly the deterioration of our central cities, partly the increased centralization of public schools—as evidenced by the decline in the number of school districts from 55,000 in 1955 to 15,000 in 1992. Along with centralization has come—as both cause and effect—the growing strength of teachers' unions. Whatever the reason, the fact of deterioration of elementary and secondary schools is not disputable.

The system over time has become more defective as it has become more centralized. Power has moved from the local community to the school district to the state, and to the federal government. About 90 percent of our kids now go to so-called public schools, which are really not public at all but simply private fiefs primarily of the administrators and the union officials.

We all know the dismal results: some relatively good government schools in high-income suburbs and communities; very poor government schools in our inner cities with high dropout rates, increasing violence, lower performance and demoralized students and teachers.

These changes in our educational system have clearly strengthened the need for basic reform. But they have also strengthened the obstacles to the kind of sweeping reform that could be produced by an effective voucher system. The teachers' unions are bitterly opposed to any reform that lessens their own power, and they have acquired enormous political and financial strength that they are prepared to devote to defeating any attempt to adopt a voucher system. The latest example is the defeat of Proposition 174 in California in 1993.

(2) THE NEW INDUSTRIAL REVOLUTION

A radical reconstruction of our educational system has been made more urgent by the twin revolutions that have occurred within the past few decades: a technological revolution—the development, in particular, of more effective and efficient methods of communication, transportation and transmission of data; and a political revolution that has widened the influence of the technological revolution.

The fall of the Berlin Wall was the most dramatic event of the political revolution. But it was not necessarily the most important event. For example communism is not dead in China and has not collapsed. And yet beginning in 1976, Premier Deng initiated a revolution within China that led to its being opened up to the rest of the world. Similarly, a political revolution took place in Latin America that, over the course of the past several decades, has led to a major increase in the fraction of people there who live in countries that can properly be described as democracies rather than military dictatorships and that are striving to enter open world markets.

The technological revolution has made it possible for a company located anywhere in the world to use resources located anywhere in the world, to produce a product anywhere in the world, to be sold anywhere in the world. It's impossible to say, "this is an American car" or "this is a Japanese car," and the same goes for many other products.

The possibility for labor and capital anywhere to cooperate with labor and capital anywhere else had dramatic effects even before the political revolution took over. It meant that there was a large supply of relatively low-wage labor to cooperate with capital from the advanced countries, capital in the form of physical capital, but perhaps even more important, capital in the form of human capital—of skills, of knowledge, of techniques, of training.

Before the political revolution came along, this international linkage of labor, capital and know-how had already led to a raid expansion in world trade, to the growth of multinational companies and to a hitherto unimaginable degree of prosperity in such formerly underdeveloped countries in East Asia as the "Four Tigers." Chile was the first to benefit from these developments in Latin America, but its example soon spread to Mexico, Argentina and other countries in the region. In Asia, the latest to embark on a program of market reform is India.

The political revolution greatly reinforced the technological revolution in two different ways. First, it added greatly to the pool of low-wage, yet not necessarily unskilled labor that could be tapped for cooperation with labor and capital from the advanced countries. The fall of the Iron Curtain added perhaps a half-billion people and China close to a billion, freed at least partly to engage in capitalist acts with people elsewhere.

Second, the political revolution discredited the idea of central planning. It led everywhere to greater confidence in market mechanisms as opposed to central control by government. And that in turn fostered international trade and international cooperation.

These two revolutions offer the opportunity for a major industrial revolution comparable to that which occurred 200 years ago—also spread by technological developments and freedom to trade. In those 200 years, world output grew more than in the

preceding 2000. That record could be exceeded in the next two centuries if the peoples of the world take full advantage of their new opportunities.

(3) WAGE DIFFERENTIALS

The twin revolutions have produced higher wages and incomes for almost all classes in the underdeveloped countries. The effect has been somewhat different in the advanced countries. The greatly increased ratio of low-cost labor to capital has raised the wages of highly skilled labor and the returns on physical capital but has put downward pressure on the wages of low-skilled labor. The result has been a sharp widening in the differential between the wages of highly skilled and low-skilled labor in the United States and other advanced countries.

If the widening of the wage differential is allowed to proceed unchecked, it threatens to create within our own country a social problem of major proportions. We shall not be willing to see a group of our population move into Third World conditions at the same time that another group of our population becomes increasingly well off. Such stratification is a recipe for social disaster. The pressure to avoid it by protectionist and other similar measures will be irresistible.

(4) EDUCATION

So far, our educational system has been adding to the tendency to stratification. Yet it is the only major force in sight capable of offsetting that tendency. Innate intelligence undoubtedly plays a major role in determining the opportunities open to individuals. Yet it is by no means the only human quality that is important, as numerous examples demonstrate. Unfortunately, our current educational system does little to enable either low-IQ or high-IQ individuals to make the most of other qualities. Yet that is the way to offset the tendencies to stratification. A greatly improved educational system can do more than anything else to limit the harm to our social stability from a permanent and large underclass.

There is enormous room for improvement in our educational system. Hardly any activity in the United States is technically more backward. We essentially teach children in the same way that we did 200 years ago: one teacher in front of a bunch of kids in a closed room. The availability of computers has changed the situation, but not fundamentally. Computers are being added to public schools, but they are typically not being used in an imaginative and innovative way.

I believe that the only way to make a major improvement in our educational system is through privatization to the point at which a substantial fraction of all educational services are rendered to individuals by private enterprises. Nothing else will destroy or even greatly weaken the power of the current educational establishment—a necessary precondition for radical improvement in our educational system. And nothing else will provide the public schools with the competition that will force them to improve in order to hold their clientele.

No one can predict in advance the direction that a truly free-market educational system would take. We know from the experience of every other industry how imaginative competitive free enterprise can be, what new products and services can be introduced, how driven it is to satisfy the customers—that is what we need in education. We know how the telephone industry has been revolutionized by opening it to competition; how fax has begun to undermine the postal monopoly in first-class mail; how UPS, Federal Express and many other private enterprises have transformed package and message delivery and, on the strictly private level, how competition from Japan has transformed the domestic automobile industry.

The private schools that 10 percent of children now attend consist of a few elite schools serving at high cost a tiny fraction of the population, and many mostly parochial nonprofit schools able to compete with government schools by charging low fees made possible by the dedicated services of many of the teachers and subsidies from the sponsoring institutions. These private schools do provide a superior education for a small fraction of the children, but they are not in a position to make innovative changes. For that, we need a much larger and more vigorous private enterprise system.

The problem is how to get from here to there. Vouchers are not an end in themselves; they are a means to make a transition from a government to a market system. The deterioration of our school system and the stratification arising out of the new industrial revolution have made privatization of education far more urgent and important than it was 40 years ago.

Vouchers can promote rapid privatization only if they create a large demand for private schools to constitute a real incentive for entrepreneurs to enter the industry. That requires first that the voucher be universal, available to all who are now entitled to send their children to government schools, and second that the voucher, though less than the government now spends per pupil on education, be large enough to cover the costs of a private profit-making school offering a high-quality education. If that is achieved there will in addition be a substantial number of families that will be willing and able to supplement the voucher in order to get an even higher quality of education. As in all cases, the innovations in the "luxury" product will soon spread to the basic product.

For this image to be realized, it is essential that no conditions be attached to the acceptance of vouchers that interfere with the freedom of private enterprisers to experiment, to explore and to innovate. If this image is realized, everybody, except a small group of vested interests, will win; parents, students, dedicated teachers, taxpayers—for whom the cost of the educational system will decline—and especially the residents of central cities, who will have a real alternative to the wretched schools so many of their children are now forced to attend.

The business community has a major interest in expanding the pool of well-schooled potential employees and in maintaining a free society with open trade and expanding markets around the world. Both objectives would be promoted by the right kind of voucher system.

Finally, as in every other area in which there has been extensive privatization, the privatization of schooling would produce a new, highly active and profitable private industry that would provide a real opportunity for many talented people who are currently deterred from entering the teaching profession by the dreadful state of so many of our schools.

This is not a federal issue. Schooling is and should remain primarily a local responsibility. Support for free choice of schools has been growing rapidly and cannot be held back indefinitely by the vested interests of the unions and educational bureaucracy. I sense that we are on the verge of a breakthrough in one state or another, which will then sweep like a wildfire through the rest of the country as it demonstrates its effectiveness.

To get a majority of the public to support a general and substantial voucher, we must structure the proposal so that (1) it is simple and straightforward so as to be comprehensible to the voter, and (2) guarantees that the proposal will not add to the tax burden in any way but will rather reduce net government spending on education. A group of us in California has produced a tentative proposition that meets these conditions. The prospects for getting sufficient backing to have a real chance of passing such a proposition in 1996 are bright.

LEGISLATION TO AUTHORIZE CONGRESSIONAL MEDAL OF HONOR POSTHUMOUSLY TO BREVET BRIG. GEN. STRONG VINCENT

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today I am introducing legislation to authorize the Congressional Medal of Honor be given posthumously to Brevet Brig. Gen. Strong Vincent for his actions in the defense of Little Round Top at the Battle of Gettysburg.

General Vincent's heroic leadership was responsible for the speedy placement of his brigade and tenacious defense against overwhelming odds. General Vincent directed the men defending Little Round Top to "hold against all hazards."

Without the leadership of Gen. Strong Vincent the Confederate Army would have taken Little Round Top, enabling them to place their artillery at the top of the hill and attack the flank of the Union Army. If Little Round Top would have fallen, the Battle of Gettysburg would have had a different ending.

Gen. Strong Vincent was mortally wounded while rallying the 16th Michigan Regiment to reorganize and hold their ground. General Vincent acted above and beyond the call of duty and saved the day for the Union Army at the Battle of Gettysburg.

For these important reasons, I am pleased to offer this bill to the House.

DELEGATION DETAILS HUMAN RIGHTS CONDITIONS IN TURKEY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. SMITH of New Jersey. Mr. Speaker, earlier this month members of a Parliamentary Human Rights Foundation delegation returned from a fact-finding mission to Turkey. The human rights situation in that country has significantly deteriorated in recent years despite assurances otherwise by Turkey's leaders.

At present, internal tensions have reached new heights, threatening to tear apart the multiethnic fabric of Turkish society while destabilizing the entire region. Turkey's campaign against the Kurdish Worker's Party [PKK] has been used to justify the recent invasion of Northern Iraq as well as sweeping restrictions on pro-Kurdish expression and

peaceful political activity, And, while the PKK continues to operate and gather support, Turkey's democratic credentials are increasingly questioned.

Mr. Speaker, at this time I ask that the report of the Parliamentary Human Rights Foundation delegation, which outlines many of the human rights problems in Turkey and offers constructive recommendations on how Turkey's Government might better address such problems be printed in the RECORD.

REPORT ON HUMAN RIGHTS CONDITIONS IN TURKEY, MARCH 2, 1995

I. SUMMARY

The Parliamentary Human Rights Foundation (formerly the Congressional Human Rights Foundation) organized a human rights fact-finding mission to Turkey (2/25–3/1/95). The delegation was led by the Honorable J. Kenneth Blackwell, a Member of the Board of Directors and former U.S. Ambassador to the United Nations Human Rights Commission (UNHRC). The delegation also included David L. Phillips, President of the Foundation. The purpose of the trip was to investigate reported human rights violations committed by the Government of Turkey, particularly the abuses against its citizens of Kurdish origin. The delegation also investigated violations by the PKK, a separatist organization committed to armed struggle. Based on the delegation's findings, a report has been submitted to officials in Geneva, Members of the U.S. Congress, the European Parliament, and National Assemblies in Europe.

II. PROGRAM

The delegation visited Istanbul, Diyarbakir and Ankara. In order to consider a broad range of views, the delegation spoke with Turkish officials from the Office of the Prime Minister, the Ministry of Justice, the Ministry of Foreign Affairs, the Turkish Grade National Assembly, the Governor and Deputy Governor of the Emergency Region, and Turkish Army personnel. The delegation also met with representatives of the Turkish Human Rights Association, the Turkish Human Rights Foundation, the Diyarbakir Bar Association, HADEP officials, a DEP Parliamentarian, lawyers representing the DEP MPs, former MPs of Kurdish origin, and Kurdish citizens.

Our official request for meetings with Layla Zana and Ahmet Turk, imprisoned parliamentarians and members of the Foundations Interparliamentary Human Rights Network (IPN), was declined. Despite assurances from the Governor of the Emergency Region, our travel to Kurdish villages outside of Diyarbakir was blocked at military checkpoints. The office of the Diyarbakir Human Rights Association was closed and four members were arrested within 24 hours of the delegation's meeting with representatives of the Association.

III. SUMMARY OF OBSERVATIONS

Turkish authorities are systematically violating the rights of Turkish citizens, including those of Kurdish origin. The Anti-Terror Act and the State of Emergency provide legal sanction for gross human rights violations, particularly in Southeast Turkey.

Turkish authorities state that their objection is to the non-combatants terrorism. However, many civilian non-combatants suffer human rights violations as a result of the struggle between Turkish authorities and the PKK. The PKK is an extremist, militant organization responsible for acts of terrorism in which Turkish military and police personnel are targeted, as are Kurdish civilians. It should be noted, however, that the PKK has recently called for a "civilian solution" to the Kurdish question and has recognized Turkey's borders.

The Government of Turkey believes all persons who seek political and cultural expression for the Kurds are "separatists" and PKK sympathizers. Suspected by Turkish authorities as bases for PKK operations, more than one thousand Kurdish villages have been destroyed. Human rights monitors report instances of arbitrary detention, torture, extrajudicial killing, and restrictions on freedom of expression. In addition, democratically elected parliamentarians of Kurdish origin have been jailed and convicted for disseminating "separatist" propaganda and supporting an "armed band" while, in reality, they were merely representing the interests of their constituents. There are serious shortfalls in Turkey's administration of justice.

IV. SUMMARY OF FINDINGS

The Interior Ministry indicates that 1,046 villages in the emergency region have been evacuated; human rights monitors say several thousand villages have been destroyed; homes and their claimed inhabitants have been burned; use of chemical agents and poison gas are reported. The Government acknowledges that 940 combatants have been killed; however, other reports claim that thousands have died. The population of Diyarbakir has doubled to more than 1.2 million as internally displaced persons have sought refuge in the city.

The DEP parliamentarians were convicted in proceedings many observers labeled a "show-trial." The Government of Turkey indicates that 8,682 persons have been sentenced under its Anti-Terror Act, which permits arbitrary arrest. Many of those known to be arrested, as well as persons who have disappeared, were just attempting to peacefully exercise freedoms of speech, association, or other internationally recognized human rights. The Turkish Human Rights Association reports instances of extrajudicial killings and torture of persons held in incommunicado for political crimes. There are 250 cases/appeals presently before the European Court of Human Rights and the European Commission on Human Rights.

The Constitutional Court of Turkey has no right of review for "decrees with the force of law" issued under the state of emergency. The Anti-Terror Act, adopted in 1991, restricts many civil liberties, including attorney access to, as well as the rights of, persons in detention. The Anti-Terror Act and state of emergency provisions also restrict freedom of expression. Government agencies harass and imprison human rights minors, journalists, lawyers, and professors. The Act's broad and ambiguous definition of terrorism, particularly Article 8, has led to widespread abuses of innocent civilians.

In addition, the Constitutional Court has banned the DEP party, a vehicle for the expression of Kurdish cultural identity and full citizenship rights. In the past two years, 26 DEP and HADEP members have been killed. In the run-up to recent elections, the DEP headquarters was bombed. The press law permits banning of publications with a court order and states that "responsible editors" bear responsibility for the content of their publications; 19 journalists have been tried under the Anti-Terror Act. On December 3, 1994, a journal reputed to be pro-PKK, the "Izgur Ulke" was bombed. There are no independent Kurdish language newspapers, television, or radio. Regarding cultural expression, the Constitution does not recognize Kurds as a national, racial, or ethnic minority. Two hundred Kurds were arrested during Newroz New Year celebrations in Diyarbakir.

It is important to note that the PKK, itself, is responsible for gross human rights violations by targeting village officials, guards, informants, teachers, and young men who refuse to take up arms against the authorities. By the admission of its own representatives, the PKK has recently killed 179 village guards, 66 collaborators, and police officials. The well-being of almost every Kurd is adversely affected by the conflict.

As a result of the conflict, Turkey's citizens of Kurdish origin have become bereft of many democratic rights and are denied effective political and cultural expression. The resulting radicalization of the Kurds is contributing to a worsening security situation throughout the country. An increasing number of Kurds are turning to the pro-Muslim Welfare Party.

V. RECOMMENDATIONS

The international community should promote improvement in human rights conditions in Turkey by encouraging a dialogue between Turkish authorities and legitimate representatives of Kurdish interests. To this end, amnesty should be provided to convicted DEP parliaments so that they can participate in a dialogue concerning the reduction of tensions and the normalization of relations between Turkish authorities and Turkey's citizens of Kurdish origin.

Within the competence of the UNHRC, the Working Group on Arbitrary Detention, and the Special Rapporteurs on Torture and Freedom of Expression should investigate human rights conditions in Turkey. The Government of Turkey has "invited" the Special Rapporteur on Summary Executions to visit Turkey. A suitable itinerary and near term date should be finalized.

Efforts should be made by the U.S. and the E.U. to establish mutual reinforcing restrictions on the sale of military equipment which might be used against civilian populations. The US and EU should also coordinate the extension and/or relaxation of tariff and trade privileges based on Turkey's overall human rights performance.

Technical assistance programs in the rule of law should be undertaken among Members of the Turkish Grade National Assembly, European Parliament, and U.S. Congress in order to strengthen democratic institutions and assist in constitutional and legislative reform. The Anti-Terror Act should be amended so that the rights of Turkish citizens are safeguarded, as is the right of the state to protect its territorial integrity. Electronic computer networks should be established between the TGNA and parliamentary bodies in other countries.

These recommendations are provided so that the international community can become fully seized by the worsening human rights conditions in Turkey. The authors of this report hope for reconciliation through dialogue so that peace, prosperity, and democracy may flourish for all citizens of the Turkish Republic.

CONGRATULATIONS TO CANTIGNY POST 367 ON ITS 75TH ANNIVERSARY

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. WELLER. Mr. Speaker, today, I congratulate the .Veterans of Foreign Wars Cantigny Post 367 in Joliet, IL, as it celebrates its 75th anniversary and thank them for their hard work and dedication to the community and our country.

For the past 75 years and more, the veterans have given their time, and in some cases their lives, and their service to America. Today we show our appreciation.

Thank you for your lifelong devotion to democracy.

The Veterans of Foreign Wars was organized in 1899 and is composed of Army, Navy, and Marine veterans—all of whom share a comradery and a distinct allegiance to both country and each other. Perhaps the objectives listed for the VFW organization describe its purpose best. "To preserve and strengthen comradeship among its members; to assist worthy comrades; to perpetuate the memory and history of our dead, and to assist their widows and orphans; to maintain true allegiance to the Government of the United States of America."

On March 28, 1920, the Chateau Cantigny Post No. 367 in Joliet was formed. Its name was derived from the men who served with the 1st Division and saw action at the Cantigny Woods. John Baron served as the first commander of the post which had 38 charter members.

Since that day, Cantigny Post 367 members have contributed greatly to the community. They dedicate their time and energy to assisting hospitalized veterans through raising funds for Hines VA Hospital, Danville VA Hospital, North Chicago VA Hospital, the VFW National Home and the Veterans Home in Manteno, IL.

The post also presents flags to high schools, ROTC groups and other civic organizations.

It is a distinct pleasure to have such an honorable and patriotic group in the 11th Congressional District and I applaud your efforts. Congratulations on your 75th anniversary and please continue your hard work—it is truly appreciated.

ENDING DISCRIMINATION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. PACKARD. Mr. Speaker, one does not solve discrimination with discrimination. Affirmative action represents nothing more than a Government-designed racial spoils system. Equal treatment, not preferential treatment, should be the standard. Equal opportunity, not equal results, must be the goal.

For the past 30 years, Government quotas and guidelines have promoted a society that treats some Americans differently from others. Government dictates how varying ethnic groups will divvy up jobs, promotions, contracts, and college admissions. Affirmative action promotes opportunity based on race and creed not merit. This premise promotes the false idea that minorities cannot compete without special favors. Simply put, it implies inferiority.

Affirmative action pits group against group, stirring envy and resentment while eroding the value of individual worth. You do not raise yourself up by holding others down. Government-imposed favoritism demeans the genuine achievements of those it is supposed to help.

Mr. Speaker, in the twisted game of affirmative action, quantity takes precedence over quality allowing discrimination to pose under the guise of fairness. We must not confuse equal opportunity with equal results any longer. The more equal the opportunity the more diverse the results. It is time to end affirmative action. We need to promote fair competition in our society, not Government quotas and favoritism.

MRS. VIRLIN MILLEE WATSON FOR HAVING REACHED HER 100TH BIRTHDAY

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. DICKEY. Mr. Speaker, today I would like to pay tribute to Mrs. Virlin Millee Watson. Mrs. Watson was born on March 25, 1895, to the late James William Millee and Sarah Jane Long Millee in Sebastian County, AK, near the town of Fort Smith, where she lived until 1906 when her family moved south to Pine Bluff, AK.

Mrs. Watson graduated from Pine Bluff High School and began work in June 1915 for Schober-Martin Dry Goods Co. as a pattern clerk and also answered the telephone. She studied bookkeeping in night classes at a privately-run school in Pine Bluff and in 1916 was hired by Joe Hankins & Co. cotton buyers as a bookkeeper. In 1919 she became bookkeeper for Pine Bluff Produce and Provision Co. and worked in that position until her marriage. During this time she was an active member of the Ohio Street Baptist Church and also enjoyed an active social life.

On November 15, 1922, she was married to Clarence Watson. Mr. Watson was employed in the administrative office of the Cotton Belt Railroad. After the marriage, she joined the First Baptist Church and, in addition to church activities, was a dedicated homemaker and a member of several social clubs composed of young matrons of the city.

On May 9, 1931, she gave birth to Clarence Watson, Jr., and in November of that same year the Watsons moved to a new house at 3003 Cherry Street, where Mrs. Watson would live for some 59 years thereafter. On June 2, 1951, Mrs. Watson began a second career. Mr. Watson's failing health contributed to the need and desire for Mrs. Watson to once again enter the work force. She was placed in charge of the tuberculosis unit of the Jefferson County, AK, health unit. She remained employed in that position until her retirement in January 1958. Mr. Watson died September 11, 1958.

Mrs. Watson continues to maintain interest in the affairs of her church as well as city, State, and national affairs. She also remains a devoted Arkansas Razorback football and basketball fan. In late 1993 she moved to Trinity Village but continues to maintain her Cherry Street home for occasional use. Her son, C.E. Watson, and his wife Frances live in San Diego, CA. She has two grandchildren, Kevin Scott Watson, of California, and Leslie Claire Watson, of Florida.

In short Mr. Speaker, Mrs. Watson is an extraordinary woman whose life can be looked at as an example of what America is all about. Through the good times and the bad times she has shown love and dedication to her family and community, and by so doing has made this world a better place in which to live.

Mr. Speaker, today I ask my colleagues to join me in paying tribute to Mrs. Virlin Millee Watson as she and her loved ones celebrate the reaching of yet another milestone in her life.

THE 50TH ANNIVERSARY OF RICH PRODUCTS CORP.

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. QUINN. Mr. Speaker, I rise today in recognition of the 50th anniversary of Rich Products Corp., the Nation's largest family-owned frozen foods manufacturer founded and headquartered in Buffalo, NY.

Rich Products has had a long-standing tradition of teamwork, innovation, and a commitment to excellence.

This all began in 1945 when Robert E. Rich, Sr., founder and chairman of the board, directed a laboratory team to find a vegetable-based replacement for whip cream from the new source known as the soybean. They discovered that the soybean substance could be frozen, thawed, and whipped.

This new, revolutionary product was named Rich's Whip Topping and served to open and define the new world of nondairy products to the frozen food industry. It also made Rich Products the leader and innovator in the industry.

Since this time, Rich's Products Corp. has introduced innovative products like Coffee Rich, the Nation's first nondairy creamer. it is the only nationally distributed creamer on the market that is truly 100 percent cholesterol free and low in saturated fats.

Rich Products continued to expand both in size and its product line. Frozen baked goods were soon added to Rich's lineup. This was followed by the additions of frozen dough, frozen seafood specialties, soup bases, gravy mixes, powdered coffee creamers, frozen Italian pasta and meat, frozen fruit and barbecue and specialty meat products.

Rich's also opened a new area in the industry with another innovation known as freeze flo. This is an all natural process that allows foods to remain soft while frozen.

Rich Products Corp. now employs over 7,000 people nationally and internationally with manufacturing sites and field offices throughout North America and the world. Rich's is headquartered on the banks of the Niagara River in Buffalo, NY with sales now exceed $940 million annually.

Throughout all its history, Rich Products Corp. has maintained a strong commitment to the western New York community. Rich's and its president, Robert E. Rich, Jr., demonstrated this with their effort to keep baseball in Buffalo. Bob Rich took a failing franchise and brought it to the forefront of professional baseball in many ways including breaking the million mark in attendance for 5 straight years. Bob Rich, Jr., also serves on numerous boards throughout the western New York community.

Rich Products Corp. is also the parent company for Rich Communications which runs two radio stations in the western New York broadcast market.

Robert E. Rich, Sr., has also demonstrated his commitment to the community by serving on the boards of over 30 organizations in western New York including the University of Buffalo, Buffalo General Hospital, and the United Fund of Buffalo and Erie County just to name a few.

Mr. Speaker, I am proud to honor the Rich Products Corp.; the chairman of the board, Robert E. Rich, Sr.; and the president, Robert E. Rich, Jr. I salute their 50-year history and the lifelong commitment of both these citizens to the western New York community. I wish them continued success into the next century.

FIFTIETH ANNIVERSARY OF SCRANTON PREPARATORY SCHOOL

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. McDADE. Mr. Speaker, I rise today to commemorate the 50th anniversary of Scranton Preparatory School, the high school founded by the Society of Jesus in Scranton, PA.

Scranton Prep has achieved great success in providing a value-oriented education to young men and women. Its curriculum, based on the Jesuit tradition of classical studies, is intended to prepare students for the challenges of the modern world.

Besides traditional academic pursuits, Scranton Prep fosters cooperation, respect, and responsibility through community service and opportunities for personal religious growth. One of the ways in which Scranton Prep aids in the fulfillment of these goals is through summer volunteer service projects in Mexico and Appalachia.

The importance of academic excellence at Scranton Prep is evinced by the fact that 99 percent of its graduate go on to college. Students are prepared for their college careers through advanced placement classes and a strong emphasis on classical education including the study of Latin and Greek.

I have had the great pleasure of witnessing the growth of this school from its original student body of 120 young men into an accredited institution which now enrolls 790 young women and men from throughout the region. As the school has grown, it has remained motivated by the Jesuit ideals of Christian humanistic education.

Mr. Speaker, I am privileged to count myself among the proud alumni of Scranton Preparatory School and I ask my colleagues to join me in honoring my alma mater as we observe this landmark anniversary.

THE TUITION ACCOUNT ASSISTANCE ACT OF 1995

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today I am introducing the Tuition Account Assistance Act of 1995. It is my sincere hope that this legislation will help clarify the middle-class benefits of capital gains tax reduction.

This legislation would enable parents or guardians to save for their children's education through a State college tuition-savings program without tax penalties. This legislation would also encourage States to adopt tuition savings programs if they do not currently have them, and States who do would benefit from an additional incentive for participation. It is time to quite penalizing families who are trying to save for their children's education.

In September, 1993, my home State of Pennsylvania started a program to provide for the advance purchase of college tuition credits. Tuition credit prices are set annually based on current tuition prices, expected tuition inflation and the expected earnings of the fund. The program allows the credits to be used anytime after they mature. Unfortunately, any increase in the value of the credits are subject to Federal income taxation. The purchaser will incur a tax liability when the credits are used, or in the event of a refund.

While Pennsylvania's program is new and participants are not yet able to use the credits, when they do, they will be met with a huge tax burden. Other States who have this type of program are all too familiar with the disincentive this liability is to the program, and States who are contemplating starting a program are thinking twice.

For these important reasons, I am pleased to offer this bill to the House.

A TRIBUTE TO WILLIAM R. McCLAIN

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to Mr. William R. McClain, who retires as the vice president, government and international operations for E-Systems on March 31. Bill has had a long and distinguished career in the service of our country, including 4 years in the Air Force, 30 years at the Federal systems division of IBM, and the last 8 years with E-Systems. During his years of service, Bill has been involved with many sensitive defense, intelligence, and space programs affecting the security of our Nation. The sheer number of programs he has been associated with over such a long career is impressive, but the diversity of those programs is remarkable. Included in his portfolio have been the Titan rocket, AWACS, global positioning system, the space shuttle, and the RC–135 and U–2 aircraft programs, to name a few.

Bill had been successful for many reasons, the most important being his lovely wife Flo and their four children. Among the other important reasons for his success have been his ability to reduce complex technical problems or situations to their simplest terms, and to then apply clear and precise solutions. Over the years, Bill's consummate skill in the area of marketing resulted in significant business opportunities for both IBM and E-Systems. This resulted in high quality products for the U.S. Government, high quality jobs for U.S. workers, and added leverage for U.S. competitiveness in the international arena.

As Bill and Flo retire in their lovely home on a beautiful golf course in North Carolina, they can enjoy what they have worked hard for all these years. They can also enjoy knowing that they have made a positive contribution to the security of our great Nation.

Good luck and best wishes Bill and Flo, and remember to keep your head down and follow through.

A TRIBUTE TO MICHAEL D. FRANCIS FOR OUTSTANDING COMMITMENT AND ACHIEVEMENT

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. ZIMMER. Mr. Speaker, one of the most remarkable people I know, Michael D. Francis, is being presented with the American Jewish Committee's Institute of Human Relations Award on March 29, and I would like to tell my colleagues why he so richly deserves this award.

The Institute of Human Relations Award is given only to those who stand apart both in their professional achievements and in their service to their community; and Mike Francis has surely met both criteria.

Few people have devoted as much time or energy as Mike in the work he has undertaken in both the private and public sectors. Despite enormous career demands as chief executive officer of Planned Building Services, Inc., and Planned Building Security, Inc., he has given 100 percent to those who have needed his help. As a result, Mike has become an indispensable part of New Jersey's community fabric, lending his assistance and expertise to numerous institutions and organizations over the years, from the Newark Beth Israel Medical Center and the American Institute of Life Threatening Illness and Loss to his local United Way campaign.

As chairman of the board of the New Jersey Sports and Exposition Authority, he has provided that vital agency with strong and visionary leadership. Mike's commitment applies as well to his efforts on behalf of the alumni associations of the Wharton School of the University of Pennsylvania and Rutgers University School of Law.

Mike is enormously respected in New Jersey by business, industry, and community leaders alike—and for good reason. It is an honor to count him as a friend, and a pleasure to see him recognized for his outstanding achievements. I can think of none more deserving of the American Jewish Committee's Institute of Human Relations Award.

I wish all the best to Mike, his wife Marjorie, and their children, Lauren and Robert.

TIME TO CLOSE THE BOOKS ON THE LAKE CHAMPLAIN BASIN PLAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. SOLOMON. Mr. Speaker, in 1990, Congress enacted the Lake Champlain Special Designation Act and authorized $25 million for a 5-year environmentalist study of a region encompassing over 8,000 square miles, including much of the Adirondack-North Country area.

I opposed this undertaking at the time out of a genuine concern that it was setting in motion a process which would almost inevitably produce an imbalanced plan. Now that a draft basin plan has been released for public reaction, it turns out that my concerns were very well founded.

In reading and analyzing this complex and far-reaching document, I am profoundly struck by several overriding and preconceived notions which place the entire effort in enormous doubt:

A rush to recommend policies, mandates, and potential regulations based on generally inconclusive studies and information.

Unfunded mandates on everything from municipal treatment facilities to farmers to the owners of all paved areas in the region.

A total failure to assess and consider economic impacts and jobs as part of developing the plan's recommendations, with a very inadequate and attempt at economic analysis.

Numerous recommendations aimed at increasing the size and complexity of Government in an era when we need to all be working on making Government smaller and simpler.

Many recommendations or suggestions which have troubling implications for the rights of property owners in a region where these rights have already been greatly compromised.

These critical concerns emanate not just from one or two of the plan's recommendations, which would be fixable, but from virtually every chapter, revealing a process and approach which was clearly misdirected from the start.

Mr. Speaker, I have asked my colleague and friend, BOB LIVINGSTON, chairman of the House Appropriations Committee, to close the books, once and for all, on this ill-advised and dangerous scheme.

TRIBUTE TO ATKINSON HIGH SCHOOL REBELS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. CHAMBLISS. Mr. Speaker, the Atkinson High School Rebels, of Pearson, GA, captured their first Georgia State Basketball Championship in school history, 71 to 64, over Decatur in the 1995 Class A boys title game on Sunday, March 11. The Rebels played inspired basketball despite the loss of someone very dear to the team and community. Ralph Foster, former pastor of Pearson Methodist Church, was a tremendous influence on a team destined to win the State title. The Rebels rallied around the loss of Foster as they dedicated the season and State championship to the late pastor and presented Mrs. Velma Foster with the trophy following the championship game. Coach Mike Putman has helped to build the character and work ethic necessary for these young athletes to succeed in life as well as the basketball court. Tough defense along with a balanced scoring attack were key ingredients as this group exemplified commitment to the team effort. The good people of the Eighth District are proud of these young athletes and their ability to set and stay focused on their goals during a time of great adversity. We salute their efforts and congratulate their accomplishments.

TRIBUTE TO MARY CREWS KORNEGAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I am pleased to ask my colleagues to join me in recognizing the accomplishments of a talented and dedicated professional, Mary Crews Kornegay, who is retiring after many years of outstanding public service to the city of Newark, NJ.

Ms. Kornegay, embarked on her career with the city on November 22, 1960, during the administration of Mayor Leo P. Carlin, when she assumed the position of clerk stenographer. Her ability was quickly recognized, resulting in a series of promotions to other positions: Principal stenographer, deputy municipal court clerk; private secretary to the corporation counsel, chief clerk, office supervisor; and her present position, executive assistant, law department. In addition, she serves as the secretary to the city of Newark Insurance Fund Commission. Ms. Kornegay has served as chairwoman on the City's Employees Recognition Awards Committee since its inception. In addition, she serves on the Safety Committee, the Americans with Disabilities Act Committee and the Fleet Safety Board.

In addition, Ms. Kornegay continues her appointment to the New Jersey Supreme Court's Attorney Ethics Committee, as well as her elected position as secretary to the New Jersey Risk Management Association and serves on its executive board. She is also a member of the board of trustees of the Ensemble Theatre Company.

A graduate of Rutgers University, she received a Bachelor of Arts Degree with high honors in political science and urban studies. A member of the alumni association of Rutgers University College and Alpha Sigma Lamba-Beta Zeta Chapter Honor Society, she remains actively involved with Rutgers Alumni projects. She has the distinction of being the first student at Rutgers to receive a certificate in public Administration.

She received her certification from the certified manager's program through the New Jersey Department of Personnel and Rutgers University. She also completed the associate in risk management courses at Seton Hall University.

A lifetime resident of Newark, Ms. Kornegay has two children, Janine and Michael.

I know that my colleagues here in the U.S. House of Representatives join me in congratulating Ms. Kornegay and wishing her all the best as she moves on to the next phase of her life. May she enjoy new pursuits in the many fulfilling and happy years ahead.

INTRODUCTION OF THE UNITED STATES-MEXICO BORDER WATER POLLUTION CONTROL ACT AND A BILL TO PROVIDE ASSISTANCE FOR U.S. COLONIAS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. PASTOR. Mr. Speaker, today I am introducing legislation to amend the Clean Water Act to provide a basic level of protection to human health and the environment for millions of United States citizens who live along our border with Mexico.

Specifically, the bill authorizes the Environmental Protection Agency [EPA] to provide financial and other assistance to the Border Environmental Cooperation Commission [BECC], the International Boundary and Water Commission [IBWC], and other appropriate State, Federal, or local governmental agencies for the construction of waste water treatment facilities in the vicinity of the United States-Mexico border.

Simply put, Mr. Speaker, this legislation will save lives.

More than 9 million people live within 65 miles of the 2,000-mile-long United States-Mexico border. Rapid population growth on both sides of the border in conjunction with relatively unplanned development in Mexico, have overwhelmed the existing waste water infrastructure in the region. The net result is raw sewage flowing into the United States and contaminating our surface and ground water. It is an environmental and human health debacle of Third World proportions that threatens the health of millions of people.

In Nogales, AZ, as well as in many of the border regions of Texas, California, and New Mexico, the geography is such that the rivers and streams flow north. Many times, these "rivers" are nothing more than dry washes that run with water only during storms or when effluent is discharged. The Nogales Wash, which runs through the center of the town, is typical of these bodies of water. Nogales, AZ is a small town of approximately 25,000 people. It's sister city in Mexico, Nogales, Sonora, contains between 250,000 to 300,000 persons. The two cities are linked by family ties, a common heritage and language, and a shared environment. Unfortunately, a lack of infrastructure in Nogales, Sonora has turned the Nogales Wash into what the Arizona Republic described in a February 1994 article as "an open drainage ditch that carries industrial runoff and sewage right through the downtown" of Nogales, AZ.

While an international waste water treatment plant, operated through a binational agreement between the Mexico and United States sections of the International Boundary and Water Commission [IBWC], treats sewage from both Nogales, Sonora and Nogales, Mexico, the plant is near capacity and often exceeds capacity during storms. Since 1990, for 24 hours a day, 7 days a week, chlorine has been added to the waste water in the Nogales Wash to kill the fecal bacteria. Yet, petroleum products and other industrial chemicals continue to pollute the wash. In 1991, the wash, which runs by homes, businesses, and school bus stops, actually caught fire. Once again, Mr. Speaker, I am not describing some impoverished developing nation, but a thriving city in the United States.

Recent studies by the University of Arizona and the Arizona Department of Health Services found that rates of lupus in Nogales, AZ are 4.5 times the national average. The rates of leukemia and multiple myeloma cancer were also found to be several times higher than the national average. While no evidence directly linking these abnormally high rates of disease to the pollution problems of Nogales has been found, there is a strong suspicion that such is the case. The report by the University of Arizona found that the incidence of lupus increased among residents living near the Nogales Wash, and the Department of Health Services stated that there is "strong evidence" that the high rate of lupus is a result "complex environmental exposures."

The problems of Nogales, AZ are, unfortunately, not unique to that city. Towns and municipalities along the border, from San Diego, CA to Brownsville, TX are experiencing similar environmental nightmares that demand attention from the Federal Government. Clearly, it is the Federal Government's responsibility to ensure that a U.S. city is not adversely impacted by waste products emanating from a foreign national. Let me be clear, Mr. Speaker, in stating that the purpose of this legislation is to solve environmental crises that, while binational in nature, are adversely impacting communities in the United States. This is not public works legislation for Mexico, but a public health bill for the United States.

With the creation of the North American Development Bank [NADBANK] and the Border Environmental Cooperation Commission, we have begun the process of solving transboundary environmental problems in a binational manner. As the Federal agency with the primary responsibility for protecting human health and the environment, it is only proper that the EPA be able to commit its funds and resources to improving one of the most environmentally damaged areas of our country.

This bill is a Federal solution to a Federal problem, and I urge my colleagues to support its inclusion in the reauthorization of the Clean Water Act.

Mr. Speaker, I am also introducing, at the request of the administration, a bill to protect the environment and human health of those persons living in colonias along the border in the United States. These unincorporated communities lack basic waste water infrastructure and are being severely polluted by raw or partially treated sewage. Surface and groundwater contamination is rampant and these areas are fast becoming human health disasters.

The bill would authorize the EPA to make grants for the construction of waste water treatment works to service these colonias. Under the provisions of the legislation, the States are required to provide 50 percent of the funding for these projects. There is desperate need for this assistance along our border with Mexico, especially in the State of Texas. Once again, Mr. Speaker, I want to make it clear that these monies are for waste water treatment works to benefit communities in the United States that are in desperate need of infrastructure most of us would consider rudimentary.

I want to acknowledge the leadership of Congressmen RON COLEMAN and KIKA DE LA GARZA in providing for colonias. Both members have introduced legislation to meet the needs of these communities, and I look forward to working with them to ensure that colonias all along the border become safe and healthy places in which to live.

Finally, Mr. Speaker, I want to thank EPA Administrator Carol Browner for her leadership on these matters. Finally, after years of neglect under previous administrations, the United States-Mexico border is beginning to receive the attention it desperately needs. I commend Administrator Browner for her fine work and look forward to our continued efforts to improve the environment and health of our border communities.

TRIBUTE HONORING THE DELPHOS HERALD ON THE OCCASION OF ITS 125TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to one of the great newspapers of Ohio. This year the Delphos Herald in Delphos, OH, celebrates its 125th year of publication. The city of Delphos is a community renowned for its civic pride and commitment to service. The paper has through the years epitomized this outstanding quality.

For the first quarter century, the Herald was a weekly paper. Its first editor in 1869 was David H. Tolan, and it was independent in its politics until 1877. After that, historical records indicate the Courant, a Herald rival, was considered the Republican newspaper while the Herald the Democrats'. Later both became nonpartisan and both served the community until 1961. In that year, the Herald was sold to its present owners and the Courant was discontinued.

Over the years, the Herald has been the chronicle of change. Marriage, births, and funeral announcements are dutifully reported to the area, as well as national news including the exploits of those of us in Congress. This hometown newspaper has consistently benefited from a high caliber personnel, including my chief of staff Mark Wellman, who in high school was a sports reporter for the Herald. In all this time, the Herald has distinguished itself as a quality newspaper. Under the leadership of its longtime editor, Esther Bielawski, I am confident it will continue to prosper.

Mr. Speaker, anniversaries are a time to reflect upon a steadfast tradition of service. They are also a time to look toward new horizons. It is obvious that the city of Delphos and the surrounding area have greatly benefited from the effort that was started in 1869. I ask my colleagues to join me today in recognizing the achievements of the Delphos Herald and encourage the staff to continue to uphold what has become the standard for excellence in Ohio.

LEON P. KLEMENTOWICZ HONORED AS 1995 PULASKIAN OF THE YEAR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mrs. MALONEY. I rise today to bring to the attention of my colleagues an outstanding constituent of mine in Greenpoint, Brooklyn. Leon P. Klementowicz represents the best of what Brooklyn is all about: Community, public service, and love for family. In recognition of his accomplishments, the Pulaski Association has selected Leon P. Klementowicz as its 1995 Pulaskian of the Year.

In order to truly appreciate Leon's long list of achievements, it helps to know a little bit about his upbringing. Leon is the youngest of three children born to Joseph Klementowicz and Stophie Sokolowska who had emigrated from Poland to the Melrose section of the Bronx, New York. After Leon's graduation from high school, he was drafted into the U.S. Army and served proudly during World War II. Rising to the rank of Combat Sergeant in the Third Infantry Division, Leon served on the front lines in Italy at (Anzio), France, Germany and Austria. During that time his bravery earned him the Silver Star, the Bronze Star and the Combat Infantry Badge.

After returning home from the war, he entered the funeral profession and married Irene Nieminski. Together they raised four wonderful children: Joanne, Claudia Marie, Monica and Paul Leon. In 1958, they purchased the John Smolenski Funeral Home in Greenpoint,

Brooklyn and became active members of the SS. Cyril and Methodius Parish.

Leon is also an active member of many other organizations, including the Veterans of Foreign Wars, the American Legion, the Polish legion of American Veterans, the Fidelity Council of the Nights of Columbus, the Kosciuszko Foundation, the Smolenski Democratic Club and the Green Oaks Citizen's Club. He is also a director of the Polish and Slavic Center, an organization of over 35,000 members located in his beloved Greenpoint.

His work with Polish immigrants newly arrived in Greenpoint is well known throughout the community. His work earned Leon recognition by the Polish Government, which presented him with a medal at their consulate in Manhattan.

One of the most important community activities Leon takes part in every year is the Pulaski Day Parade. He took part in the very first Pulaski Day Parade in 1987 and has been an active member of the parade committee for over 35 years. He currently serves as a vice president on the committee and has been involved for many years in the coordination of the Mass at St. Patrick's Cathedral on Parade Day. Leon has also helped to reorganize the Greenpoint Parade Committee which has become one of the largest and well prepared groups in the parade.

Mr. Speaker, it is my great honor to help Leon Klementowicz celebrate his selection as 1995's Pulaskian of the Year. He exemplifies what is best about America, and I ask that my colleagues join me in saluting Leon for his years of service to New York City and the Polish-American community at-large.

174 YEARS OF GREEK NATIONAL INDEPENDENCE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. FILNER. Mr. Speaker, I rise today to commemorate the 174th anniversary of Greek national independence, and to call for support here in the U.S. Congress for the rights of Greek nationals worldwide.

As we celebrate Greece's successful struggle for independence from the Ottoman Empire in 1821, let us not forget the continuing struggles of Greek people today—for basic religious and linguistic rights in Albania and Turkey, for peaceful coexistence and freedom in Cyprus, and for greater recognition of Greek sovereignty by its neighbors in Macedonia. The Greek people deserve our strong support as they strive for the very same rights and values we Americans hold so dear.

In my district, California's 50th Congressional District, I have the privilege of working with the George Pollos San Diego Chapter No. 505 of the American Hellenic Educational Progressive Association [AHEPA]. These Greek-Americans promote educational opportunities in the community, and are actively involved in international humanitarian issues. I am honored to join with them today to pay tribute to the Republic of Greece on its 174th birthday, and to call for congressional attentionto the ongoing struggles of Greek nationals in various parts of the world.

DRUG LEGALIZATION FICTION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. SOLOMON. Mr. Speaker, President Clinton, in his State of the Union Address, criticized Hollywood for the increased level of violence in film. Yet once again, the President was noticeably silent on the drug issue.

In the latest dangerous nonsense from Hollywood, the movie "Pulp Fiction," the character played by John Travolta exclaims how wonderful his recent trip to the Netherlands was, primarily because of their drug legalization policies.

Mr. Speaker, I would like to submit into the RECORD some crime and drug statistics, provided by K.F. Gunning, M.D., the president of the Dutch National Committee on Drug Prevention, for the years since the Netherlands implemented their legalization programs in the early 1980's.

1988–1992 cannabis use among pupils increased 100 percent; 1984–1992 use increased by 250 percent; shootings up 40 percent; car thefts up 62 percent; hold-ups up 69 percent.

Addict Rate in the Netherlands: From 1919–1993, there was a 30-percent rise in registered cannabis addicts. The total number of addicts registered with the Consultation Bureau for Alcohol and Drug Problems has risen 22 percent since 1988 to 54,000 addicts in 1993, of which 25,300 were new addicts.

Organized crime groups: 1988(3), 1991(59), 1993(93).

Mr. Speaker, the test has been conducted and the results are in from the Netherlands. And despite all the misinformation about the consequences of dangerous drug use being put out by the Partnership for Responsible Drug Information, the Drug Policy Foundation, and our friends in Hollywood, the legalization of drugs should never become a serious policy option.

ROBERT A. DEMPSTER

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. EMERSON. Mr. Speaker, Robert A. Dempster was buried yesterday in Sikeston, MO, where he had lived most of his wonderful life. He died last Friday at age 82 after a long illness. Not many in this Chamber knew Robert; but he was my friend, and I cannot let go his passing without sharing a thought or several thoughts about this remarkable citizen who sought no fame, but deserved it; who made a fortune that to him was relevant only in how much he could do with it, not for himself, but to give away, to the benefit of universities and students, churches, hospitals and patients, and to other good causes in his community, region of the State, the State, and the country.

I shall ask permission to include newspaper articles about Robert that will reveal the depth and breadth of his life, his career, his caring, his compassion, and his commitment. But I want to take this moment to note in the CONGRESSIONAL RECORD, the closest thing we have to an official national diary, that it is Robert and people like Robert who give this country the inherent strength it has. Somehow, out there among us, is Robert with vision—the understanding of one's duty, the perspective to dream, and the ability to bring those dreams to reality, not for his personal aggrandizement, but for the benefit of all to share and enjoy in the finest, most uplifting and enduring sense.

Robert Dempster made a phenomenal mark in his 82 years. He will be long remembered by those whose life he touched, but also by countless others who will never have had the privilege of meeting him, but will be touched by the generosity of his spirit and his works.

I include a news article from the Cape Girardeau Southeast Missourian, March 26, a news article from the Standard-Democrat, Sikeston, MO, March 26, and an editorial from the Standard-Democrat, March 27.

I also include a special tribute, offered by the Southeast Missouri University Foundation.

[From the Southeast Missourian, March 26, 1995]

SOUTHEAST BACKER ROBERT DEMPSTER DIES

(By Mark Bliss)

SIKESTON, MO.—Retired lawyer and civic leader Robert A. Dempster, one of Southeast Missouri State University's major benefactors, died Friday, March 24, 1995, at his home at the age of 82 after an extended illness.

Dempster was a devoted friend of the Cape Girardeau school. His wife, Lynn Dempster, is a member of the school's Board of Regents.

Over the past 15 years, he contributed nearly $2 million to the institution.

Dempster's contributions include $1 million toward construction of a business building, which will be named in his honor. Construction of the $15.8 million building is expected to begin in May and be completed by August 1996.

Visitation will be held today from 4 to 8 p.m. in Sikeston at the First United Methodist Church Dempster Chapel. Dempster contributed financially to the construction of the chapel in memory of his parents. The funeral will be Monday at 2 p.m. at the church. The Rev. Charles Buck will officiate, with burial in the Sikeston City Cemetery.

Dempster helped establish the Southeast Missouri University Foundation in 1983 and served as its first president. Over the years, the foundation has raised millions for the university.

"He was a wonderful man to us," university President Kala Stroup said Saturday.

Robert Foster, executive director of the foundation, mourned Dempster's death. "I lost a friend," he said.

Foster said Dempster was "the guiding genius behind the foundation."

Although not a graduate of the institution, Dempster devoted the last decade of his active life as an attorney and civic leader to promoting and supporting Southeast.

He was a good friend of Bill Stacy, the university's 12th president.

Dempster endowed scholarships for needy students, and funded the conversion of an

apartment building into an academic building and construction of an auditorium for Crisp Hall of Nursing.

"We honor Robert A. Dempster for his vision, dedication and generosity, but first and foremost, we remember him as our friend," university officials said in a prepared statement.

Southeast wasn't the only school Dempster aided. He made numerous financial gifts to his alma mater, the University of Missouri, and particularly its law school. He served as a trustee for the law school.

He was appointed to the University of Missouri Board of Curators in 1978 by then-Gov. Joseph Teasdale and served a six-year term. He was chairman of the finance committee during his tenure on the board.

He was a member of the Board of Trustees of Scarritt College, a Methodist school in Nashville, Tenn.

He practiced law for more than 60 years, retiring in 1993 as managing partner of the Dempster, Barkett, McClellan and Edwards law firm. In 1994, he quit practicing law.

In 1993, he helped fund construction of the Missouri Delta Medical Center's rehabilitation complex, which bears his name.

Dempster was born April 8, 1912, in Ava, Ill., the son of George A. and Emma Dempster.

He moved to Sikeston with his parents in 1915. He attended Sikeston public schools, graduating in 1929.

He attended Central Methodist College in Fayette for two years and then transferred to the University of Missouri law school, graduating in 1934.

During his senior year in law school, he was elected city attorney for Sikeston.

In 1942, he became an officer in the Navy and spent 30 months on the island of Okinawa during World War II. He rose to the rank of lieutenant commander before leaving the Navy.

He resumed the practice of law in 1945 and served six years as Scott County's prosecuting attorney.

In 1960, he founded the Security National Bank of Sikeston. Mercantile Bank bought it in 1982, and he served as board chairman for the bank from 1960 to 1986.

He was a member of the First United Methodist Church, and served in a number of leadership positions. He also was involved in development of the Wesley United Methodist Church.

He was active in civic affairs. Over the years, he served on the chamber of commerce board and as president of the Sikeston Industrial Board.

Dempster served as an honorary colonel on the staff of two Missouri governors.

He and Beatrice Dobbins of Longmont, Colo., were married in 1943. She died in June 1973.

He and Lynn Matthews were married May 23, 1978.

Survivors include his wife, and three stepdaughters, Pam Waltrip of Sikeston, Paulette Mouchett of Jackson, Miss., and Vicki Burke of St. Louis.

Ponder Funeral Home is in charge of arrangements.

[From the Standard-Democrat, March 26, 1995]

LONGTIME SIKESTON ATTORNEY, ROBERT DEMPSTER, DIES

SIKESTON, MO.—Sikeston attorney and prominent citizen Robert A. Dempster died Friday, March 24, 1995, in his home following an extended illness. He was 82.

Born in Ava, Ill., on April 8, 1912, son of the late George A. and Emma Dempster, he moved to Sikeston with his parents in 1915, where he lived for the remainder of his life.

A 1929 graduate of Sikeston Public Schools, Dempster attended Central Methodist College at Fayette for two years. He then transferred to the University of Missouri School of Law, where he graduated in 1934. During his senior year in the law school, he was elected city attorney for Sikeston, and upon graduation he returnedto Sikeston and began his career as an attorney.

As an officer in the U.S. Navy, he spent 30 months on the island of Okinawa, Japan, in 1942. He retired as a lieutenant commander.

In 1943, he married Beatrice Dobbins of Longmont, Colo., and she preceded him in death in June 1973.

On May 23, 1978, he married Lynn Matthews Dempster and she survives.

He is also survived by three stepdaughters, Pam Waltrip of Sikeston, Paulette Mouchett of Jackson, Miss., and Vicki Burke of St. Louis.

Dempster resumed his law practice in 1945 and served as the Scott County prosecutor for six years. In early 1960, he founded, chartered and built the Security National Bank of Sikeston, for which he was chairman of the board until 1982, when the bank was purchased by Mercantile Bank of St. Louis. Following the purchase, he remained with Mercantile Bank for four years as chairman and president of the board.

In 1982, he assisted his friend Dr. Bill W. Stacy, then president of Southeast Missouri State University at Cape Girardeau, to organize the University Foundation and Copper Dome Society. He served as president of this foundation for two consecutive terms. He also endowed many scholarships at the university and donated the initial $1 million gift for the new Business Education Building, which will bear his name. Dempster was honored by the university by being named "Friend of the University" in recognition of his service to the university.

He was appointed to the University of Missouri Board of Curators in 1978 by Gov. Joseph P. Teasdale, where he served for six years. Dempster was the chairman of the Finance Committee during his tenure on the board. Numerous gifts were donated by Dempster to the University of Missouri, particularly the University of Missouri Law School, where he has served as a trustee. He also served on the executive committee of the University of Missouri Development Fund Board and was a trustee of the Jefferson Club. Dempster was selected as a charter member in the Law Society and received an honorary membership in the Order of the Coif for his contributions to the bar and the new Law School Building at the University of Missouri School of Law.

In April 1984, he was appointed a trustee with the U.S. Naval Academy in Annapolis, Md. "His love for the Navy made this the most revered appointment in his long career," stated a family member.

Active in Sikeston's civic affairs, Dempster served on the board of directors of the Chamber of Commerce, was president of the Sikeston Industrial Board, Kiwanis Club and Sikeston Boy Scouts of America, and the American Cancer Society. He was also very active with the Young Democrats of America and had been an honorary colonel on the staff of two Missouri governors. He was known for his contributions to veterans organizations and was judge advocate of the local American Legion post.

In 1993, he was instrumental in the construction of the Robert A. Dempster Restart Physical Medicine Complex of Missouri Delta Medical Center. He also possessed an avid interest in education and was a member of the board of trustees of Scarritt College, a Methodist school located in Nashville, Tenn.

In 1993, he retired as managing partner of the Dempster, Barkett, McClellan and Edwards law firm, after nearly 60 years of practicing law.

A lifelong member of the First United Methodist Church, he served as a trustee, board member and lay leader, where he made a major contribution toward the construction and furnishing of the Dempster Memorial Chapel, in memory of his parents. He was also instrumental in the organization of the Wesley United Methodist Church.

Friends may call from 4–8 p.m. today at the Dempster Chapel. Services will be conducted at 2 p.m. Monday in the sanctuary of the First United Methodist Church, with the Rev. Charles E. Buck, pastor, officiating.

Burial will follow in Sikeston City Cemetery.

Pallbearers will be: Phil Barkett Jr., Spencer Edwards, Kevin Edwards, Matt Sikes, Fred Scherer, Tom Burke, Greg Colwick and Bill Waltrip.

Honorary pallbearers will be: Robert L. "Bob" Meyer, David Blanton, Judge Marshall Craig, P.J. "Pete" Ponder, Maurice Stauffer, Dr. Leo A. Bruce, Dr. Bill Shell, Dr. Max Heeb, Dempsey Gardner, Dr. Wendell Weathers, Don Agnew, Cline Carter, C.P. Black Jr., James M. Baird, the Rev. Tom Geers, Weber Gilmore, Terry Fitzgerald, Rick Adams, Michael Jensen, Dr. Bill W. Terry, Pat Murback Dobson, Dr. Kala M. Stroup, John Mobley, Dr. Tony Poole and Joel Montgomery Jr.

Ponder Funeral Home of Sikeston is in charge of arrangements.

[From the Standard-Democrat, March 27, 1995]

OUR VIEW: COMMUNITY BENEFITED FROM ROBERT DEMPSTER

You could spend an entire day recounting stories of Robert A. Dempster and still not scratch the surface. His life was one of accomplishment in law and business but, in the end, it was his generosity that will endure. Bob Dempster died Friday. Yet the stamp of his success and his compassion and concern for others will live forever. Not every community can boast a Bob Dempster. And Sikeston along with all of Southeast Missouri will benefit for generations from the legacy that remains.

If Bob Dempster had a chance to write his own obituary, we suspect it would concentrate on his military career. It was his years in the Navy and his later involvement with the Naval Academy that brought him the most pride. Dempster would have down played his millions of dollars in donations to higher education, his generosity toward the local hospital or his countless other financial assistance that he provided routinely. But as a community we cannot and will not forget that generosity.

Bob Dempster was quite simply a powerful man. He was respected by those in positions of great power who filed to his door for advice and counsel. He took under his seasoned wing far too many to count. He had time for all.

He was proud to champion underdogs. In many ways, he considered himself an underdog as well. Yet through determination, hard work and a keen insight, he reached a plateau that few ever imagine. He liked to help others who displayed similar grit. He sought them out and prodded them on. That part of his personality can never be measured.

And Bob Dempster could spin a yarn. He would relive, with a special gleam in his eyes, the baseball exploits of his youth. He would tell of Sikeston's early days when only two lawyers called Sikeston home. With his faithful dog Judge by his side, he would speak candidly of those days. You could tell in a sense that he missed them.

He once had a young client injured in a car accident. He arranged to have the youngster "sworn in" as an honorary deputy sheriff. The smile from that young boy—a snaggletoothed wide smile that went from ear to ear—was the reward Dempster wanted. I'm not sure how the case turned out but on that day, that young boy was a winner. And there were others. Thousands of others.

Robert A. Dempster will be remembered not so much for who he was but for what he did. He left a mark on so many that his legacy will remain for generations to come. And if our time on this earth is gauged by what we leave behind, Bob Dempster left his handprint far and wide. He will be remembered.

ROBERT A. DEMPSTER: FRIEND OF THE UNIVERSITY

A MEMORIAL TRIBUTE FROM SOUTHEAST MISSOURI STATE UNIVERSITY

The Southeast Missouri State University community mourns the passing of a great friend and benefactor, Robert A. Dempster. He is remembered with extraordinary affection and respect by those with whom he worked on behalf of the University and its students.

Although not a graduate of the institution, Robert A. Dempster devoted the last decade of his active life as an attorney and civic leader to promoting the welfare and building the excellence of Southeast Missouri State University, and to providing access to quality higher education for the young people of this region.

In 1983, Robert A. Dempster suggested the formation of a new organization, the Southeast Missouri University Foundation. His experience as a member of the Board of Curators of the University of Missouri, where he was active in the initiation of private fundraising efforts, proved invaluable to the Southeast Foundation at its inception.

As the first President of the Southeast Foundation, Robert A. Dempster issued a challenge which has been accepted by thousands of men and women during the past 12 years. "I became a part of the Foundation," Mr. Dempster wrote in 1984, "because of my deeply held feeling that substantial support from the private sector is necessary if Southeast Missouri State University is to continue to maintain the highest academic standards * * *. Our University must be given whatever support is necessary to continue its long tradition of excellence."

Robert A. Dempster was tireless in his activities on behalf of the University, and his generosity was truly legendary—including the endowment of scholarships for needy students, the donation of an auditorium for the Crisp Hall of Nursing, and providing gifts for two buildings, the current Robert A. Dempster Hall, and a splendid new facility for the University's College of Business which will be named in his honor.

We honor Robert A. Dempster for his vision, dedication, and generosity, but first and foremost he was our friend. To his widow, family and other friends, we extend heartfelt condolences.

TRIBUTE TO DR. DENNIS BERGE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor a friend and fellow educator from San Diego State University who passed away this month—Dr. Dennis Berge.

Dr. Berge dedicated his life to our community and our country. He taught at Crawford and Hoover High Schools in San Diego and, in 1963, joined the faculty at San Diego State, where he taught until his retirement in 1992.

I was privileged to be a History Department colleague of Dr. Berge's for more than two decades. Dr. Berge authored many articles and reviews on western U.S. history and the city of San Diego, but was best known as an expert on the history of the Mexican-American War, U.S. continental expansionism and the American West. He was an active member of the Western Historical Society and the Organization of American Historians. As a professor, he was known to his students for his thoughtful lectures, rigorous intellectual standards, and careful attention to the academic needs of his students.

Dr. Berge served in the Army during the Korean war and commanded an armored platoon. He was awarded the Bronze Star for heroic achievement in action near Soubyok, Korea, on July 11, 1953.

After being discharged from the Army as a first lieutenant in November 1953, he resumed his studies at San Diego State University, where he received his Bachelor and Master of Arts Degrees in History. He subsequently received a Ph.D. in History at the University of California, Berkeley.

As a faculty member at San Diego State University, he assumed numerous administrative duties such as Chair of the Department of History for 6 years and member of the Faculty Senate.

My thoughts and prayers go out to his wife, Priscilla Ann, and his family.

STEP-UP

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. HASTINGS of Florida. Mr. Speaker, I would like to bring to the attention of this body a program in my district of Florida which has shown great promise in moving people from welfare to work.

The program, created by the Fort Lauderdale Housing Authority, is called Step-Up. It is designed to provide people living in poverty with the skills they need to remove themselves from public assistance by allowing the housing authority to hire people who live in its units to do renovation work on its property.

Program participants are paid $4.30–4.50 an hour, work an average of 32 hours per week, and must join a high school equivalency program. Those who finish will have two options: A scholarship at the local Broward Community College, or continuing with work and training. Participants, young adults between the ages of 18 to 25, learn trades from outside contractors who are asked to donate training and materials to the project.

Mr. Speaker, everybody will benefit from this program. Unskilled young adults will be trained and educated, and sorely needed renovations will be made to public housing stock. The Step-Up Program provides meaningful options through opportunities for employment, job training, and educational achievement. It will enable people who have traditionally been socially and economically disenfranchised to move from government dependency to self-sufficiency and employability.

I salute the Fort Lauderdale Housing Authority and all of the people who have made this program possible. And I encourage housing authorities all over America to look to this program as a model for teaching our children viable and valuable skills, giving them hope, and helping them secure an education and a future.

LEGISLATION TO CHANGE BUDGET SCOREKEEPING RULES

HON. JAMES A. TRAFICANT, Jr.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. TRAFICANT. Mr. Speaker, last week I introduced legislation, H.R. 1325, to change the current budget scorekeeping rules as they relate to Federal real estate transactions. As chairman of the Public Works and Transportation Subcommittee on Public Buildings and Grounds in the last Congress, I held several hearings on the way in which the Office of Management and Budget scores Federal real estate transactions. The hearings underscored previous findings by the General Accounting Office that the Federal Government is wasting hundreds of millions dollars a year in unnecessary long-term leases. This waste is due primarily to the fact that current budget scorekeeping rules prevent the General Services Administration from pursuing a full range of financing options to meet the Federal Government's office space needs.

In response to these findings, I moved in a bip-partisan fashion and introduced legislation to solve the problem. the bill I introduced in the last Congress, H.R. 2680, was co-sponsored by leaders from both parties on the Committee, including NORMAN MINETA, BUD SHUSTER, JOHN DUNCAN and ELEANOR HOLMES NORTON.

In the summer of 1994, H.R. 2680 was approved by the Public Works and Transportation Committee and referred to the Government Operations Committee. Last August, the Government Operations Committee heard testimony from NORM MINETA and myself on behalf of the legislation as part of a series of hearings the committee held on the budget process. Unfortunately, the bill was never acted on by the House prior to adjournment. The bill I introduced last week, H.R. 1325, is identical to the bill I introduced in the last Congress.

H.R. 1325 would change Federal budget accounting rules to allow GSA to utilize a full

range of financing mechanisms in meeting Federal office space needs. Under current Federal budget scorekeeping rules, which were established in the 1990 Budget Act, the entire cost of a Federal construction project or building purchase, must be scored in the first year of the project, rather than amortized over the actual construction period, or over the expected life of a purchased building. For leases, the rules require that only the annual rent costs be scored. The end result is that operating leases have become the most attractive vehicle for GSA, the Federal Government's real estate arm, to meet the housing needs of Federal agencies—even through in the long-term it is the most costly.

The bill amends the Public Buildings Act of 1959 to treat Federal real estate transactions in the same manner they were treated prior to the implementation of the 1990 Budget Act. The bill would allow GSA to utilize alternative financing mechanisms, such as lease-purchases or time financing.

In 1975 GSA's leasing budget was $388 million. In 1994 GSA is slated to spend more than $2.5 billion on Federal leases. A December 1989 report issued by GAO analyzed 43 projects that GSA might have undertaken if capital financing were available to replace space that GSA would otherwise lease. GAO estimated that, over a 30-year period, constructing the 43 projects instead of leasing, would have saved taxpayers $12 billion.

Financing by lease purchase is inappropriately being compared by OMB to direct Federal construction, when the correct comparison should be with the cost long-term leasing. My goal is to ensure that GSA has all the financing tools available to the private sector. Currently GSA does not have the ability to get the best possible deal for the taxpayer—because of the scoring rules. GSA should be able to, on a project by project basis, determine the most cost effective and efficient way to finance a particular Federal real estate transaction. My bill will give GSA this ability. In the long term, H.R. 1325 will save the taxpayer hundreds of millions of dollars. I urge my colleagues to support the bill.

TRIBUTE TO RIVERDALE HIGH SCHOOL FOOTBALL TEAM

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishments of a dedicated group of young men who worked together in the true spirit of sportsmanship to achieve a long-awaited goal.

The group is the Riverdale High School football team of Murfreesboro, TN, and the goal was winning the State 5–A football championship.

These men of Riverdale High trained vigorously, played tirelessly, and deserve recognition for a job well done.

I congratulate each member of the team, their head coach, Gary Rankin, and all the assistant coaches, managers, trainers, and team doctors. I know they won't soon forget their milestone.

The players are true champions: Emil Michell, Gerald Griffin, Corey Carney, Carlos Tigg, Marcus Smith, Eric Locke, Larry Floyd, Johnta Martin, Ryan Miller, Michael Knox, Craig Hill, Delaney Solomon, Joe Hill, Jerome Verge, Gabriel Nelson, Alvin Duke, Fernando Bryant, Howard Henderson, Elgene Porter, Ryan Maloney, Ron Smith, Jeremy Maurer, Kevin Litchford, Chris Long, Kelly Faulkner, Keith Jordon, Chris Barnett, Reggie Smith, William Henry, Andrew Smotherman, Brian Davis, Greg Smith, James Baxter, Doug Austin, Andy Risner, Joel Young, Shawn Bowers, Billy McKinley, Justin Tate, Brett Martin, Jerod Wade, Brian Barnett, Jeff Lee, Robb Soapes, Todd Harris, Michael Nobles, David Coppeans, Craig Underwood, Travis Brown, J.R. Crockett, Chuck Harris, Joe Oliver, Shavis Randell, Brian Austin, Antron Peebles, Jason Staples, David Merrill, David Hennessee, Matt Austin, John Simpkins, Phil Sisambath, Kevin David, and Ryan White.

CROATIAN CIVIC CLUB OF MILWAUKEE NAMES VIOLET JELIC CROATIAN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. KLECZKA. Mr. Speaker, I rise today to congratulate Ms. Violet Jelic on being named Croatian of the Year by the Croatian Civic Club of Milwaukee.

In selecting Violet as Croatian of the Year, the Croatian Civic Club has honored a woman who has done much to promote and preserve her proud Croatian-American heritage and who has made a direct impact on the lives of many people in our community.

As a member and past president of the Croatian Civic Club, Violet has played an instrumental role in keeping the traditions of the Croatian-American community alive and vibrant in the Milwaukee area. Through her involvement with the Croatian Radio Hour she shares the richness of her Croatian heritage with our entire community.

In addition to her involvement in cultural activities, Ms. Jelic has shown herself to be a person who is concerned about the less fortunate and who is committed to living out the principles of her Catholic faith. Whether she is leading prayers in her church, visiting the sick, or inviting hospitalized Croatian soldiers to stay in her home, Violet has demonstrated a willingness to transform her beliefs into effective action. Among those wounded soldiers who have benefited from her efforts are Srecko Filipovic, Dusko Bujak, and Darko Crnojevic, to name just a few.

Violet Jelic has clearly set an example for our entire community. I join the Croatian Civic Club in commending Violet Jelic on her outstanding efforts and I congratulate her on being named Croatian of the Year.

TRIBUTE TO DODGE COUNTY HIGH SCHOOL INDIANS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. CHAMBLISS. Mr. Speaker, the Dodge County High Indians boys basketball team recently won the AA Georgia State Championship for the first time in the 37 year history of the school. The Indians tenacious defense and unselfishness on the offensive side of the ball is a tribute to their commitment to the team effort. These young athletes have demonstrated the desire and will to win that is a reflection of the support and direction of the Dodge County community. Dodge County is coached by second-year head coach Willis Jones who has helped in building a competitive attitude based on the unity and work ethic necessary for these athletes to excel as they venture into the ever competitive game of life. The development of these skills will prove vital as this group prepares for their future. Through hard work and dedication along with their commitment to the "TEAM", these athletes are an inspiration to the people of the Eighth District and we salute their efforts.

STATEMENT IN SUPPORT OF BROWDER-CASTLE AMENDMENT TO H.R. 1215

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. CASTLE. Mr. Speaker, today my colleagues GLEN BROWDER, FRED UPTON, BILL ORTON, BILL MARTINI, and I are filing an amendment to H.R. 1215, the Tax Relief Act of 1995. Our bipartisan amendment would condition the implementation of the tax cuts in the bill on enactment of legislation that will result in a balanced budget in 2002. Under our amendment, the tax cuts could take effect as soon as the Office of Management and Budget certifies that legislation has been enacted into law that puts us on a glide path toward a balanced budget. The tax cuts could be rescinded if we do not achieve specific deficit reduction targets in the subsequent fiscal years.

In short, if Congress and the President have the courage to pass a budget reconciliation bill this year that lowers the discretionary spending caps and makes the necessary program changes to end the runaway growth in entitlement programs like Medicare and Medicaid, then the tax cuts would begin on the same timetable as proposed in the tax bill.

We strongly support reducing the tax burden on the American people, but we believe our constituents have sent us an unmistakable message: cut spending first. It is not responsible public policy to enact tax cuts before Congress has fully faced up to the tough decisions that have to be made to bring government spending in line with its revenue. While most Americans would certainly like a tax cut, public opinion polls indicate that Americans place a higher priority on deficit reduction.

These polls are reinforced by the actual comments of many individual Americans who appeared at the series of field hearings held by the House Budget Committee earlier this year. In Ohio, Arizona, South Carolina, New Jersey, and Montana Americans revealed a common sense skepticism about indulging ourselves today while promising to ease the future debt burden on our children. They want spending cut first. If Congress can actually perform that difficult task then they'd welcome a tax cut.

We believe it is imperative that we do not let them down. If Congress approves $190 billion in tax cut this year, but then finds itself unwilling or unable to make the tough choices to reduce spending, we will not only add hundreds of billions of dollars to the national debt but we will further damage the voters' faith in their representatives. We believe that tax cuts and spending cuts must go together. The benefit or reduced taxes on families and businesses should be our reward for tackling the difficult decisions necessary to reduce Federal spending to the point where we can actually achieve a balanced budget.

While our amendment requires a tough standard to be met, it does provide a real reward. If Congress is wiling to make all the tough choices to reduce spending this year and the President signs those changes into law, the tax cuts could begin without delay. The tax benefits would continue as long as the Government meets its annual deficit reduction milestones on the way to a balanced budget. These targets would force Congress to ensure that it is really saving money and not just playing budget games to delay real cuts.

Tieing tax cuts to deficit reduction brings the American people directly into the process. They will be reminding their representatives to reduce spending so they can see the results on their tax forms and in their pocketbooks. We would all have an interest in making sure the budget process succeeds.

This amendment is an insurance policy for deficit reduction. It is consistent with the Contract With America and our pledge to cut spending first. It is supported by a bipartisan coalition of Members and it just makes sense. We will ask the House Rules Committee to make this amendment in order when the House considers H.R. 1215 next week. I urge my colleagues to support this reinforcement of our commitment to deficit reduction.

TRIBUTE TO GRACE INGLIS AND MATTHEW JAMES JAGO, JR.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. MENENDEZ. Mr. Speaker I rise today to pay tribute to Grace Inglis and Matthew James Jago, Jr. of Woodbridge Township for their numerous years of service as teachers. The Woodbridge Metro Chamber of Commerce and the Woodbridge Education Foundation will be honoring these dedicated teachers for their excellence in education on March 29, 1995.

Ms. Inglis began her career in the Woodbridge Township school district in 1974 at school #28 [Matthew Jago School]. She worked there as a teacher assistant, but felt she could contribute more to the school system. She wanted to improve herself and take on greater responsibilities. Ms. Inglis began her course of study at Middlesex County College to receive her teacher-aide certification.

For several years Ms. Inglis has been the coordinator of the Special Teacher Center. The center provides all special education teachers with resources in training, and extra guidance for teachers dealing with students who have difficulty learning. She realizes the importance of helping our youth, because these children are our future leaders. Her investment in educating our children has been a great service to our Nation, the 13th Congressional District, and to the Woodbridge Township.

Mr. Jago has devoted 19 years to the Woodbridge Township school district. He received his masters in education from Trenton State College and specializes in teaching the disabled. Mr. Jago has been blessed with extraordinary skill, and patience. He has devoted his career to teaching children with special learning difficulties. His expertise is in working with the perceptually impaired, and the neurologically impaired. His efforts on their behalf has helped them reach their educational potential.

Not only has Mr. Jago excelled in his teaching career, but also in his responsibilities as a citizen. Mr. Jago has volunteered for Hand in Hand, Special Olympics, and as a Sunday school teacher. He has received numerous awards including the Governor's Recognition Award, and the Nominee-Excellence in Education Award. Mr. Jago has served as cub master of Cubscout Pack 31 in Port Reading, and as the playground counselor at the Woodbridge Park. His participation in these activities show his commitment to helping today's youth grow into successful adults.

Ms. Inglis and Mr. Jago have dedicated themselves to our youth. I ask that you please join me in honoring these excellent educators for their great works in the Woodbridge Township school district.

THE CENTENNIAL OF THE DE YOUNG MEMORIAL MUSEUM

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Ms. PELOSI. Mr. Speaker, I rise today in celebration of the 100th Anniversary of the M.H. de Young Memorial Museum of San Francisco. This great museum, founded at the close of the 19th Century, remains one of San Francisco's landmarks and a leading institution for collections and exhibitions in the United States.

It was in 1894 that newspaper publisher M.H. de Young, organized a fair to showcase the strength and diversity of the California economy. In record time, the California Midwinter International Exposition of 1894 was a dramatic success, so much so that de Young, the Director General of the Exposition, convinced city leaders to retain the Fine Arts Building from the exposition in Golden Gate Park. This building became the centerpiece of de Young's drive to form a museum in memory of the fair, to create a collection of "treasures and curios for the entertainment and instruction of the people of California."

On March 21, 1895, the Memorial Museum was opened as, de Young put it, "to create a nucleus of what someday would be a great museum." In a few short years, over half a million visitors a year passed through its turnstiles. It survived the earthquake of 1906, and in 1915, de Young had concluded that the growing collection and crowds at the museum required a new structure. De Young commissioned an architect to draw plans for a new building, and arranged the funding for the building from private donors and his own savings. On April 15, 1917, the cornerstone was laid for the new building, which, as the invitations stated, was to be the "New Memorial Museum." By the mid-1920's, other sections, including the tower, were added to the museum, and attendance was then said to equal the New York Metropolitan Museum and surpassed that of the Smithsonian.

In 1924, the museum's board of trustees was incorporated into the San Francisco City Charter by a vote of the people. The same vote saw M.H. de Young recognized for his contributions to the museum by adding his name to the formal title which stands today: The M.H. de Young Memorial Museum.

Through the 1930's, the de Young developed its reputation as a museum of international significance. Major exhibitions from Europe now included San Francisco, and many began under the de Young's leadership. Beginning in the 1930's, major exhibitions on American art in 1935 and 1939 presaged the museum's later emphasis on the field, including an exhibition showcasing Bay Area photographers who became household names: Ansel Adams, Edward Weston, and Imogen Cunningham.

In the 1960's, the de Young secured the rights to Avery Brundage's magnificent collection of Asian Art, eventually helping to establish the Asian Art Museum. The de Young also continued its aggressive exhibition of young American artists, including some only just becoming known, such as Wayne Thiebaud, Richard Diebenkorn, and Robert Arneson.

In 1972, the de Young Memorial Museum and the California Palace of the Legion of Honor merged to operate as The Fine Arts Museum of San Francisco, an operating structure still in place. Nevertheless, the de Young Memorial Museum continues to hold its separate identity to the art world, bringing breathtaking exhibitions of Van Gogh, the treasures of King Tutankhamen, the murals of Teotihuacan, and the Impressionists to the people of the San Francisco Bay Area. The de Young's reputation for its American art continued with important retrospectives of American giants such as Andrew Wyeth and Grant Wood.

Mr. Speaker, the de Young Memorial Museum is 100 years young, still growing, but now a great museum which continues to be a nucleus of great exhibitions. It will celebrate its Centennial with a landmark showing of some of the last paintings of Claude Monet, entitled "Monet: Late Paintings of Giverny from the Musee Marmottan." On behalf of the Congress, let us salute all those who, for 100

years, have contributed to the success—past, present, and future—of the de Young Memorial Museum.

KEY CHRONOLOGY OF DE YOUNG MEMORIAL MUSEUM

1894, San Francisco Civic Leaders organize 1894 California Midwinter International Exposition. Midwinter chosen to showcase the benign climate of the Bay Area. M.H. de Young is the driving force behind the Exposition.

1895: De Young, convinced that a Museum located in a Park was always popular (after touring Met in Central Park), leads drive to have a "memorial museum" to commemorate the 1894 Fair in Golden Gate Park.

1895, MARCH 21: Memorial Museum is dedicated.

1915: De Young commissions Louis Mullgardt, architect of the 1915 Panama-Pacific Fair, to design a new building to replace Midwinter Fair buildings. De Young arranges financing from donors and his own money.

1917: Cornerstone laid for what is now present day de Young Memorial Museum.

1924: Museum now part of City Charter. Name changed in Charter Amendment to "M.H. de Young Memorial Museum."

1932: Group f.64 show held at de Young, showcasing Ansel Adams, Edward Weston, and Imogen Cunningham.

1933: Dr. Walter Heil becomes director of de Young. Remains until 1960.

1935: First major exhibition of American painting at de Young.

1939: Major exhibition on American art entitled "Frontiers of American Art."

1949: Due to decay and danger, external ornaments of de Young Museum structure are removed. They include allegorical figures and symbols of California, including Spanish conquistadors, Franciscan padres, pioneer man and woman, science industry, and art.

ca late 1950's: negotiations begin for acquisition of Avery Brundage collection of Asian art, led by Gwin Follis.

1961: Heil retires. Jack McGregor takes over, begins construction of new wing for Asian art.

1969: Asian Art Museum "splits off" from de Young.

1969: Ian McKibbin White takes over as acting Director of de Young for Van Gogh exhibition.

1972: de Young and Legion of Honor merge as The Fine Arts Museums of San Francisco.

1973: Andrew Wyeth retrospective.

1976: Grant Wood retrospective.

1979: "Treasures" of Tutankhamen brings 1.8 million visitors.

1981: "Art of Louis Comfort Tiffany: exhibition.

1986: "The New Painting: Impressionism" exhibition.

1987: Harry S. Parker III becomes Director of The Fine Arts Museums of San Francisco.

1995: Trustees decide on a $96 million plan to demolish present building housing de Young Memorial Museum, build new structure on site.

1995: Monet: Late Paintings at Giverny from the Musee Marmottan" opens in San Francisco.

ONCE AGAIN, BILL CLINTON SIDES AGAINST OUR MILITARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. SOLOMON. Mr. Speaker, last week, in a meeting with college students, President Clinton told them that it would be justifiable to remove ROTC programs from campuses if the colleges objected to the policy of "don't ask, don't tell".

Mr. Speaker, as a consequence of the President's position, I intend to offer amendments to several of the appropriations bills to insure that no Federal financial assistance goes to any college or university which has a policy of denying ROTC on campus. A group of alternative lifestyle students and draft-dodging, socialist professors are simply not going to set defense policy in this country. And if they do deny ROTC programs on their campuses, they had better be prepared to go without Federal financial assistance of any kind.

The U.S. Congress, after months of difficult work, reached a workable compromise. It was not a compromise that either side was particularly pleased with, but it was approved by the Congress and signed into law by President Clinton.

If this President lacks the leadership to support this policy, I will reopen the issue and put it back on his desk several times this year and next, during the Presidential election. Once again, President Clinton is showing his true colors by supporting the alternative lifestyle crowd at the expense of our men and women in uniform.

GOP WELFARE PLAN WEAKENS FOSTER CARE POLICIES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. MILLER of California. Mr. Speaker, in 1980 I was the principal House author of P.L. 96–272, the landmark law that reformed Federal foster care and adoption laws, and established both a priority for preventive service and legal protections for foster children to assure them access to services and an appropriate foster placement. In addition, this important law provided Federal supports for adoption of children who could not be returned to their natural families.

The Republican welfare reform bill passed narrowly by the House last week is unfair to many, but none more so than the foster children who have no one to turn to but government for essential care. By eviscerating P.L. 96–272, the Republican bill will return us to the sorry situation prior to its enactment when States and even the Federal Government were unable even to tell us the number of children in foster placement, let alone the appropriateness of those placements, what services were being offered to the child and the natural parents, and what the long-term plan was for that child.

Foster children today enjoy far better legal protection than prior to 1980, but many States still need to be pressured to comply with the law's safeguards for these most vulnerable of children. In fact, nearly half of the States are today under court order, or have been sued, for violating the law.

Yet despite the general sympathy for moving programs back to the local government, many of these entities recognize they cannot manage a foster care program on their own or without the support and guidance provided by P.L. 96–272. Indeed, organizations like the National Association of State Legislators and the National Association of Counties are on record as opposing the way the Republican welfare bill undermines the foster care policies of the last 15 years and places children at risk.

It took 5 years of hard effort, working with States, children's organizations, the courts, and many others to achieve the major reform of 96–272. Yet foster children were barely recognized in the debate over the welfare bill of 1995.

Let us not make foster children again the forgotten children. Let us not throw out important and valuable reforms based on some half-baked ideological crusade. I am hopeful that the Senate, which played a key role in the development of 96–272, will again intervene to save the safeguards that have improved the foster care system, and helped hundreds of thousands of children have a better chance at permanency and success.

HONORING ANTHONY W.W. TANTILLO

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. ENGEL. Mr. Speaker, on April 1, 1995, the Supreme Council of the Royal Arcanum, the Grand Council of New York and the Claremont Council No. 1655 will be holding an investiture ceremony for 82d legion of honor member Anthony W.W. Tantillo.

Mr. Tantillo, a lifelong Bronx resident, is being honored for his many years of service and dedication to the Royal Arcanum. In addition, Mr. Tantillo has been an active member of the Columbus Alliance and the Sons of Italy.

I am sure that Mr. Tantillo's family, neighbors and friends join me in congratulating him on this achievement.

NOTING THE PASSING OF REV. MICHAEL J. LAVELLE; PRESIDENT OF JOHN CARROLL UNIVERSITY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. STOKES. Mr. Speaker, I rise with sadness today upon learning of the passing of Rev. Michael J. Lavelle on Saturday, March 25, 1995. For the past 7 years, Father Lavelle

served as President of John Carroll University, which is located in my congressional district. I join members of the Cleveland community, the John Carroll University family, and others in mourning the passing of this distinguished individual.

In an article which appeared in the March 26th edition of the Plain Dealer, Father Lavelle is referred to as a "strong visionary, capable president and friend," These words are very appropriate in describing an individual whose academic career spanned 26 years, and whose devotion as a Jesuit priest earned him the admiration and respect of his colleagues throughout the Nation. Additionally, those of us who benefited from Father Lavelle's friendship recall his love and concern for his fellow man. Over the years, I enjoyed a close working relationship with Father Lavelle and his staff at John Carroll. I admired him for his strong leadership and commitment to educating our youth.

Mr. Speaker, the Plain Dealer article brings into greater perspective the life and contributions of an individual who will never be forgotten. I want to share this article with my colleagues and the Nation. Father Lavelle was very special to those who knew him. I extend my deepest sympathy to his sister, Helen Lavelle, and the entire John Carroll University family.

JCU'S LAVELLE DEAD AT 60

LEADER IN ACADEMIA AND JESUIT ORDER

(By Richard M. Peery)

UNIVERSITY HEIGHTS.—The Rev. Michael J. Lavelle, a Jesuit priest whose long and distinguished career led him to the presidency of John Carroll University, died yesterday at the A.M. McGregor Home in east Cleveland

He never regained consciousness after collapsing Feb. 27 from severe cardiac arrhythmia, while working out at the university's physical fitness center. He was 60.

"Father Lavelle was a strong visionary, capable president, and he was also a friend," said Frederick F. Travis, acting JCU president. "He was very well liked on campus and was a popular choice for president in 1988 among both faculty and staff."

During Lavelle's tenure as the 21st president of John Carroll, the freshman class enrollment grew from 500 to more than 700. He was instrumental in having two dormitories built to house the influx of students.

He also helped initiate the movement of John Carroll's athletic teams from the President's Athletic Conference to the Ohio Athletic Conference. The change led to competition with Baldwin-Wallace, Mount Union, Wooster and Muskingum colleges.

His accomplishments were not limited to the university. Respected by his peers, he often was invited to participate in Catholic matters of international importance.

In 1983, Lavelle was elected to the 33rd General Congregation of the Society of Jesus, which established the direction of the worldwide Jesuit order for the last 12 years. He also served as one of a dozen advisers to the American Catholic Bishops Committee on their pastoral letter on the economy in the 1980s.

An economist and an expert on Eastern Europe, he traveled to Soviet bloc countries more than 20 times, expanding his expertise in Soviet and international economics and working with his fellow Jesuits in those nations, many of whom had been driven underground.

The Cleveland native grew up in the Lakeview Terrace public-housing complex on the West Side. His father worked for the old Cleveland Transit System for 42 years, 28 of them on the Detroit Ave. and Clifton Blvd. streetcar lines.

Lavelle, a 1953 graduate of St. Ignatius High School, distinguished himself as a member of the school's football team, which won the 1952 West Senate League championship. He was voted the West Senate Most Valuable Player and was named to the All-Catholic High School football team. An all-scholastic offensive guard who also played defense, he received All-Ohio honorable mention.

Lavelle was a member of the school's track team for four years, played basketball for one year and played sandlot baseball in the summer.

He was inducted into the St. Ignatius Athletic Hall of Fame in 1988.

Several years ago, Lavelle had a quadruple heart bypass operation, but he could still be found in the gymnasium during many lunch hours playing pickup basketball with faculty members.

But it was another school activity that made the deepest impression on Lavelle as a teenager. One holiday, while delivering food baskets to the needy, he went to the home of a woman on Scovill Ave. who lived with just a mattress on the floor, a table and one chair. She cried when she received the food.

Lavelle said the experience made him decide to go into a profession where he would help people. The summer after he graduated from Ignatius, he decided to become a priest.

"Sure my parents were surprised, and some girlfriends too," he recalled years later.

Lavelle attended Xavier University in Cincinnati from 1953 to 1957. He earned degrees from Loyola University of Chicago and a doctorate at Boston College. He also studied at Harvard University's Russian Research Center in Boston and at the Sankt Georgen theology school in Frankfurt, Germany, where he was ordained in 1968.

He planned to say his first Mass on his father's birthday in 1969. But Lavelle returned to Cleveland early that year and delivered his first Mass at his father's funeral in Ascension Catholic Church.

Lavelle joined the John Carroll faculty in 1969 as an assistant professor of economics. He became chairman of the business department in 1973 and served as the dean of the School of Business from 1975 to 1977.

He left John Carroll to serve for six years as provincial superior of the Detroit Province of the Society of Jesus. He was the religious leader of 350 Jesuit priests and brothers in Michigan and Ohio.

He returned to John Carroll as academic vice president in 1984. Two years later, he took on additional duties as executive vice president for day-to-day operations. He was named president in 1988, succeeding the Rev. Thomas P. O'Malley, who resigned to take a teaching assignment in Africa.

Lavelle's inauguration was marked by his pledge to increase the university's commitment to community service and multicultural development. It was celebrated with a variety of ethnic foods and entertainment.

The multilingual priest, who was fluent in German and could read French, Italian, Czech and Russian, was known for his love of ethnic art, tradition and food. At the start of each school year, he distributed to new faculty members a list of local restaurants known for their ethnic cuisine.

An amateur cook, he was known for preparing dishes such as linguini with red clam sauce. For many years, he volunteered as a cook for the Friends of Templum House benefit.

Lavelle was a trustee of Boston College, Xavier University and Magnificat High School. He was a former trustee of Canisius College, the University of Detroit, Loyola College in Maryland, St. Joseph's University in Philadelphia and the Jesuit School of Theology in Berkeley Calif.

He is survived by his sister, Helen of Chicago.

Services will be at 10 a.m. Wednesday at Gesu Catholic Church, 2470 Miramar Blvd., University Heights.

Schulte & Mahon-Murphy Funeral Home in Lyndhurst is in charge of arrangements.

FAMILY TAX CREDIT IS NOT FAIR

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. GIBBONS. Mr. Speaker, in recent days, we have seen a debate among the Republicans over the issue of whether they should breach their Contract With America by denying the family tax credit to the 3 percent of all taxpayers who have children and incomes over $95,000. It is interesting to note at this time that, without much concern and with no debate, they have already breached their Contract With America by denying the family tax credit to low- and moderate-income families with large Social Security tax payments but small income tax liabilities.

All versions of the Contract With America before the introduction of H.R. 1215 provided a family tax credit with limited refundability for families with Social Security tax payments in excess of the earned income tax credit. In testimony before the Ways and Means Committee, the president of H&R Block commended the authors of the contract for including this limited refundability feature. He quite accurately pointed out that this feature enabled many low- and moderate-income working families to benefit from the family credit. In recent weeks Republicans have argued that this limited refundability was the result of inadvertent drafting errors. When one looks at the record, this explanation is difficult, if not impossible, to believe.

On September 27, 1994, Mr. Armey issued a press release which included the statutory draft of the family credit. He stated that the Republicans put the bill in a contract "so people can hold us accountable." On the first page of the bill included in that press release, the term "refundable" appears. On page 2 of the bill, it is quite clear that the credit was to be allowed against Social Security taxes. We now are willing to hold Mr. Armey and the rest of the Republicans accountable for their failure to retain this limited refundability feature in the bill reported by the Committee on Ways and Means.

On January 6, 1995, the family tax credit was reintroduced as part of H.R. 6. Again, we see the term "refundable" on page 2 of the bill. This time more care was taken to ensure that the credit was actually refundable. There is more than a full page of detailed statutory language to guarantee that the credit is allowed against a taxpayer's Social Security tax liability. The bill also amends an obscure provision in title 31 of the United States Code

which provides a permanent appropriation for refundable tax credits.

Recently a Republican aide was quoted as blaming the refundability contained in prior versions of the contract on "faceless, nameless, pointy bureaucrats." The fact is that H.R. 6 was drafted with the full participation of the Republican staff of the Ways and Means Committee and the staff of the Joint Tax Committee. The care and precision of the drafting contained that bill is an accurate reflection of the technical expertise of those staffs. To blame the refundability feature contained in that bill on an inadvertent drafting error is simply not believable.

The decision reflected in H.R. 1215 to deny the limited refundability feature of the family credit that was part of the original Contract With America was required to offset the cost of the additional corporate tax benefits provided in the bill. Denying limited refundability reduced the cost of the family tax credit by approximately $13 billion over 5 years with over two-thirds of this revenue gain coming from working families with incomes less than $50,000. Denying the family tax credit to families with incomes over $95,000 raises approximately the same amount of money. The Republican leadership had a choice when developing H.R. 1215 and the choice they made was to reduce benefits to families earning less than $50,000 rather than to reduce the benefits to families earning more than $95,000.

The following examples show the effects of this contractual breach on hard-working, moderate-income families.

EXAMPLES OF FAMILIES WHO WOULD GET SMALLER FAMILY TAX CREDIT UNDER H.R. 1215 THAN UNDER THE ORIGINAL CONTRACT WITH AMERICA

Relative to the original Contract With America, H.R. 1215 makes the $500-per-child family tax credit nonrefundable. This means that many working families who would have received credits under the original Contract will receive much smaller credits under H.R. 1215. H.R. 1215 takes $13 billion out of the pockets of America's working families. In fact, two-thirds of that cutback from the original Contract will come from families with less than $50,000. (Examples are for 1996).

Example 1—Young Couple With Their First Child: Family of 3, 1 Child $15,000 per year.

Under the original Contract with America, this family would receive a family credit of $500.

Under H.R. 1215, this family would receive a family tax credit of $90.

Relative to the original Contract, this family will lose $410.

Example 2—Middle-Aged Divorced Mother Back In the Work force: Family of 4, 3 Children, $20,000.

Under the original Contract with America, this family would receive a family credit of $1,500.

Under H.R. 1215, this family would receive a family tax credit of $585.

Relative to the original Contract, this family will lose $915.

Example 3—Family With One High-School-Educated Worker: Family of 5, 3 Children, $22,000 per year.

Under the original Contract with America, this family would receive a family credit of $1,500.

Under H.R. 1215, this family would receive a family tax credit of $375.

99-059 O—97 Vol. 141 (Pt. 7) 23

Relative to the original Contract, this family will lose $1,125.

WELFARE REFORM

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. WILLIAMS. Mr. Speaker, the welfare reform debate in the House was, in a word, awful.

For the most part, it was either pandering or accusative; it was partisan, it was assumptive, and like the bill itself, it was punitive.

I received the following letter from a woman, a mother, who was once a recipient of welfare. I commend it to my colleagues as a measured calm voice amidst all of this unreasonableness.

March 19, 1995.

DEAR SIR: I am writing to you concerning the future of our nation. Among that collective future lies my own individual life, which is very distant from yours. Okanogan County, where I live in central Washington state, is larger than Rhode Island and Delaware but houses a population of only 35,000 people. We are bordered by Canada on the north, and by the Colville Indian Reservation on the east. the Cascade Mountains on the west isolate us from the more well known, urban coast of Washington state. Until recently, we boasted only one traffic light in the whole county. The largest industry employers are government and agriculture—mainly apples. Despite the distance between our lives, it is not impossible that you have eaten from the many tons of apples that passed through my hands when I worked in the orchards before my children were born. Roughly 30 percent of our population here depends on welfare payments. From my vantage point it is obvious that we are about to make some big mistakes around how we look at and structure social programs.

It is not our welfare system that is the problem, it's our economic system. Our economic system divides this nation's people geographically, philosophically and in other practical ways that prevent shared problem solving. Current proposals for welfare and fiscal reform blatantly disregard the reality that there aren't enough jobs which provide adequate wages on which to raise families. As long as there are low paying jobs that need to be done—agricultural labor, for example—there will be families who can't quite get their needs met, there will be industries that are not economically viable, and there will be a need to subsidize resources for those who provide these 'chore services' to the rest of the nation. This is called reciprocity. It's an ancient human survival strategy which we seem to have forgotten.

Not only are low paying jobs a given, but our economic system itself is incompatible with family life. This is why many women with children choose to go on welfare. I'll use myself as an example. I applied for welfare benefits when my children were 3 and 4 years old and I take responsibility for making that choice. I foolishly tried to raise a family with an alcoholic husband and when it became obvious that the situation wasn't good for any of us, I chose to leave. I looked for employment that was compatible with my children's need for my presence during such a disruption in their lives, but there was none, so I chose to go on welfare. I consider myself lucky to have had that option and intelligent for having made that decision.

One of the slanders being committed against welfare recipients right now is this ridiculous idea that welfare parents—mostly women—do not work. Even if we don't work outside the home for a salary, as parents, we work our backsides off within our homes, with little support, often under a deficit of skills, amidst extreme financial stress and in the face of growing public hostility for which political leaders are partly responsible. As long as families are impoverished they will find it difficult, if not impossible, to fully participate in their children's schools, in their communities and in larger leadership roles—where, I might add, their perspective is sorely needed. Working and middle class families do not escape this problem, either. As long as they are locked into an economic system which forces parents into full time employment positions, they will also fail to participate fully in their own home lives, in their schools, communities and social structures. When it comes to family crises like divorce, violence, substance abuse and juvenile delinquency, studies show that poor and affluent families are more alike than different. This is where the irony comes in.

Although we are segregated by our economic and class status, and although this segregation keeps us ignorant of and callous to each other's struggles, it is the common thread of parenthood that could supply the answer to many of this nation's problems. Surely this thought has occurred to some of the educated minds in the legislature! One of the only ways to solve a big problem is to break down barriers between people by involving them in a superordinate goal—a task that simply cannot be successfully completed without the participation of all persons involved. The only example I can think of where we cooperated in such a superordinate task on a national level is World War II. The reason we survived that event is because we pulled together, and that cohesion was accomplished in part by profound shifts in the way we thought about ourselves, and by having the courage to change economic and social norms. One example of this is the new economic roles women took on during the war.

As a nation, we often speak proudly of how we handled ourselves in those times. Well, parenting is our nation's contemporary superordinate goal, and at all economic and social levels, we are failing at this job because of the time deficit caused by an economic system that splits parents and children into different worlds, and because of poverty and all that it entails. Rather than inflict punitive measures on those families and individuals who are failing to thrive in our system, we need to genuinely 'invite' them into the middle class and we need to change the structure of our economic system.

I'll again use myself as an example because to some small extent I've challenged the incompatibility of poverty, employment and family life. During my first 2 years on welfare, the fact that I was not employed outside the home allowed me to participate in a lot of community volunteer work which I could do with or around my children. I ran cooperative game sessions for kids, I did volunteer library work, I tutored, I even acquired a $5,000 grant for a community education project which I coordinated without a penny of salary. No one told me to do these things. I considered them part of my parenting job and civic duty. Finally, my

children entered grade school and I entered a local community college and eventually secured a work study job. A couple years later I fell in love with a man who is now just weeks away from becoming a certified teacher and while still on welfare, I became unexpectedly pregnant because of birth control failure.

The decisions surrounding this unplanned pregnancy were agonizing. What would happen to my schooling? Would a baby prolong my welfare dependency? Could I handle the challenge of parenting a toddler and a two teenagers at the same time? My third son is now one and half years old and looks a bit like a baby orangutan. He's the hearth around which our family gathers. Although I still receive cash welfare payments for the older boys I did not put this baby on the welfare grant even though there are laws in place that require me to do so. I have avoided it by refusing to apply for a social security card for him. His father paid for prenatal care and a midwife helped with his birth. The cost of my maternity care was roughly $700 and it did not come out of the public coiffures. I sometimes think I handle the taxpayers money better than you do.

Although I had to quit my job, I didn't miss a beat in my education. I managed one semester by bringing the baby to class but when he became too old to rock quietly on my lap during lectures, I enrolled in distance learning courses through Washington State University that allow my studies to take place from home, through taped interviews, conference calls and excruciating piles of written assignments. My work day lasts from about 6 a.m. to 11 or 12 p.m. In an otherwise family-hostile economic system, I have forged a narrow pathway that at least somewhat accommodates my need to parent my children. My education hasn't trained me for a specific job but it has refined the skills I naturally possess and it is showing me ways to use those skills. I'm in the process of starting a newsletter for stepfamilies and have recently been published for the first time. Of course, through social spending cuts, you could pull the rug out from under me right now when I'm so close to succeeding—but imagine what this nation would be like if we really acted on the lip service we give to "family values." Imagine what it would be like if parents actually had the time and resources needed to parent. In a country as affluent as ours there is no excuse for the lack of ingenuity and philanthropy evident in our economic and welfare programs.

With all due respect, some of y'all have got a lot of things mixed up. People are not poor because they're on welfare, they're poor because there aren't enough good jobs—and there never will be. Children aren't in trouble because they're innately bad, they're in trouble because their adult role models and mentors are so busy struggling to survive that kids are segregated into a world of their peers where they're left to manage, on their own, the development of values, crucial life choices, and navigation through difficult life transitions, and sometimes their very survival. And contrary to what a very misguided Washington State legislator recently stated, welfare recipients are *not* like plants. And if you cut a plant off and lay it on the ground (cut a person off of welfare and "force" them to be independent), that plant does *not* grow new roots and flourish. It dies. But it is not only in the areas of botany, biology and sociology that congressional leaders appear to need refresher courses—some appear to need a basic math lesson.

At least be honest with your constituents. Taking money from social programs is an ineffective method of saving tax money because this is not where we're over spending our tax money. Even superficial perusals of Federal budget allocations reveal this. The money we use to help poor families access basic resources like food, housing, transportation—to jobs, I might add—and medical care, are not "discretionary moneys." Two hundred thousand annual dollars in White House floral spending is discretionary money. Billions of dollars in corporate subsidies which don't seem to result in jobs as much as they result in inflated executive salaries is discretionary spending. Overly generous Federal pension plans and expensive military programs—those are discretionary funds. Give me a line item breakdown of the Federal budget and I can probably point out where some more of the leaks are.

We are not a stupid populace, but we are easily swayed into believing in fiscal half-truths and dramatic anti-welfare gestures because we are desperate for solutions to social and economic ills. There is no such thing as a "self made man." Every family, every individual, who is surviving economically is doing so within a system and has an obligation to that system which supports them. The intentional misinforming of the American public concerning fiscal management is the most shameful and cowardly thing I've ever seen. I mentioned early in this letter that the perspective of welfare recipients is sorely needed in leadership roles in this country. There is probably no one more qualified by experience to streamline the Federal budget than the welfare mothers who are managing to raise children on poverty level incomes—or less.

Most of us welfare moms are adept at the basics—first we buy bread and clothe our children, second we pay our bills, and then we try to budget for health, education and "entertainment." If there is anything left at this point—usually there isn't—we sometimes help others or try to build a small savings. Way, way, way down on our shopping list are rainy day luxuries like bombers, cow fart studies, luxurious travel accommodations, fancy luncheons, financial contributions to successful mega-corps, vacations and wars. I'd like to clarify for the record that neither myself nor any other welfare recipient I know has ever spent tax payer money on that last list of items. I don't have quite enough education to understand all the macro-economic smoke and mirrors that politicians are so fond of dazzling the public with and while I do understand our interdependent relationship with foreign markets and our desire for a healthy corporate world, I understand something even more important and basic. We're pouring our tax dollars into the top of our economic system when it's the bottom that's depleted. We need to try a "trickle up" theory.

My 11-year-old son is very bright and handsome with brown eyes and dark curly hair that he painstakingly combs straight every morning. He's a natural athlete, a straight-A student often described by his teachers as a leader, and he was recently chosen by his fellow classmates to represent them at a regional Science Olympiad. Even so, he is still a young men at risk—the son of an alcoholic and a low income mother, a child of divorce and a member of a new stepfamily. But in this world, you never know, someday one of your daughters or your granddaughters may meet and fall in love with my son.

My 10-year-old is blond, blue eyed, playful and precocious. In first grade, his language skills tested out at high school levels and fortunately, he had a teacher who gave him the opportunity to pursue independent and challenging work. Currently, he and a friend are working with the friend's father to build a robot and learn computer programming. Fortunately, his friend comes from a family with greater resources than ours, and he gets to share experiences with this friend that I can't provide. He's a very compassionate young man, which is lucky because in this world you never know, someday your own health and well-being may depend on scientific discoveries my son and his friends are able to make.

I'd wager that our core values are pretty similar, although the way we are managing to uphold them is quite different. Please keep in mind that my children and I have been luckier than most. We have a network of friends who support us socially even though they are unable to do so financially. I brought a middle class background and a few life skills with me onto the welfare roles. Other recipients are not this fortunate. The current welfare system, despite its shortcomings, is what was allowed my children and I to thrive, and I am extremely grateful.

I don't know exactly how such an important word as 'welfare' took on such negative connotations. I don't know how we lost sight of the fact that parenting is a high status job at all economic levels and a primary responsibility of any society. But we're reaping the impacts of those oversights right now and we can no longer afford to pretend that private, political, and economic spheres are separable or that any of us survive independent of one another. Enclosed with this letter is a summation of ideas concerning welfare and economic reform, distilled from conversations with friends, from my own thoughts, my education and the thoughts and research of others. I challenge you to have the courage and integrity to consider some of these ideas seriously.

I have no doubt that somewhere down the road we'll recognize the need to make radical economic and social adjustments, but probably not until we've caused a lot of trauma to the individual families of this nation. Today's so called leaders who refuse to talk about the reality on which our well-being teeters and who pretend that the only thing wrong with our economy is that poor people have too much money, will eventually be exposed as greedy fools. And people like myself who look on from the fringes of society into the decaying core of its leadership will see that our concerns were right on the money—even though we didn't have much of it.

SINCERELY,

———.

LEGISLATION PROVIDING FOR LAND CONVEYANCE TO VILLAGES WITHIN THE COOK INLET REGION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce today, at the request of six villages of the Cook Inlet region, a bill to address a long standing unfulfilled obligation of the Federal Government under the Alaska Native Claims Settlement Act to six Alaska Native villages within Cook Inlet region.

Nowhere in Alaska were the competing interests for land so fierce as in southcentral Alaska. Nearly 20 years ago, Cook Inlet region and its six villages entered into a series of agreements with the Department of the Interior that were intended to address the competing land interests in southcentral Alaska and, at the same time, provide for the fulfillment of the Federal Government's obligation to them under the Alaska Native Claims Settlement Act.

This bill that I introduce is intended to fulfill the ANCSA entitlement to the Cook Inlet villages.

The villages within Cook Inlet region have worked diligently to secure from the Bureau of Land Management 29,900 acres of high priority lands selected over 20 years ago. Starting in 1979, BLM had issued a number of decisions and had taken a number of administrative steps towards conveyance of these lands. In spite of this long track record of moving toward conveyance, the Department has now indicated to the villages that it lacks authority to make the conveyances.

I am convinced that the villages of Cook Inlet have an equitable argument that the conveyances are proper, and that further delay in conveyance will cause them unnecessary economic hardship.

My legislation provides the additional authority to the Department and directs that these conveyances be made with no further delays.

REV. J. ALFRED SMITH—A VERY SPECIAL PERSON

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. STARK. Mr. Speaker, I rise today to recognize Dr. J. Alfred Smith, Sr., pastor of the 4,000 member Allen Temple Baptist Church in Oakland, California. Dr. Smith will be honored this week by the Baptist Ministers Union of Oakland and Vicinity for being a good neighbor to the citizens of Oakland.

Dr. Smith is Professor of Preaching and Christian Ministry at the American Baptist Seminary of the West and has been Pastor at Allen Temple for over 25 years. Dr. Smith holds the Th.M. degree and was granted a Doctor of Humane Letters (Honoris Causa) in 1990 from the American Baptist Seminary of the West. He also holds the D. Min. degree from the Golden Gate Theological Seminary. He is currently president of the Baptist Ministers Union.

Dr. Smith has been the recipient of many awards and commendations. He has served as President of the Progressive National Baptist Convention and the American Baptist Churches of the West. He has lectured at most of the major universities in America, including Yale, Harvard, Duke, and Stanford. He was recently listed by Ebony magazine as one of the greatest African American preachers in the United States. He was also recently named by the Oakland Tribune as "Outstanding Citizen of the Year".

Dr. Smith has long been a leader in our community. As the Baptist Ministers Union has stated, he has moved beyond his pulpit into our communities to respond with love to the needs of all persons, irrespective of color, class, creed, gender, or sexual orientation. That is why I am proud to recognize him today. He is more than a "good neighbor"—he is the best neighbor!

VINCENT BRUNHARD, JR., HONORED

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mrs. MALONEY. Mr. Speaker, all too often outstanding members of our respective communities work extremely hard to make our towns, cities and States better places without receiving the recognition they deserve. On Sunday, April 2 this situation will be remedied for one man who has given so much to my district in Brooklyn, NY.

Every year since 1959, the Pulaski Association has recognized one prominent Polish-American for his or her outstanding contributions to the community. On April 2, I will have the great pleasure of being present when the Pulaski Association of Business and Professional Men honor Vincent Brunhard as a friend, I can think of no one who is more deserving of this great honor than Vincent.

Vincent's involvement with the community is longstanding. He has served as the past president of the Pulaski Association of Business and Professional Men, and is currently chairman of the its board of directors. Since its inception, the Pulaski Association of Business and Professional Men has lent its strong support to charitable organizations, both through financial and non-financial means. Vincent has been at the forefront of these efforts, as well as spearheading many of the organization's other worthy causes. He has helped raise and administer scholarship money to students of Polish descent, organized educational seminars for its members, and promoted the achievements of outstanding Polish-Americans throughout New York City.

In addition to his involvement with the Pulaski Association of Business and Professional Men, Vincent also serves as vice-president of the General Pulaski Memorial Parade Committee and national delegate to the Polish American Congress. He is also a member of the Greenpoint Lions Club, the Polish and Slavic Center of Greenpoint Brooklyn, and is a board member of the Greenpoint YMCA. In 1994, Vincent served as Grand Marshall of the Pulaski Day Parade, a marvelous event that I have had the honor of attending.

As incredible as it may seem—given amount of time he spends helping others—Vincent is also a devoted husband and father. He and his wonderful wife Gloria are the proud parents of four children and four grandchildren. Active members of the church, he and Gloria are parishioners of St. Josephat's Catholic Church in Bayside, Queens.

Mr. Speaker, I am extremely happy that we are not about to let the achievements of another outstanding citizen to go unnoticed. I would ask that my colleagues join me in saluting Vincent Brunhard for his undaunting commitment to the Polish-American community, and I thank the Pulaski Association of Business and Professional Men for honoring him with their Man of the Year award.

THOMAS J. STANTON, JR. ON THE SUPER HONOR ROLL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, it is with pride and pleasure that I bring to the attention of my colleagues an event taking place this evening, here in Washington. The Washington Center for Internships and Academic Seminars is holding its annual Honor Roll Award dinner.

The Washington Center is an independent, nonprofit, educational organization founded 20 years ago. It has served over 20,000 college and university students while fulfilling its mission to utilize the resources of the Nation's capital to provide participatory learning experiences in order to enhance students' academic, civic, and professional development.

As the Washington Center celebrates its twentieth anniversary this evening, it is also paying tribute to an outstanding member of our society and an extremely fine New Jerseyan—Thomas J. Stanton, Jr. If any one word could be used to describe Tom Stanton it would be consistent. Tom Stanton is consistent in working toward a better society.

Over the years he has utilized his resources, expertise, and talent for the benefit of many. And he has done this in no small measure. When Tom Stanton commits to something you can count on him becoming personally involved. At the Washington Center he is vice chairman of the board on which he has served since 1985. He has used his expertise as a banker to contribute to the growth and stability of the program. He has generously given his time to the Washington Center's interns by making numerous presentations and sharing his experiences and knowledge of corporate America and the importance of public service. His philanthropic benevolence is well documented.

Mr. Speaker, Tom Stanton retired several years ago but I am sure he is more active now. Ever consistent in his goal to make a difference, he has undertaken a new project. He has agreed to serve as co-chairman of the New Jersey Scholarship Fund. This fund is being established to enable qualified, deserving college and university students from New Jersey to spend a semester in Washington, DC as an intern in the Nation's capital. Over the years, I have been able to provide intern opportunities to several of the Washington Center's New Jersey students. These internships have been pleasant experiences for my office and the students. I would like to encourage other Members to share in the experience.

Mr. Speaker, I am sure my colleagues will want to join me as I congratulate and thank Thomas J. Stanton, Jr. for promoting the development of our future leadership in the public, private, and nonprofit sectors of our society.

THE DISADVANTAGED MINORITY HEALTH IMPROVEMENT AUTHORIZATION EXTENSION ACT OF 1995

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. STOKES. Mr. Speaker, I rise to introduce the Disadvantaged Minority Health Authorization Extension Act of 1995. This important legislation would simply reauthorize the programs authorized by the enacted Disadvantaged Minority Health Improvement Act of 1990. The legislation is as relevant today as it was in 1990—when I originally introduced it in the House, and Senator EDWARD KENNEDY, of Massachusetts, introduced it in the Senate.

The measure that I am introducing today includes the reauthorization of health professions loans, scholarships, and fellowships for disadvantaged students; the Department of Health and Human Service's Office of Minority Health; public housing health services; and centers of excellence. A simple reauthorization would allow these critical programs to continue to provide a basis and a focus for improving the health status of all Americans.

Mr. Speaker, I am sure you know just how critical this legislation is to disadvantaged Americans. Certainly, every racial and ethnic minority group experience some health disparity. Unfortunately, minorities and other disadvantaged Americans continue to suffer disproportionately higher rates of cancer, heart disease, stroke, diabetes, aids, and infant mortality than the general population. The list goes on. What is important for each Member of Congress to realize is that, whether the focus is on the rate of mortality or morbidity, the disparity in health status continues to deteriorate.

Most importantly, the health and quality of life disparities continue while the United States has the most sophisticated medical system in the world; and while the United States continues to witness an unprecedented explosion in scientific knowledge resulting from biomedical research; and while the United States has a phenomenal capacity to treat and cure disease. This national health problem affects each of us and our communities individually and collectively, and thus requires our joint commitment to alleviate.

Mr. Speaker, it is against this backdrop of continued human pain and suffering that I introduce, and I ask my colleagues to lend their strong support to ensure the enactment of the Disadvantaged Minority Health Authorization Extension Act of 1995.

LEGISLATION TO CONTROL GROWTH OF MEDICAID EXPENDITURES

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Ms. MOLINARI. Mr. Speaker, today I stand before this House to introduce legislation that will control the growth of Medicaid expenditures by rewarding States that make an effort to reign in runaway Medicaid spending. This bill is a companion to the one introduced yesterday in the other body by Senator D'AMATO and cosponsored by the majority leader, Senator DOLE. Both bills are pivotal in our goal to reduce Government waste and spending.

First, this legislation directs the Secretary of Health and Human Services to establish a Medicaid spending baseline for each State. Additionally, any State that holds its spending below the baseline would receive a payment equal to 20 percent of the resulting savings to the Federal Government.

This legislation is based on an idea set forth by New York Governor George Pataki, when he testified recently before the House Ways and Means Committee. Many States including my home State of New York, are attempting to reduce the cost of Medicaid programs by greater use of managed care. Through New York's efforts, the Federal Government stands to save nearly $2 billion. Governor Pataki is right to suggest that if the States can save the Federal Government money through cost-savings initiatives such as Medicaid managed care, then the States should share in the savings as a reward. These efforts have the potential to improve the quality of care for Medicaid beneficiaries as well as dramatically lower the cost to the American taxpayers. Both of these goals have received bipartisan support.

We must provide States with the incentive to make their Medicaid programs more efficient. This is precisely what this bill would do. No State would be penalized for spending above the baseline, but those that spend below the baseline would be rewarded. Rewarding States that save the Federal Government money is not only fair, but makes sense. Comprehensive and systematic reform is required in order to preserve Medicaid for future generations.

This bill is long overdue and necessary to preserve Federal and State programs for the health care of our Nation's low-income families.

DAVID STEINER: IN RECOGNITION OF OUTSTANDING PUBLIC SERVICE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. LANTOS. Mr. Speaker, it gives me great pleasure to rise today to recognize the extraordinary accomplishments of a distinguished and public spirited American and good friend, David Steiner. Over the years, David has shown leadership and unparalleled intelligence when tackling the immensely difficult endeavors he frequently undertakes, whether it is developing an innovative and functional industrial office park under a tight deadline or developing meaningful answers to our complex foreign policy questions in the Middle East. David deserves the highest possible commendation for his many accomplishments.

David's distinguished career dates back to the Korean war. When called to duty, First Lieutenant Steiner led a military team building bridges and hospitals. When he returned home, David became a partner with the Sudler Cos., and he later became its president and CEO. He has been a driving force at this highly successful company for over four decades.

David's career presented him with many challenges and obstacles that less tenacious developers would have been overwhelmed by or simply rejected. In one instance, AT&T approached David to choose a site and design and build an 840,000 square foot electronic research lab within 24 months. He met this challenge, including completing a 40,000 square foot computer center in only 60 days.

David has devoted a great deal of his resources, time, and energy to tackling the difficult problems that Israel faces in the Middle East and he has not been hesitant to fight for what is right. As president emeritus of the American-Israel Political Affairs Committee, David has been an effective and influential friend of Israel. As vice president of the Washington Institute for Near East Policy, David has worked with leaders like Alexander Haig, Jeane Kirkpatrick, and George Shultz. David is also an area chairman for the Anti-Defamation League and vice chairman of the National Jewish Democratic Council. In these diverse and demanding capacities, David has distinguished himself as an enlightened leader with a wealth of ideas.

On April 3, David will receive the National Award of the Orthodox Union Institute for Public Affairs in recognition of his outstanding contributions to the American Jewish community. Surely there is no individual more deserving of this high honor. Mr. Speaker, I urge my colleagues to join me in extending our most heartfelt gratitude and admiration to this extraordinary American.

TRIBUTE TO REV. DR. ALLEN EUGENE ORR, SR.

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. HASTINGS of Florida. Mr. Speaker, the State of Florida has suffered a tremendous loss with the passing of Reverend Doctor Allen Eugene Orr, Sr.

Allen Eugene Orr was born on September 16, 1931 in Fern Park, FL, to the Late Reverend E.J. and Sarah Orr. He attended elementary school in Altamonte Springs and was an honor graduate of Hungerford High School in Eatonville, FL. Allen won the Lewis State Scholarship, a 4-year scholarship which was awarded by the State of Florida. He attended Florida A&M College where he received a bachelor of science degree. He attended the University of Vermont on a National Science Foundation grant and also attended Florida State University. He earned a master's degree and subsequently a doctor of education degree from the University of Miami (Florida).

As a commissioned officer in the U.S. Armed Forces, Lieutenant Orr served his country at home and in Germany. As an educator, he devoted over 30 years of his life in Broward County as a teacher of science in the

middle and high schools, as an assistant principal and the director of human relations at the county level. He was a member of the Alpha Phi Alpha Fraternity, Phi Delta Kappa, and the Masons.

He was ordained as an A.M.E. Minister of the Gospel. He was an astute scholar of the Bible, and he radiated an unceasing love for the ministry. He served as pastor of Allen Chapel A.M.E. Church in Miami, FL; St. Paul A.M.E. Church in Delray Beach, FL; and Mt. Zion A.M.E. Church in West Hollywood, FL.

Reverend Doctor Orr was united in holy matrimony to Dorothy Jackson in Ft. Lauderdale, FL. To this union, three sons and a daughter were born.

Allen was a personal friend since childhood. He will be sorely missed by all.

THE NATIONAL REVIEW—HOME OF THE BIG WHOPPER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mrs. SCHROEDER. Mr. Speaker, one of our colleagues sent around a Dear Colleague today enclosing "Mud Path," an article by Washington attorney George Tobin, published in the April 3, 1995, National Review. This article purports to critique the ethics charges lodged against Speaker of the House NEWT GINGRICH.

Steve Jost, who has assisted former Representative Ben Jones in filing some of the ethics charges, spoke with Mr. Tobin after his article appeared. Mr. Tobin admitted he had not read the complaints filed against Mr. GINGRICH, but instead had relied on "summaries of the articles provided to me" from people "I'm not at liberty to disclose."

This will give you some idea of the level of scholarship involved in preparing Mr. Tobin's article. He hadn't even bothered to read the complaints he was allegedly critiquing.

Mr. Jost subsequently submitted to the National Review a letter critiquing Mr. Tobin's critique. In short, Mr. Jost found that Mr. Tobin had told enough whoppers to open a Burger King.

Mr. Jost's letter follows:

FRAILOLI/JOST, INC.,
Washington, DC, March 22, 1996.

Editor, NATIONAL REVIEW,
Attn: Karina Rollins,
New York, NY.

DEAR EDITOR: In what might earn the championship trophy for political hypocrisy, George Tobin attacks what he labels "false ethics charges" against Newt Gingrich with a diatribe of patently false assertions. His article "Mud Path" contains no less than fourteen whoppers so grand in scale we're lucky Mr. Tobin hacks away at legal briefs and not cherry trees, or Washington, D.C. would be without it's annual spring festival.

I called Mr. Tobin and asked him if he had read the complaints against Gingrich. He told me to read "summaries of the complaints provided to me" from people "I'm not at liberty to disclose"

Maybe Gingrich's staff wrote "Mud Path" and asked Mr. Tobin to put his name to the article. If so, it makes one wonder why they feel compelled to prevaricate so much. If not, and this is an example of Mr. Tobin's attention to detail, it is clear why he supports tort reform. It's probably tough winning a contingency case when you get so many facts wrong. With contingency law, unless you win you don't get paid.

We're not nit-picking here. In a complex, fact intensive case like the one against Gingrich, dates and evidence matter. Consider these fourteen instances where Tobin's article twists the facts, and anyone will understand why the case against Gingrich has been under review by the Ethics Committee for more than six months.

Whopper #1.—Tobin writes that Dean Timothy Mescon of Kennesaw State College heard Gingrich speak in March 1993 and approached the Congressman afterwards with the suggestion he teach the "Renewing American Civilization" course at the Dean's campus.

This is pure baloney. In fact, Gingrich and Mescon had known each other since November, 1991, according to documents from the College. On October 14, 1992, Gingrich handwrote a note to Mescon suggesting a meeting. It was one of many letters he and Mescon exchanged regarding Gingrich's efforts to help Mescon's consulting business get government contracts for work in Africa. By March 1, 1993, Gingrich and Mescon had already met in Washington, D.C. to discuss the course and Gingrich wrote a lengthy memo assigning congressional staff and consultants at GOPAC to work with Mescon.

Whopper #2.—Tobin says Gingrich first asked Jeffrey Eisenach, executive director of GOPAC, to work on the course in May of 1993.

Check the documents. Eisenach was directing the course from GOPAC's offices since February. Gingrich's March 1 memo instructs Eisenach to work up a budget for the course and identifies him as one of four coauthors of the course textbook, along with Gingrich, Mescon and GOPAC consultant Steve Hanser.

Whopper #3.—Gingrich wrote to the Ethics committee on July 21, 1993 and informed the Committee that his staff members "would be asked to comment on the course content, but would not be asked to perform any specific tasks."

Kennesaw documents demonstrate that three Gingrich staffers, Linda Nave, Alan Lipsett, and Tony Blankley, were "tasked" by Gingrich to work on legal matters, press relations, and to lobby Kennesaw officials against an impending decision to cancel the class. Just this week, the Los Angeles Times reported that Lipsett and an unnamed Gingrich associate admitted congressional staff "participated in everything from strategy meetings to clerical errands." Lipsett told the Times: "Looking back, perhaps we should have created a few more fire walls."

Whopper #4.—In an exclusive, Tobin reports that on August 3, 1993, Congressman Fred Grandy wrote to Gingrich and gave him permission to teach the course.

Tobin has us at a disadvantage here. Apparently, he is the first person outside of the Ethics Committee that has been able to get a copy of this letter. Despite repeated requests from the press and Ben Jones himself, Gingrich has steadfastly refused to make this letter available for the public.

If we take Tobin's word for it, Grandy granted Gingrich permission on behalf of the Ethics Committee to raise tax-exempt funds for the course so long as "no congressional funds were used." In point of fact, page 107 of the "House Ethics Manual" discusses the relevant teaching restrictions which apply to the Gingrich case. Members may teach, so long as "no official resources, including staff time, are used in connection with the teaching."

Thanks to Gingrich's own staff, we now know that they were quite extensively involved, in violation of the Ethics Manual. Grandy's letter, quoted at length by Tobin, was equally precise in the prohibition against staff time. Gingrich just ignored it and the Ethics Manual.

Whopper #5.—Tobin alleges that "the facts don't confirm" the charge that Gingrich cited corporations in his course as a form of advertising for his sponsors.

Kennesaw accounting records show the total cost of the course was $390,676, not $660,000 as Tobin reported without substantiation. This would mean that the percentage of contributions which fall in the "infomercial" category rises from the 7% Tobin calculates to 11.8% of the actual total. In either case, Tobin is citing "facts" which confirm the allegation.

When officials at Reinhardt College leaned of these facts from Roll Call, they conducted their own review of the course and instructed Gingrich to remove the offending commercials. Professor Kathleen Minnix, who co-teaches the course at Reinhardt with Gingrich, told Roll Call, "What I found is essentially what you found." Minnix also told the Atlanta Constitution that Reinhardt officials were asking for the commercials to be removed because of the "appearance of impropriety." Read the Ethics Manual. It specifically instructs Members of Congress to "at all times avoid" situations which create the "appearance of impropriety".

Whopper #6.—Tobin reports that the Georgia Board of Regents met in "October 1993, without prior notice," to close a loophole Gingrich exploited to teach at Kennesaw.

The Board unanimously approved the change after discussing it a month earlier during a prior meeting. The Atlanta Constitution reported the next day that "Gingrich, who last month (emphasis added) said he would abide by any change the regents made and would seek out a private school as the future of his home course, took the news personally."

The irony of this Tobin falsehood is that Gingrich disputes it. He has admitted he reimbursed the U.S. Treasury for improperly using an official fax machine on September 7th to send a lengthy defense of his course to the Regents, written on official stationery, lobbying against their impending decision. The whole campus knew about the Regents meeting, especially Professor Gingrich.

Whopper #7.—Tobin states that GOPAC "treasurer" Pamla Prochnow "had limited contact with the project in its first few weeks."

Again, look at the documents. Prochnow was the Finance Director for GOPAC, not treasurer, and appears on dozens of memos and faxes regarding her efforts to raise funds for the course during March, April, May and June of 1993.

Whopper #8.—Tobin makes reference to an analysis of the course written by "tax analyst Lee Shepard, appear[ing] in the September 20, 1993 issue of the authoritative Tax Notes Today." He goes on to complain "this refutation of the charge of favoritism and influence peddling has not been cited" in the pieces attacking Mr. Gingrich's course.

Well, it has been cited, in Roll Call and the Los Angeles Times, accurately reporting that Ms. Shepard found many problems in the tax code with the Gingrich course. In a more recent article, Mrs. Shepard goes beyond even the ethics complaints to suggest

that Gingrich might have violated the IRS prohibition against "personal inurement" by private individuals from the benefits of tax-exempt activities.

Whopper #9.—It is clear Mr. Tobin has not read the Ben Jones complaint. Not only does he get the date it was filed wrong, (September 7, 1994, not October 31, 1994) but he has turned the central argument of the complaint inside-out. Jones did not allege that GOPAC funded the Gingrich course, although 80 percent of the money came from prior donors to GOPAC or Gingrich's campaign committee. The Jones complaint centered on the fact Gingrich used tax-exempt, tax-deductible funds to finance the partisan political activities of GOPAC through the college course. Five members of GOPAC's staff were paid or reimbursed from tax-exempt funds to work on the course. One even left GOPAC's employ for six months and relocated to Georgia on the foundation payroll to work on the course, only to return to Washington and GOPAC.

Whopper #10.—Mr. Tobin alleges, without support, that the activities of the Kennesaw State College Foundation and the Progress and Freedom Foundation "are unquestionably lawful" in relation to their support for the college course.

As reported in the Washington Post, Roll Call, and the Atlanta Constitution, the Gingrich case has many parallels with an earlier case brought before the IRS. GOPAC consultant Joe Gaylord was a board member of the "American Campaign Academy" a tax exempt entity shut down by the U.S. Tax Court because it improperly engaged in partisan political activity, violating its tax-exempt status. Gingrich has been asked by Mr. Grandy and his colleague Mr. McDermott, then the chair of the Ethics Committee, to respond on this issue and about Mr. Gaylord's role in the college course. The partisan marketing of the course, and GOPAC's extensive role, raise serious questions about whether the tax-exempt foundations behind the course acted lawfully.

Whopper #11.—Without citing any reference to ethics rules or codes of conduct, Tobin alleges that Minority Whip David Bonior's prediction that the Committee "will deadlock" is in itself an ethical violation if based upon conversations with committee members.

If that were true, Gingrich himself should be in jail for his regular consultations with Republican members of the Ethics Committee considering the complaint against then-Speaker Jim Wright. What Gingrich understood then, and Tobin forgets now, is that Member to Member communications are protected speech under the Constitution. The reason he cited no ethical violation is because there is none, just Tobin's assertion.

Whopper #12.—With respect to the sweetheart deal Gingrich received from Jones InterCable, Tobin makes the allegation that the Gingrich course "got the same deal that every other course on ME/U gets."

Even the Jones folks can't side with Tobin on this one. Their own press spokesman Jim Carlson states the Gingrich course is being broadcast without the standard agreement ME/U negotiated with 35 other universities for tuition payments. It's a one-of-a-kind deal.

Whopper #13.—Tobin invents a characterization of the Schroeder complaint as arguing that "any appearance of an elected figure on television in a context other than a paid campaign spot constitutes a donation of air time * * *"

He's simply got it wrong. Schroeder makes no such assertion. In a silly extension of his own illogic, Tobin suggests Schroeder's appearance on CNN's Capital Gang is a gift of free air time from Ted Turner. The difference between a news show, controlled by the network, and directed by the reporters asking questions, and Mr. Gingrich directing producing and controlling 20 hours of free cable time, unedited, is the difference between day and night. It is a gift to Gingrich because he alone controls the content.

Whopper #14.—Tobin attacks a March 8, 1995 story in the Washington Post as a "distortion" and "the exact reverse of the truth" on the critical issue of whether the Grandy letter authorized Gingrich to use the House floor to solicit for the course.

Tobin points out that Grandy's letter restated House Rules which authorize Members to assist tax-exempt organizations with fundraising so long as "no official resources are used, no official endorsement is implied, and no direct personal benefit results." His tortured logic is that by granting Gingrich permission in the same letter to place hislectures in the Congressional Record, Grandy gave Gingrich a blanket exemption from complying with the House Rules cited in his letter. It is completely lost on Tobin that Grandy's letter, like all advisory opinions from the Ethics Committee, granted only conditional approval for Gingrich's conduct, so long as Gingrich complied with all House Rules.

By highlighting the Grandy letter, Mr. Tobin has undermined Mr. Gingrich's case. We now have learned from Gingrich's staff that he used official resources on the course. Documents before the Ethics Committee show that GOPAC staff reprinted Gingrich's Congressional Record remarks and enclosed them with their Requests For Funding, violating the prohibition on "official endorsement." And of course, we know that Gingrich personally profits from the course with his $4.5 million book deal that agent Lynn Chu and Jeffrey Eisenach both say is based on the course.

Is there any doubt now why an independent counsel is needed in this case? If the Gingrich organization will go to these lengths to distort the facts, change dates, and misrepresent what actually happened, what more are they hiding?

Sincerely,

STEVEN J. JOST.

(Mr. Jost is a Democratic political consultant who worked on the Ben Jones race against Newt Gingrich in 1994 and assisted with the ethics complaint filed by Jones.)