SENATE—*Wednesday, April 17, 1996*

The Senate met at 9:15 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious Father, we are dependent on You for everything. We could not breathe a breath, think a thought, move a muscle, work a day, or develop our lives without Your moment-by-moment provision. We place our finger on our pulse; thank You for the gift of life. We breathe in, saying "Bless the Lord, O my soul"; and breathe out saying, "And all that is within me bless His holy name."

We list all that is ours from Your loving provision. We praise You for food, our physical bodies, people in our lives, the opportunities and challenges of today. We want to make this a day for constant and consistent conversation with You in which we repeatedly say thank You, Lord, for the abundant mercies that You give us in a never-ending flow of goodness.

You know that a thankful heart is not just the greatest virtue, but You have made it the parent of all virtues and the source of the transformation of our attitudes. Every virtue devoid of thankfulness is maimed and limps along the spiritual road. With everything that is within us, we thank You. May this be a day for constant thanksgiving for the privilege of life. In Your holy name. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. DOLE. Mr. President, there will be a period for morning business until 10 a.m., with Senator LEAHY to speak for up to 10 minutes, Senator GRAMM for up to 20 minutes, and Senator GRAMS for up to 10 minutes.

Following morning business, the Senate will resume consideration of the terrorism prevention conference report. Under the order, motions to recommit are in order and limited to 30 minutes of debate each. Senators can expect rollcall votes on or in relation to those motions prior to a vote on adoption of the conference report.

Following adoption of the conference report, there will be 60 minutes of debate prior to the vote on cloture on the motion to proceed to the Whitewater resolution. It is still possible we might consider the immigration bill today if we can get an understanding about relevant amendments. It is very important legislation and broadly supported by the American people. We would like to complete action on that and then move to the Kassebaum-Kennedy health care measure yet this week and complete action on that. That may or may not be possible, but we will do our best.

IN TRIBUTE TO SECRETARY OF COMMERCE RONALD H. BROWN AND OTHER AMERICANS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate resume consideration of Senate Resolution 241.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 241) in tribute to Secretary of Commerce Ronald H. Brown and other Americans who lost their lives on April 3, 1996, while in service to their country on a mission to Bosnia.

The Senate resumed consideration of the resolution.

Mr. DOLE. Mr. President, Chaplain Ogilvie said it best Monday in his prayer marking the Senate's return after a 2-week recess when he said: "Our hearts are still at half-mast."

Like all Senators, I was saddened by the tragic April 3 airplane accident that led to the loss of Secretary of Commerce Ron Brown and 32 other Government and business leaders.

I was not privileged to know Secretary Brown as well as many of my colleagues, but in my dealings with him, I was impressed by his professionalism, his wit, and his ability to get things done.

The outpouring of emotion that followed his death is testimony to the fact that not only was Secretary Brown an outstanding public servant, he was also an outstanding friend who touched many lives through his generosity.

The 32 other Americans lost in the accident were also friends, parents, sons, daughters, brothers, and sisters.

And I know I speak for all the Senate in saying that our thoughts and prayers remain with the Brown family, and with the families and friends of all the victims of this tragedy.

Mr. President, on Monday, at the request of the Democrat leader and myself, Senate Resolution 241, honoring Secretary Brown and the 32 other Americans who died in the accident, was read for the information of the Senate.

I want to thank Senator LOTT for his cooperation.

At this time, Mr. President, I ask unanimous consent that Senate Resolution 241 and the preamble be agreed to.

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

The resolution (S. Res. 241) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 241

Whereas, Ronald H. Brown served the United States of America with patriotism and skill as a soldier, a civil rights leader, and an attorney;

Whereas, Ronald H. Brown served since January 22, 1993, as the United States Secretary of Commerce;

Whereas, Ronald H. Brown devoted his life to opening doors, building bridges, and helping those in need;

Whereas, Ronald H. Brown lost his life in a tragic airplane accident on April 3, 1996, while in service to his country on a mission in Bosnia; and

Whereas, thirty-two other Americans from Government and industry who served the Nation with great courage, achievement, and dedication also lost their lives in the accident: Now, therefore, be it

Resolved, That the Senate of the United States pays tribute to the remarkable life and career of Ronald H. Brown, and it extends condolences to his family.

SEC. 2. The Senate also pays tribute to the contributions of all those who perished, and extends condolences to the families of: Staff Sergeant Gerald Aldrich, Duane Christian, Barry Conrad, Paul Cushman III, Adam Darling, Captain Ashley James Davis, Gail Dobert, Robert Donovan, Claudio Elia, Staff Sergeant Robert Farrington, Jr., David Ford, Carol Hamilton, Kathryn Hoffman, Lee Jackson, Steven Kaminski, Katheryn Kellogg, Technical Sergeant Shelley Kelly, James Lewek, Frank Maier, Charles Meissner, William Morton, Walter Murphy, Lawrence Payne, Nathaniel Nash, Leonard Pieroni, Captain Timothy Schafer, John Scoville, I. Donald Terner, P. Stuart Tholan, Technical Sergeant Cheryl Ann Turnage, Naomi Warbasse, and Robert Whittaker.

SEC. 3. The Secretary of the Senate shall transmit a copy of this resolution to each of the families.

Mr. DOLE. Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be the period for the transaction of morning business for not to extend beyond

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

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the hour of 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

EXTREMISM: THE MANTRA OF THE MINORITY

Mr. GRAMS. Mr. President, if there is 1 day that dramatically highlights the growing anxieties of middle-class Americans, it is April 15. During this tax week of 1996, I want to share some thoughts on taxes, Congress, and a certain word that has crept into a place of prominence here on Capitol Hill.

Since the opening days of the 104th Congress, my colleagues on the other side of the aisle have come to the floor repeatedly to talk of "extremism" and "extremists."

These are not words to be tossed around lightly, and yet more than 100 times over the past 16 months, those are the very words they have used to describe the work of this Congress. "Extremist" has become the mantra of the minority, repeated over and over when all the arguments have been exhausted and refuted, and name calling is all that remains.

The Contract With America "is simply the wish list of the extreme faction of one political party," says one.

"The sweeping and extremist approach in this bill poses a grave threat to all Americans, especially children," says another.

And finally, "If moderation does not prevail, this level of extremism will ultimately take our country backward, not forward, and the damage will be felt not by us, but by generations to come."

Of course, the rhetoric has not been confined to this Chamber alone, or to the other body. The Clinton administration, and particularly the President and Vice President, have repeatedly engaged in it as well, as they recite from the pages of this well-worn script. In just seven news conferences and speeches last year, Vice President GORE used some version of the word "extremist" 22 times in describing our efforts to reform the way Government undertakes the people's business.

"Extremist groups."

"Extremist measures."

"Extremist factions."

"The extremist, radical members of their caucus."

"An extremist set of priorities."

"An extremist agenda."

You would think from all the dramatics that something truly horrible is going here. So, Mr. President, what's happening that has my Democrat colleagues running so scared? What is Congress doing that is so radical, so dangerous, so wrong, so extreme?

Here are the shocking highlights:

We accomplished what a quarter century of Congresses couldn't when we balanced the Federal budget. This Congress is not willing to let our children and grandchildren collapse under a load of debt that we have created.

We have taken responsible steps to control spending, reining in the Federal Government and reducing its role as the dominating force in American life.

Working families would keep billions of their own money under the tax plan passed by Congress. We offered families a $500 tax credit for each child, eliminated the marriage penalty that discriminated against married couples, and helped bring and keep families together through adoption and elderly care tax credits.

We are also not willing to sit by and let Medicare dissolve into bankruptcy. Under legislation passed by this Congress, seniors would be assured that Medicare—for some, their only link to health care insurance—would be rescued from its impending insolvency.

Our plan to reform the welfare system encourages recipients to seek a life beyond their monthly welfare checks, while it protects the American taxpayers from the abuses of the past.

Mr. President, have my colleagues across the aisle become so insulated from the public and isolated from reality that they have forgotten what qualifies as extreme out in the real world? Our work on behalf of the Nation's families, taxpayers, senior citizens, children, and job providers could hardly be considered extreme. Far from it—what we have accomplished is exactly what the American people sent us here to carry out.

So how do you think it makes them feel to see their dreams for the Nation dismissed on the Senate floor as the notions of extremists?

If you really want to talk about extremism, there is a good reason why so many American families have April 15 circled on that calendar taped to the refrigerator door. They have experienced extremism in their Government right where it hurts the most—the family wallet—and they are reminded of that fact every year when tax day rolls around.

Under the current administration, Americans are paying more in Federal taxes this year than they have ever paid before.

President Clinton started the trend with his recordbreaking $241 billion tax hike in 1993, which raised taxes on every member of the middle class. Add to that the new taxes imposed by the President in his latest budget, and Americans will be paying a half trillion more in taxes than we did before President Clinton took office. That is an additional $758 every year, for the next 10 years, for every taxpayer in this country.

The American people say that is extreme.

The tax load has become such a burden that Tax Freedom Day—the day we are no longer working just to pay our taxes and can begin keeping that money for ourselves—will not arrive this year until May 7. That is the latest ever. It means working Americans have been on the job from January 1 through today, and have not been allowed to keep even a dime of their own money. That will not happen for another 20 days.

And by the way, families in my home State of Minnesota will have to wait even longer. Because State taxes in Minnesota are higher than the national average, my constituents are forced to hold out an additional 8 days until their Tax Freedom Day arrives.

And the calculations for Tax Freedom Day do not include the additional days we are forced to work to cover the heavy costs of Washington's unnecessary and burdensome regulations as well. If it did, we would not be marking our freedom until the first week of July. That is a cruel joke, considering that is when we are also celebrating Independence Day.

The American people say that is extreme.

When President Clinton was elected in 1992, Federal taxes on a median-income American family—Federal taxes on a median-income American family—totaled $12,770. By last year, that same family was paying a total of $14,813 in taxes—over $2,000 a year more per median family since 1992. And now 26.5 percent of every family's income goes directly to Washington.

That is not exactly what the American people had in mind. In a survey conducted last year, they were asked what percentage of their income should reasonably go to paying taxes. This was for all levels of government, including social security taxes, sales taxes, excise taxes, and property taxes. Across the board, regardless of income group, age, education, gender, race, or political affiliation, the answer was the same: most people said a maximum tax burden of 25 percent would be fair.

No wonder they are feeling squeezed today. Far from the 25 percent tax rate they think is reasonable, the typical American family faced a total tax burden—and that includes Federal, State, and local taxes—of 38.2 percent of all their income in 1995. That is more money going to Washington than families spend for food, clothing, shelter, and transportation combined.

The American people say that is extreme, too.

I know that is what Minnesotans are saying. I held a series of town meetings back home last week, in a part of the State where life can be tough and money doesn't come easy. It is home to hard-working people who sometimes hold down two jobs, and spend as many as 7 days a week on the job, struggling to stay afloat. They ask nothing more of their Government than the opportunity and freedom to make something

of their lives. But high taxes continue to block the way.

We talked about taxes at every stop over the recess, and how 40 years of Washington's economic extremism have trapped working families short of their dreams.

They are frustrated. They do not see where their tax dollars are going, or how those dollars are directly improving their lives and their communities. And given that, they do not understand how Congress can keep coming after them for more.

During one of our stops, a college student pulled me aside after my town meeting in Duluth. He said, "It seems like the federal government is reaching deeper and deeper into our pockets, but in my case, I don't have any more to give." He went on to say, I don't qualify for student aid, so I'm working for my tuition and rent. I'm paying all these taxes, but none of it comes back to benefit me. So please—cut my taxes and let me keep my own money."

People do not understand what is happening in Washington. The crowds at my town meetings wanted to know why the President campaigned on a promise to balance the budget and cut their taxes, but then vetoed the balanced budget and tax relief bill passed by this Congress, and, by the way, passed the largest tax increase on its own.

I had to admit that I did not understand either. "Chalk it up to election-year politics," I said.

Would the President come around and sign your bill this year, they wondered?

I had to say, "It doesn't look good." "Not this year. Not this President." And the people just shook their heads.

Listen to the people, Mr. President—they will tell you just what they told me. Cutting taxes for working families is not extreme. Preserving Medicare is not extreme. Giving people opportunities to pull themselves out of poverty is not extreme.

If anything is extreme about our government, it is the past practices of a Congress and President willing to steal from tomorrow's kids to finance another Federal handout or social program or pork project today. That is what the people sent us here to change.

Mr. President, there are despicable people in this world—assassins, bombers, terrorists—who are filled with such rage and contempt that they deserve to be branded as "extremists."

But in America, a man or woman who works themselves to the bone, who struggles to put food on the table and keep a sturdy roof over their family's heads, who just wants to sign their tax return knowing that this government does not take their tax dollars for granted anymore—is not an extremist.

Yet, Mr. President, any time my colleagues dismiss the people's taxpayers' agenda as extreme, they pin that label on every one of those Americans.

During tax week, 1996, my colleagues would do well to acknowledge the debt of gratitude we owe the American taxpayers. After all, their sacrifices have built this massive Federal Government. I leave you with this question—during tax week, 1996, when Washington's burden has become too much and the people are begging for our help, what is this Government willing to sacrifice in return?

Mr. BURNS. Mr. President, might I inquire, are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

RETIREMENT OF UNIVERSITY OF MONTANA FOOTBALL COACH DON READ

Mr. BURNS. Mr. President, I rise today to echo what is probably on the mind of everybody who ever attended school at the University of Montana, and every Grizzlies fan in my home State. Coach Don Read, the football coach of the last 10 or 11 years, is retiring. He told us all Monday that he was retiring in order to spend more time with his wife, Lois, and the rest of the family, and to move in a new direction.

We are losing a legend in Missoula. We are saddened by that, even a little bit stunned, because Coach Read is the winningest coach in the history of the University of Montana. When he arrived in Missoula 10 years ago, he recruited heavily, ushering in the "Read Era" of UM, an era that culminated in the university's first-ever Division One-double-A national championship just this past season. It was a thrilling ride for every one of us in Montana, and we cannot help but think of what is ahead for the Griz because of the foundation and the base that Coach Read has laid.

Mr. President, Vince Lombardi, the legendary coach of the Green Bay Packers, said "winning is a habit." No one typified the winning habit more than Coach Read. Since taking over the University of Montana football program in 1986, he has never had a losing season. His overall record there was 85 and 36. That is a winning average of better than 70 percent, the best any coach at UM and the sixth best in the history of the Big Sky Conference.

In his tenure at the University of Montana, Coach Read even managed to pull off 10 straight wins against his cross-state rival and another one of my favorite teams, Montana State University. His overall coaching record including his many years coaching in Oregon is an impressive 154 and 127 and one—he had one tie.

Mr. President, I could go on about all the "firsts" and the "mosts" and the awards of Coach Read and what he has earned in his time at the University of Montana. Most wins by a Griz football team in a single season, five playoff appearances, three-time Big Sky Coach of the Year, selected Division One-double-A Coach of the Year by two national magazines, but all of that pales in comparison to Don Read as a man, and as a man that I know. He is loved and respected by his players and his colleagues and he is a fiercely devoted family man.

You know they say the coach will probably be judged on the wins and losses. But basically, what effect he has had on the young men who have played on his team is just absolutely—you cannot measure that. By his own words, the demands of coaching is a 16-hour-a-day, 7-day-a-week job. It has a way of catching up with you. Coach Read wants to make sure that his players will have a full-time coach that devotes all of his energy toward that team. In that respect, I admire him for putting the needs of a team before his own.

So the University of Montana is really losing one of the great ones. We want to thank him for the season just passed. The national championship is one that is not written about and is not voted on by sportswriters. It is played. Of course when you want it, he beat Marshall here in the State of West Virginia. It was a great thrill for all of us who live in the State of Montana.

Coach Read said he believes his replacement will be the best coach ever. I hope he is right. But I tell you he will be stepping into some awfully big shoes. Just like anybody else, he will have to get his cleats the old-fashioned way. He will have to earn them. That is the way it will be.

Mr. President, we bid farewell to a man who has brought so much respect and so much quality to the University of Montana and the football program, and we say goodbye, but we do not say so long.

I yield the floor.

PROGRESS TOWARD A BAN ON ANTIPERSONNEL LANDMINES

Mr. LEAHY. Mr. President, I want to bring Senators up to date on the progress of the past 2 months since the Leahy amendment for a moratorium on the use of antipersonnel landmines was signed into law.

That amendment received bipartisan support from about two-thirds of the Senate. It was supported by the House-Senate conference committee, and it was signed by the President on February 12. I want to thank all those Senators who voted for it. I would also like to thank those Senators who have come up to me since the vote who did not vote for it and said now they wished they had because of the havoc that the mines have wreaked in Bosnia.

In fact, in Bosnia just since December, 38 NATO soldiers have been injured, 7 have been killed by landmines, including 3 Americans. There are 3 million landmines left in Bosnia. To put

that in perspective, there are 3 million landmines in a country about the size of Tennessee. They will kill and maim civilians for decades after our troops leave. Children going to school, farmers working in their fields, and people going to market will be dying long after most of us have left the U.S. Senate.

Over the past several years, I have sponsored legislation against antipersonnel landmines. The purpose of my legislation has been to exert United States leadership so that pressure would build on other countries to follow our example. During a lot of that time this was seen as some kind of a crusade of civilians against the military. It was never the case. It was never intended by me to be the case. In fact, one of the greatest encouragements I had in my efforts to ban landmines was the support I received from combat veterans around this country.

Those who say we need antipersonnel landmines should read the April 3 full-page open letter to President Clinton that appeared in the New York Times. In this full-page letter to the President, 15 of the country's most distinguished retired military officers called for a ban on the production, the sale, the transfer, and the use of antipersonnel landmines. They say such a ban would be both "humane and militarily responsible."

Look at some of the people who signed this. These are not just wild-eyed theorists. They include Gen. Norman Schwarzkopf; former Chairman of the Joint Chiefs of Staff, Gen. David Jones; the former Supreme Allied Commander, Gen. John Galvin; former Commander in Chief of the U.S. Southern Command, Gen. Frederick Woerner; former Commmanding General, U.S. Readiness Command, Gen. Volney Warner. Mr. President, these are generals who know what has happened.

I ask unanimous consent that a copy of the generals' letter be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. LEAHY. There is no doubt that antipersonnel landmines have some use. Any weapon does. But to those who would argue that whatever use they have outweighs the devastation they inflict on whole societies, I would answer that the commanders of our forces in South Korea, Vietnam, NATO, and Desert Storm say otherwise.

They say we can get rid of these landmines. These generals have used antipersonnel landmines and have seen what they do. They say these indiscriminate weapons made their jobs more dangerous, not safer. They remember their troops being blown up by their own minefields.

Today, it is landmines that our troops fear the most in Bosnia. No army is going to challenge our men and women in Bosnia, but there are hidden killers everywhere. A $2 antipersonnel mine will blow the leg off the best-trained, the best-equipped, the best-motivated American soldier.

In the 2 months since February, Canada, the Netherlands, Australia and, yesterday, Germany, have announced they will unilaterally, effective immediately, ban their use of antipersonnel landmines. These countries have gone way out ahead of the United States in showing leadership to ban landmines. Several, like Germany, said they will destroy their stockpile of these weapons. They are taking this action, which far surpasses what the United States has done, to lead the rest of the world.

Mr. President, next Monday, the United States will join over 50 countries in Geneva in the final session of negotiations on a treaty to limit the use of antipersonnel landmines. We already know that any agreement is going to fall far short of what is needed to solve this problem. Countries have insisted on exceptions and loopholes that are just going to assure that landmines will continue to maim and kill innocent civilians for decades to come.

In the weeks of negotiations there have not been more than 2 minutes of discussion on the banning of these weapons—the simplest and easiest thing to do, and what all of these distinguished retired American generals asked us to do. The only way we are going to get rid of antipersonnel landmines is by leadership that energizes the rest of the world.

A year and a half ago in a historic speech at the United Nations, President Clinton declared the goal of ridding the world of antipersonnel landmines.

There is no reason why today, with the world's attention focused on Bosnia, where we are spending tens of millions of dollars just to try to find the mines, we cannot join with our NATO partners, who have gone way out ahead of the United States, and renounce these insidious weapons. Let the United States—the most powerful nation on Earth—instead of being a follower in this, become the leader. A law we voted for in the Senate, now on the books, says we will halt our use of these landmines in 3 years. It should happen immediately, and it should be permanent, as Germany, Canada, and the others have done. Our senior retired combat officers support it. Hundreds of humanitarian organizations support it. They have seen the limbs torn off children at the knee.

If I have anything to do with it—and I intend to—this country is going to end this century having banned these terrible weapons once and for all. I hope the President and his administration will do what the United States Senate has already done—shown leadership in this. I hope that the rest of the Congress will do that, and then I hope that the United States will come back into a leadership role in banning landmines. It is what our NATO allies want, it is what our retired generals want, and it is what our men and women in the Armed Forces want.

Mr. President, I ask unanimous consent that an article in the April 8 edition of Newsweek magazine, by David Hackworth, America's most decorated soldier, entitled, "One Weapon We Don't Need," be printed in the RECORD.

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

[From Newsweek, Apr. 8, 1996]

ONE WEAPON WE DON'T NEED

(By David H. Hackworth)

Last February, Sgt. 1/C Donald A. Dugan was killed instantly on a snowy patch of ground in Bosnia. An antipersonnel mine exploded while the veteran U.S. Army reconnaissance sergeant was attempting to disarm it. The explosion drove a piece of the steel disarming tool into his forehead. On a dozen different killing fields around the world in the past 50 years. I've seen thousands of soldiers and civilians blasted apart by land mines. In northern Italy, where I served as a 15-year-old soldier boy at the end of World War II, I saw an army captain's legs ripped off by a land mine. In Bosnia last January, I came within minutes of becoming a casualty myself from a land-mine explosion. But I've never seen a battle in which land mines made a difference to the outcome. They are ugly and ineffective weapons, and they ought to be outlawed.

Land mines are indiscriminate killers. They kill not only during the conflict, but decades after the last shot was fired. The technology has improved; a modern mine can be programmed to blow itself up after a few weeks or months, reducing the postwar threat to civilians. But anti-personnel mines are still not "smart." They can't tell a good guy from a bad guy, a soldier from a civilian, an adult from a child. And some fail to blow themselves up. When millions of mines are scattered across a battlefield by air and artillery, even a tiny "dud rate" will leave a substantial number lying in wait for innocent victims.

Of all the instruments of terror used on the battlefield, mines are the most inhumane. The wartime casualties are young men whose lives are either snuffed out or ruined forever by crippling injuries. Even soldiers who escape from a minefield unscathed are haunted by the experience. Many cases of posttraumatic stress disorder, a serious psychological malady, were caused by the preying fear of mines and booby traps. Years later, a walk across an open field bring back the old dread: What's under those leaves? Do I dare put my foot on that freshly turned earth? Walk through a minefield, and you'll never be young again.

During the Korean War, tens of thousands of soldiers on both sides were felled by land mines. Many of them were killed by their own mines, recklessly thrown down in haste, their location unrecorded. In 1952, as a 21-year-old lieutenant, I was ordered to clear a path through an unmapped minefield—one of our own. I argued with my colonel about the advisability of doing such work on frozen, snow-covered ground. Lieutenants seldom win disputes with colonels, so the mine-clearing detail proceeded as ordered until a fine black sergeant named Simmons tripped the wire on a "Bouncing Betty" mine. It

popped up from the ground and blew off the top of his head, covering me with his blood and brains. Moments later, another noncom went nuts and stomped out into the minefield, screaming: "I'll find the f----- mines, I'll find the f----- mines!" He was tackled, restrained and led away.

In Vietnam, the U.S. Armed Forces also used land mines irresponsibly, dropping millions of them at random by air. The enemy quickly learned how to disarm these weapons and recycle them for use against us. The infantry battalion I commanded in the Ninth Division took more than 1,800 casualties in a year and a half, most of them caused by recycled U.S. ordnance. Mines cannot secure a flank or defend a position by themselves. For a minefield to be even marginally effective, it must be protected by friendly troops, to knock off the bad guys who want to clear a path or use the mines against you.

Mines never stopped any unit of mine from taking its objective—or the enemy from getting inside my wire. Anyone who has ever been in battle, especially in Korea or Vietnam, has seen enemy sappers crawl through mines and barbed wire and get into their positions. I once faced a Chinese "human wave" attack in Korea. My company was dug in on high ground, with plenty of weapons, ammo and artillery support. Out in front of our position we laid a carpet of mines and flares. The enemy attacked in regimental strength, outnumbering us 9 to 1. They walked through our minefield—and our gunfire—without missing a beat. They cut my company in half and within an hour were two miles to the south, in our rear. The only way out was to move north, so we trudged through our own somewhat depleted minefield to escape, losing two men in the process.

Most serving generals especially the desk jockeys, are in favor of mines. The real warfighters usually want to get rid of them. Whatever defensive punch is lost would be more than offset by the new firearms and missiles that give today's infantry platoon more killing power than a Korea-vintage battalion. "Mines are not mission-essential," says one general, "but they are budget-essential." In 1996, the U.S. Army budgeted $89 million for land-mine warfare. Now the army is fighting to protect every nickel.

Still, some retired generals want to ban mines, and I agree with them. Governments can declare land mines illegal, just as chemical weapons were prohibited. Sure, thugs like Saddam Hussein or Ratko Mladic will continue to use them. But users (along with manufacturers and dealers) can be hunted down and punished by an international court. If that happens just a few times, antipersonnel mines will go the way of mustard gas. I'll drink to that, and so will most veterans of foreign wars.

Mr. LEAHY. Mr. President, let me say one last time that we can ban landmines. We can ban landmines certainly within this century. We can ban them if the most powerful nation on Earth, the United States, takes the leadership role that it must in this. If we do what so many other countries have already done, and if we, instead of following them, step out ahead of them, we can ban these landmines once and for all. If we do, our men and women, when sent into harm's way, will be safer. Our humanitarian workers will be safer, and millions of children and innocent civilians around the world will become safer.

I yield the floor.

EXHIBIT 1

[From the New York Times, Apr. 3, 1996]

AN OPEN LETTER TO PRESIDENT CLINTON

DEAR MR. PRESIDENT: We understand that you have announced a United States goal of the eventual elimination of antipersonnel landmines. We take this to mean that you support a permanent and total international ban on the production, stockpiling, sale and use of this weapon.

We view such a ban as not only humane, but also militarily responsible.

The rationale for opposing antipersonnel landmines is that they are in a category similar to poison gas; they are hard to control and often have unintended harmful consequences (sometimes even for those who employ them). In addition, they are insidious in that their indiscriminate effects persist long after hostilities have ceased, continuing to cause casualties among innocent people, especially farmers and children.

We understand that: there are 100 million landmines deployed in the world. Their presence makes normal life impossible in scores of nations. It will take decades of slow, dangerous and painstaking work to remove these mines. The cost in dollars and human lives will be immense. Seventy people will be killed or maimed today, 500 this week, more than 2,000 this month, and more than 26,000 this year, because of landmines.

Given the wide range of weaponry available to military forces today, antipersonnel landmines are not essential. Thus, banning them would not undermine the military effectiveness or safety of our forces, nor those of other nations.

The proposed ban on antipersonnel landmines does not affect antitank mines, nor does it ban such normally command-detonated weapons as Claymore "mines," leaving unimpaired the use of those undeniably militarily useful weapons.

Nor is the ban on antipersonnel landmines a slippery slope that would open the way to efforts to ban additional categories of weapons, since these mines are unique in their indiscriminate, harmful residual potential.

We agree with and endorse these views, and conclude that you as Commander-in-Chief could responsibly take the lead in efforts to achieve a total and permanent international ban on the production, stockpiling, sale and use of antipersonnel landmines. We strongly urge that you do so.

General David Jones (USAF; ret.), former Chairman, Joint Chiefs of Staff;
General John R. Galvin (US Army, ret.), former Supreme Allied Commander, Europe;
General H. Norman Schwarzkopf (US Army, ret.), Commander, Operation Desert Storm;
General William G.T. Tuttle, Jr. (US Army, ret.), former Commander, US Army Materiel Command;
General Volney F. Warner (US Army, ret.), former Commanding General, US Readiness Command;
General Frederick F. Woerner, Jr. (US Army, ret.), former Commander-in-Chief, US Southern Command;
Lieutenant General James Abrahamson (USAF, ret.), former Director, Strategic Defense Initiative Office;
Lieutenant General Henry E. Emerson (US Army, ret.), former Commander, XVIII Airborne Corps;
Lieutenant General Robert G. Gard, Jr. (US Army, ret.), former President, National Defense University, President, Monterey Institute of International Studies;
Lieutenant General James F. Hollingsworth (US Army, ret.), former I Corps (ROK/US Group);
Lieutenant General Harold G. Moore, Jr. (US Army, ret.), former Commanding General, 7th Infantry Division;
Lieutenant General Dave R. Palmer (US Army, ret.), former Commandant, US Military Academy, West Point;
Lieutenant General DeWitt C. Smith, Jr. (US Army, ret.), former Commandant, US Army War College;
Vice Admiral Jack Shanahan (USN, ret.), former Commander, US Second Fleet;
Brigadier General Douglas Kinnard (US Army, ret.), former Chief of Military History, US Army.

SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT

Mr. GRAMM. Mr. President, I have introduced The Sexual Offender Tracking and Identification Act of 1996 with Senators Biden, Hutchison, and Faircloth. I would like, this morning, to talk a little bit about this bill, its origins and what it seeks to do.

I begin by asking unanimous consent to have printed in the RECORD a letter of endorsement from the National Center for Missing and Exploited Children.

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

NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN,
Arlington, VA, April 16, 1996.

To: Senator Phil Gramm.
From: Teresa Klingensmith, Manager, Legislative Affairs.
Date: April 16, 1996.
Re Necessity of Sexual Predators Tracking and Identification Act of 1996.

The benefit of a national sex offender registry network and database, such as the one envisioned in your bill, cannot be overstated. As we see the effects of the mandates contained in the Wetterling Act—presently 47 states have sex offender registry programs—we are made cognizant of the new obstacles to be tackled with regard to sex offender containment. It is time for the next steps contemplated but not attended to in Wetterling.

1. A registry network. Fifty individual state sex offender registries would be sufficient if no sex offender ever moved interstate. Unfortunately, that is certainly not the case. Indeed, these offenders tend to be particularly transient individuals, probably due to the need to conceal the darker side of their lives and seek out new victims. As these offenders move from state to state, they can easily get lost in the paper-shuffling from state to state. A central, federal database and verification system will insure that these individuals do not "fall through the cracks" as they move from state to state.

2. Community notification. Thirty states have enacted community notification laws, and more are being considered in the 1996 state sessions. These laws remain very popular, despite the current judicial debate surrounding them.[1] However, like sex offender

[1] Even this judicial debate centers on specific aspects of these laws (i.e. retroactive application)

registries, these laws are ineffective in the larger scope if offenders can evade them simply by moving across a state line. Already, I receive letters from offenders in prison requesting information about which states have notification programs and which do not. These offenders are not stupid; we must be as clever as they if we intend to protect our children. No current federal law suggests the passage of a community notification program as strongly as your legislation or provides the background on which to build such a national system. No current community notification program will be truly effective until all 50 states have relatively uniform programs; this bill the next step towards such coverage.

3. Release of information. Child molesters dedicate an enormous amount of energy obtaining legitimate access to children. This includes securing positions (if possible) in day care centers, child youth organizations, schools, community centers, etc. In recognition of this, states have responded by passing background screening laws requiring criminal background checks for those who have access/contact with children. Unfortunately, most of these checks stop at state lines. Without a national database of sex offenders and authorized access to that database, these background checks won't accomplish their true purpose. We strongly support your effort to provide such a database.

Sex offenders do not only victimize the women and children they attack; they victimize society as a whole. As a nation we have a depleted sense of security and trust as a result of these individuals. To combat these offenses and their long-term results requires a plan that addresses all the aspects of their behavior and strives to empower the community to protect itself and its children. NCMEC has long advocated a reasonable, responsible, long-range approach to containing sex offender recidivism. I believe your bill is a positive contribution to such a long-range plan and necessary to its development.

The inclusion on the FBI's Wanted Persons Index for unverifiable offenders is a clever and strong answer to a persistent question. Many offenders may be coerced into updating their registration information by the threat of inclusion on that list. It is a practical, no-nonsense solution.

We support your efforts and commend your interest in child protection.

Mr. GRAMM. Mr. President, let me begin with a tragic story, and then talk about a Texas law, what other States have done in the area of sexual predators, why what they are doing cannot work unless we do our part, and then outline what we are trying to do in this bill.

Three years ago, a 7-year-old girl named Ashley Estell went to a park in Plano, TX, which is an upscale suburb of Dallas, one of the finest communities in America, and certainly we would assume one of the safest. She went to the park that day to watch her brother play soccer. Ashley's brother played in the second of three games to be played that day and while her parents stayed to watch the final game, Ashley went to play on a swing set. Although there were 2,000 people in the park that day, this little girl was, nevertheless, abducted, raped, and brutally murdered.

The FBI stepped in to investigate the case, and asked parents who were there that day to turn in any video cassette recordings they might have taken of games on the playground. The FBI, using the 14 tapes that were turned in, was able to go back and identify a known sexual predator who had been there the day Ashley was abducted. They apprehended him, and after a change of venue to Midland, TX, he was convicted and sentenced to death. His record was a record that we read about every day in the newspaper—he had been previously convicted, had been sentenced to 10 years in prison, had gotten out in just 18 months, and then went to this park and abducted and murdered a little girl.

What shocked Plano, the whole metroplex and, to some degree, the entire country, was not just this tragic crime, but the fact that the FBI, in looking at these 14 tapes, identified not one, but two sexual predators who were there in the park on that day. It turned out that the referee of all three soccer games played that day was a convicted sexual predator, who had fled from North Carolina to Texas to avoid being sent to prison for 10 years.

One of the greatest tragedies was that the soccer league had no way of knowing who this person was and no way of checking his record. Further, there is no national database that can be used to check the records of anybody else who wants to be a scoutmaster for the Girl Scouts or the Boy Scouts, who wants to work for the Boys and Girls Club, or wants to be a Big Brother or Big Sister.

And so, in light of this terrible tragedy, Florence Shapiro, an outstanding young State senator in my State of Texas, wrote a series of bills called Ashley's laws, named after this little girl. These bills sought, among other things, to set up a statewide tracking system for sex offenders, and required a minimum mandatory sentence of life imprisonment without parole for a second sexual offense or for aggravated sexual assault.

Under the tracking system in Texas, before convicted sexual predators can be released from prison, they have to be photographed, fingerprinted, and have a file built on them. Then, when they leave prison, they have to register with law enforcement authorities in the town that they move into. The law enforcement authorities then notify the school system, print a notice in the newspaper, and make the data available to local civic organizations, local groups, and other groups where you have substantial concentrations of children. With this system, which is in place today, if somebody wants to be a scoutmaster in Plano, TX, the scouting council can go to the local police department and say, "This person wants to be a scoutmaster. Can you look on your computer data base and see if there is a reason that we should be concerned about trusting young children to this person?" This system has been set up in Texas, 46 other States have established similar programs, and I believe Texas' is a model system.

The problem is, since each State has its own individual program, when someone commits a sex crime in Texas and moves to Arizona, there is no mechanism to pick them up in Arizona. The same, obviously, is true if somebody commits a sex crime in Chicago, goes to prison, gets out, and then moves to College Station, TX. There simply is no mechanism to pick them up once they cross State lines.

Senator BIDEN, Senator HUTCHISON, Senator FAIRCLOTH, and I have offered a bill to change this by having the FBI set up, working with the States, a national data base on sexual predators. As the Presiding Officer knows, we are in the process of building a massive criminal data base which is expected to be on-line by the year 2000. This system will be the most comprehensive data base on criminals in the history of mankind. I was chairman of the Commerce, Justice, and State Department Appropriations Subcommittee last year when Florence Shapiro, our State senator, was writing her bill, and it struck me, in providing $88 million for this program, that this sexual predator effort is never going to work as long as sexual predators can move across State lines and escape the system. Needless to say, we are already beginning to get evidence which proves this. Even though most of these State laws are already in effect, it is becoming increasingly clear that exactly what you would expect happen has indeed happened; that is, sexual predators, in Texas and elsewhere, who are required to register when they move into a community are trying to escape this increased scrutiny. Although we do not have enough data yet to show this conclusively, I think it is increasingly clear that the interstate migration of convicted sexual predators has exploded as these convicts try to exploit the weakness of the current system.

What we are trying to do in this bill is to have the FBI set up a national data base in conjunction with those States that have registration laws, and set up a data base for the three States that have not yet acted in this area, in order to develop a national system that all States can participate in as partners. Under this system, any time a sexual predator is released from prison, we will have a comprehensive file on them, and wherever they move we will ensure that the local law enforcement authorities are notified. We will leave it up to the State and local officials as to how they want to use this information. Some States, like Texas, have

rather than on the spirit of the community notification program. The basic theory of notification has withstood all challenges.

very aggressive programs which provide for school notification, public notification, and a program through which volunteer civic organizations can use the data base to determine whether someone should be put in a position of trust with regard to children. We do not get into telling the States how to use the data base, we simply assure that they have access to a nationwide sexual offender registry.

Let me, in conclusion, provide an example of how this system might work once this bill is passed and the data base is operating. Let us say that in Tucson you had the principal of an elementary school call up the police chief and say, "We have a strange guy hanging around our school, and maybe I am overreacting to this, but our janitor thinks he saw this guy looking into a bathroom window." What would happen with this system in place is that the police chief in Tucson could send a police officer out to the school, get a description of this individual, get any evidence there might be—a footprint, for example—and if they had a computer in the patrol car, they could actually put the data into the computer at that moment and ask the data base, "Can you take this description and match it against any registered sexual predator within 25, 50, 100, or 1,000 miles of Tucson, AZ?" The computer could then generate, for example, six people who meet this description, and produce color, digitized photographs of those individuals. These photos could then be immediately shown to the principal, to the kids, to the teachers, and to the janitor, and, hopefully, they could identify this person.

In my State, it is a felony for a person who has previously been convicted as a sexual predator against children to be within a certain distance of the school whether they are still on parole or not, and so in Texas the police could go out and arrest this person and put them back in jail before they could hurt someone.

It is important to note that sexual predators have a recidivism rate that is higher than any other known class of criminal activity. The probability that someone who is convicted of being a sexual predator, especially if it is a crime against a child, committing that crime again is estimated to be 10 times higher than the probability that an armed robber who is apprehended, convicted, and sent to prison will commit the act of armed robbery again. As a result, we have a special obligation to be vigilant in protecting society from sexual predators.

Finally, I see this bill as being a first step toward using the power of the information age to deny criminals the one thing they need to prey on society, and that is a dark corner to hide in. I believe that with the explosion of the information age, if we are willing to commit the resources to hire and train law enforcement officials, to build prisons, and to elect and appoint judges that are serious about protecting society, we have the ability to protect our children from people for whom the preponderance of the evidence shows that they are guilty. I think the power of the information age in denying criminals—in this case, sexual predators—a dark corner to hide in is going to give us the ability to have the safest society we have had in over half a century.

I want to be certain that we take this opportunity to achieve these goals and I hope my colleagues will look at this bill and will join us in this effort. We hope to see this bill become law this spring and do not know of any organized effort against it. The ACLU opposed similar provisions in my State, arguing that we were violating the right to privacy of people who had previously been convicted as being sexual predators. My response to this charge, however, is that you do not have to be on this list. If you are concerned about your privacy, do not molest our children. If you do not commit a sexual crime, then you will not lose your privacy. But if you do commit this kind of terrible crime, part of our response will be to take extraordinary procedures to protect society.

So I recommend this to my colleagues, I thank the Chair, and I yield the floor.

Mr. BIDEN. Yesterday, Senator GRAMM, Senator HUTCHISON, Senator FAIRCLOTH, and I introduced Senate bill 1675—legislation to strengthen and improve the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

The Jacob Wetterling Act requires States to enact laws to register and track the most violent, the most horrible—and least likely to be rehabilitated—criminals our Nation faces today. I refer to those criminals who attack our children and criminals who are sexually violent predators.

These criminals must be tracked. And local law enforcement must know when these criminals are in their communities. This was the reason I worked to include this important measure in the 1994 crime law. And I will also point out that almost all States have taken great strides to build an effective tracking system.

Now we seek to build upon this progress to meet three specific goals:

First, we must have a nationwide system that will help State and local law enforcement track these offenders as they move from State to State and will help by providing a backup system of tracking.

Second, while most States have established or are about to establish these systems, if any States fail to act, we cannot allow there to be a black hole where sexual predators can hide—and are then lost to all States. A nationwide system will track offenders if States do not maintain registration systems.

Third, we must ensure that the most serious sexual predators are required to remain registered with law enforcement officials for the rest of their lives.

All of these key goals will be met by this legislation. In addition, our bill will offer some improvements which are made possible by the nationwide system this bill will provide. For example, our bill will—

Require all offenders to verify their address on a regular basis by returning verification cards with their fingerprints.

Require that a nationwide warning is issued whenever an offender fails to verify their address or when an offender cannot be located.

Institute tough penalties for offenders who willfully fail to meet their obligations to register with the nationwide system in States where there is no registration and in cases of offenders who move from one State to another.

Notify law enforcement officials not only when an offender moves to their area, but also when an offender moves out of their neighborhood.

To offer just one of the practical problems a national data base will help local law enforcement address—Delaware law enforcement, because Delaware is so close to other States, will certainly need to know if a sexual predator lives just over the line in Pennsylvania. And only a national data base can provide this information.

To offer a real life example of why a nationwide system is needed—in Delaware, a sex offender was released last year. Fortunately, Delaware's offender registration law requires this offender—Freddy Marine—to be tracked by Delaware law enforcement. Since his release, Marine has moved to another State. The nationwide system established by this bill will help make sure that if Freddy Marine moves back to Delaware—our State law enforcement will know, and knowledge is the key to effective enforcement.

Let me also point out that our bill would still allow States the flexibility to decide when a community should be notified of the presence of a sexual offender, as State and local law enforcement is in the best position to decide when and how notification in their area is warranted. Frankly, our bill has erred on the side of registering many more offenders than may be necessary. Therefore, the specific decision to require community notification must be left to the State and local officials.

In summary, the sex offender tracking and identification bill is possible because States such as Delaware and Texas have done the hard work to build statewide registration systems. We now seek to build a system where all movements of sexually violent and

child offenders can be tracked and we will go a long way toward the day when none of these predators will fall between the cracks.

Mr. DORGAN. Mr. President, I ask unanimous consent to extend morning business time for 10 minutes so that I might speak in morning business.

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

Mr. DORGAN. I say to the Senators who are handling the bill that when they come to the floor I will certainly immediately relinquish the floor.

Let me say to the Senator from Texas before he leaves the floor that I am interested in cosponsoring that piece of legislation. I met with a group of law enforcement officers recently in Dickinson, ND, in fact, last week. We talked about a wide range of subjects, including the triple "i" index, the interstate identification index, the criminal records base, and there are two things that are deficient. One is there are a great many criminal records dealing with the criminal history of someone who is below 18 years of age, someone who has committed a murder, a rape, armed robbery, and so on, that you cannot get at. If you inquire from a law office in Texas and this person had committed the act in South Dakota, North Dakota, or Nebraska, those records are expunged and withheld. So you do not have the complete criminal history.

The other thing that they talked about was this issue of sexual predators. It is fine for States to have the system, but, if they are not together and interlocked in this interstate identification system, somehow it does not respond to the way we want it to respond.

I listened to what the Senator from Texas had to say. I want to cosponsor the legislation and work with him and others. I think this makes a great deal of good sense.

Mr. GRAMM. I thank the Senator. Let me say we are looking at exactly the problem of at what point should a juvenile go on this database. It is clear to me that, in the society in which we live today, by the time many of these hardened criminals, these sexual predators, are adults, they have already committed many crimes and have established a life style which they are unlikely to break. Senator BIDEN and I are working on these kinds of problems, and we will happily put the Senator on as a cosponsor.

We would also be happy to try to incorporate into our bill any suggestions the Senator or his law enforcement officials might have.

We have a blueprint of what we want to do, but we are very open to try to improve it, and I thank the Senator.

Mr. DORGAN. I appreciate the Senator's remarks. I will cosponsor the legislation and be anxious to work with him on the juvenile crime issue.

LEGISLATIVE AGENDAS

Mr. DORGAN. Let me, Mr. President, just take a moment to describe what happened yesterday since the Senate went into recess and I was unable to speak about it.

There are stories in the press today which say that the majority leader pulled the bill on immigration and said that some were trying to hold the immigration bill hostage in the Senate yesterday.

That is not the case at all. It is simply not accurate. It is true that amendments were offered to the immigration bill. My amendment was offered yesterday that deals with a Social Security issue, but I indicated to the person managing the bill I would be willing to accept a 20- or 30-minute time agreement on my amendment. It was not a circumstance where my amendment was going to hold up the bill. There would have been a minimum wage amendment, but Senator KENNEDY indicated he was willing to accept a time agreement of perhaps an hour, perhaps a half-hour, on that minimum wage amendment. So no one could accurately describe that as holding any kind of a bill hostage.

I want to describe the circumstance we were in yesterday and why I had to offer the Social Security amendment. The majority leader has announced in the Senate that he intends to seek reconsideration of the constitutional amendment to balance the budget. He has the right to do that, and when he does it, as I understand the procedure, there will be no debate and no opportunity for an amendment. That is the procedure under which he will seek reconsideration.

As a result of that, those of us who care about an issue that is related to the constitutional amendment to balance the budget, namely the issue of using Social Security trust funds as part of the revenue to balance the budget, wanted to offer a sense-of-the-Senate resolution saying any constitutional amendment to balance the budget that is brought to the Senate floor should create a firewall between the Social Security trust funds and the operating revenues of the Federal Government.

Now, why is that important? Because if you do not do that, we will have nearly $700 billion of Social Security trust funds misused. They were supposed to have been collected to be saved for the baby boom generation when they retire. But instead, they will be used as revenues on the revenue side of the budget to show a lower budget deficit.

Some of us feel that is wrong. I know that yesterday it was charged, well, this is just politics. It is not just politics. It is an enormously important question that this Senate must address. So far it has addressed it in the wrong way.

The minimum wage, which was also scheduled to be offered as an amendment by Senator KENNEDY and some others, is an issue they have worked on for over a year. There was not any intention to hold the bill up but simply to say on behalf of those folks out there working on a minimum wage who have for 6 years not received any kind of an increase at all, they have been frozen for 6 years and have lost a half a dollar of their wage to inflation in terms of purchasing power, we will try to give you a slight increase in the minimum wage.

That is what the fight was about. It was not a fight to try to hold up the bill.

Now, the majority leader came to the floor and, apparently with great frustration, said, well, this Social Security amendment and others have nothing to do with the underlying bill.

The majority leader understands how the Senate works. He has been here for a long, long time. He came to the floor when we had family and medical leave in this Chamber and offered a gays in the military amendment that had nothing to do with the bill. It was because he wanted to offer his amendment dealing with gays in the military. It was completely extraneous. It was nonrelevant. But he did it because he felt it was important to do.

On the immigration bill yesterday, the only opportunity, it seemed to us, to be able to register on this issue of the misuse of the Social Security funds in a constitutional amendment to balance the budget, the only opportunity we would have had before the majority leader would bring up the vote on the constitutional amendment to balance the budget was to offer it before he did it, and so we used the first vehicle that came along.

It is not an attempt to frustrate the immigration bill. Much in the immigration bill I support, as do many of my colleagues. The immigration bill will pass the Senate, in my judgment, if the majority leader brings it back to the floor. But he is not going to be in a circumstance where he comes to the floor of the Senate and says: Here is our agenda, and you vote on our amendments and our agenda when we want to vote; and with respect to the things you care about, we are sorry but they do not count; they are irrelevant.

It is not the way the Senate works. And so we are not trying to hold up any piece of legislation. We very much want the Senate to register itself on a couple of important issues.

With respect to whether these issues are just politics, as a couple of people have suggested, I guess if we get to the point when we are talking about a minimum wage for millions of Americans who have not had an adjustment in the minimum wage for 6 years, if we get to the point where we say, well, that is just politics if we want to talk about

the minimum wage, they have changed the definition of politics. If it is just politics when we want to talk about $700 billion of Social Security trust funds being misused to show a lower budget deficit, then they have changed the definition of politics. That is not politics, in my judgment. It is what we ought to be discussing in the Senate.

My hope is that when we finish the antiterrorism bill, which I think will be moved out of the Senate with a yes vote, we will turn to the immigration bill, and we will deal with these amendments.

The fact is these amendments are not going to go away. I heard the majority leader and others say, well, those who offer these amendments simply want to cover their vote against the constitutional amendment.

We had two votes on the constitutional amendments last year. I voted for one, which was the right one, which did not misuse the Social Security trust funds, and I voted against the one that did misuse the Social Security trust funds. You cannot take money from workers' paychecks and say to them we promise this is dedicated for only one purpose; it goes into a trust fund; it is going to be saved for Social Security when we need it when the baby boomers retire, and then say, oh, by the way, we have changed our mind; the $71 billion this year that we collect above what we need for Social Security, we are going to use that to balance the Federal budget.

This is not a trust fund. The fund ought not to have the word "trust" in it if you are going to use it for other purposes, and it is not politics for us to start talking about some honesty in budgeting and protecting the Social Security trust funds for the days when this country is going to need them when the baby boomers retire.

There are plenty of issues we need to deal with in the Senate, and if every time we come to the floor of the Senate and talk about issues of substance, whether it is the Social Security trust funds or a constitutional amendment to balance the budget or for that matter the minimum wage, it is alleged somehow it is totally political, then I guess all of the activities of the Senate will be political this year. But some of us happen to think some of these issues ought to be dealt with, and those who think they will avoid votes in the coming months should understand we will come to the floor again and again and again, and it is not to play games. It is because it is serious business when you are talking about $700 billion in the Social Security trust funds, and it is also serious business when you are talking about folks who have worked on minimum wages for 6 years and have had no adjustment relative to inflation.

So, Mr. President, I understand we have the antiterrorism bill that will be coming to the floor this morning. I hope we make good progress on it. I think there is a consent agreement of some sort with respect to amendments. That bill ought to get out of the Senate soon. I will likely vote for it. Then I hope we can turn to immigration and deal with some of these issues.

I have watched what has happened in the Senate now for some long time, and I do not want people coming to the floor of the Senate and saying, well, we offer all of our amendments, any amendment, any time we want on any bill we want, but if you offer an amendment on minimum wage here, somehow you are playing politics.

That is not the way the Senate works. If one side is able to use legislation to advance the policies they want to advance, then the other side is going to do the same thing, and it ought not be a surprise to anybody. I just do not like to see stories in which we are told that somehow somebody yesterday was holding an immigration bill hostage. Both amendments that were to be offered to the immigration bill would have been subject to, and the authors of both amendments had said that they would agree to, very short time agreements. Nobody was holding anything hostage. People ought to know that.

Mr. President, I yield the floor, and I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative 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.

IMMIGRATION REFORM

Mr. CAMPBELL. Mr. President, I come to the floor today to make a few brief comments on the immigration proposals that we will be debating over the next few days. My first observation is to recognize the distinct set of issues that relate to and will be debated with respect to legal and illegal immigration. I commend the work of the Judiciary Committee for recognizing the merits of considering two separate bills rather than one package, and I strongly endorse the committee's position.

Mr. President, what I hear from many of my constituents on the issue of immigration is the growing costs absorbed by the system, that is Federal, State, county, and local governments, to continue to provide public services and benefits to the immigrant community. And recently, in my home State of Colorado, the increasing number of illegal immigrants, in particular, has been a growing concern.

Further, recent statistics, compiled by the Congressional Research Service and other recent studies, clearly document the enormous financial burden placed on Government entities to provide services to the immigrant community. It is my belief that without significant changes to curb the flow of illegal immigration, and to revisit current benefits bestowed to legal and illegal immigrants, this financial burden will continue to increase dramatically.

For example, a recent study out of Rice University, concluded that immigration costs to the United States exceeded $50 billion in 1994 alone. While the conclusion reached in this study are subject to debate, there is nonetheless a compelling need for significant change.

With over 4 million illegal aliens currently in this country, and over 300,000 arriving annually, the increasing burdens on our society demand our attention.

I would like to point out that in my home State of Colorado, for the 5-month period from November 1995 through March 1996, the Immigration and Naturalization Service [INS], contacted a total of 3,486 illegals. Of those, 2,014 were deported, while 1,472 were let go.

Mr. President, I would like to bring your attention to a newspaper article from the Denver Post dated April 12, 1996, that reads in part, "Last week, a van filled with 29 illegal immigrants was stopped on Interstate 70 in Grand Junction, but a lack of detention funds kept the INS from arresting them or their driver."

These incidents come just days after the INS Operation Mountain Passes ended. As a result of this program, designed to specifically crack down on smugglers, roughly 1,300 illegal immigrants were stopped, arrested, and deported. However, and not so ironic, when the money ran out this program ended.

Again as recently as Monday, in Colorado Springs, CO, a van containing 13 suspected illegal immigrants was stopped by the Colorado State Patrol. Unfortunately, for some unknown reason the INS could not respond. Because the State patrol does not have the authority to arrest illegal immigrants, these individuals were released. This represents the second time in less than a week that suspected illegal immigrants have been released because of inadequate INS response capability.

As a result of changes in the dynamics of illegal immigration migration Colorado has now become a major corridor for illegal immigrants migrating east. Without the assistance of increased law enforcement efforts, such as Operation Mountain Passes, I am concerned that these successful efforts may be curtailed.

While I support efforts to increase law enforcement efforts to curb illegal immigration, both at the border and to other impacted States, I do have concerns with provisions adopted in the House measure that may be considered in this Chamber.

Primarily, I am concerned with the provisions adopted in the House bill that seek to deny public education to illegal immigrant children as a means of reducing the flow of illegal immigrants into this country. Congress should not be so overzealous in its endeavor to reduce the influx of illegal aliens that we adopt stopgap measures that are actually destined to increase the demands on public funding by expanding the number of America's undereducated and unemployed.

Any provision that seeks to deny children access to education will place a massive burden upon our already overburdened community services, schools, and local law enforcement agencies. At a time when local and State leaders are making strenuous efforts to keep kids off the streets and in school, education should be employed as an important tool to help solve America's problems, not used as a weapon against its most helpless victims.

Mr. President, reducing the flow of illegal immigrants must first focus upon measures that will actually restrict and hopefully prevent illegal immigrants from entering this country. I support provisions in S. 1664, the Immigration Control and Financial Responsibility Act of 1996, that provides for more border patrol agents, as well as the addition of 300 full-time Immigration and Naturalization Service investigators for each of the next 3 fiscal years. I believe these provisions will provide a much needed boost to the understaffed and overworked agencies that we entrust to keep illegal aliens out of this country. Our focus, again, should be on the prevention and control of illegal immigration, rather than on retribution for illegally immigrating to this country.

Each of my colleagues brings a certain perspective to the immigration debate. I have listened to much of the debate and realized that the great lot of us are products of immigrant families. Personally, I believe I have unique perspective to add to the debate.

Over 60 years ago, my mother legally immigrated from Portugal. Like many people during that time she wanted the opportunity to make a better life for herself and an opportunity to succeed, but to do so in a law abiding way. While on the other hand, my father comes from people, the Northern Cheyenne people, who can document their ties to this land, to this continent for hundreds of years prior to the first explorers of this continent. If I were to take his advice, and the advice of many native American people, they might suggest that we all pack our bags and go home.

Obviously reality dictates real and pragmatic solutions. However, I might also observe that it seems ironic that if this same debate were to take place 100 years ago many of my colleagues, including myself, might not be here today.

In closing, I look forward to the debate on these immigration proposals and hope that this Chamber can adopt fair and effective immigration reform. Let us remember that, with few exceptions, we are all ancestors of immigrants.

Mr. President, I ask unanimous consent that the text of an article that appeared in the Colorado Springs Gazette Telegraph, on immigration, be printed in the RECORD.

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

SUSPECTED ILLEGAL ALIENS LET GO AFTER INS NO-SHOW

(By Teresa Owen-Cooper)

Thirteen suspected illegal immigrants from Mexico were detained briefly in Colorado Springs on Monday night but released after federal authorities couldn't respond to take them into custody, according to the Colorado State Patrol.

The 12 men and one woman from Oaxaca, Mexico, on their way to Tennessee to pick fruit, were stopped on Interstate 25 near U.S. Highway 24 about 7 p.m. after their van was weaving, said state patrol trooper Chuck Coffrin.

Coffrin found 13 people inside the 1972 Ford panel van, and none were able to produce documentation that they were U.S. citizens, officials said.

State patrol officials called the U.S. Immigration and Naturalization Service, who couldn't respond, Coffrin said, adding that the INS gave no indication why.

Because the state patrol doesn't have authority to arrest illegal immigrants, the 13 people were released, Coffrin said.

It was the second time in less than a week that the state patrol has stopped a van carrying suspected illegal immigrants from Mexico and been forced to release them because the INS didn't take action.

On Thursday, the state patrol stopped a van, carrying 19 people, on I-25 about 15 miles south of Colorado Springs, because their van was weaving, according to the state patrol.

GULF WAR SYMPTOMS

Mr. CAMPBELL. Mr. President, ever since the conclusion of the gulf war, returning veterans have complained about a variety of symptoms including dizziness, nausea, loss of equilibrium, and depression.

All of us have visited veterans in our States. And through a series of hearings, those of us on the Veterans' Affairs Committee have been dismayed by the steadfast denial on the part of the Pentagon and the Department of Defense to acknowledge these brave men and women are suffering the after effects of all airborne or waterborne agent or agents that have caused their sickness.

As late as this week, Mr. President, the Pentagon issued a statement saying that after spending $80 million of taxpayer money, they found no evidence of sickness-inducing agents during the gulf war. Kind of sounds like Vietnam and agent orange all over again.

Well, lo and behold, Mr. President, thanks to an extensive study done by the University of Texas through a grant given by Ross Perot, those complaints from our men and women in uniform appear to be true, and the culprit was a combination of three agents acting in concert with each other. One agent was a common pesticide. Last night the Pentagon, somewhat sheepishly admitted their mistake.

My only questions are these, Mr. President. One, what the heck did they study with the $80 million? And two, if they are that incompetent they must be in an unmendable state of denial in helping our returning veterans.

Hooray for the University of Texas—boo on the Pentagon.

TRIBUTE TO CHINA-BURMA-INDIA VETERANS ASSOCIATION OF NEVADA

Mr. BRYAN. Mr. President, I rise today to honor the China-Burma-India Veterans Association [CBIVA] of Nevada. These veterans played a decisive role in World War II. The China-Burma-India Veterans were responsible for driving the Japanese out of the treacherous Burma jungles and for building a road from Burma through the Himalayas to China, which was originally called the Burma Road. The China-Burma-India Veterans also flew the most famous of the B-29 airplanes, brought the air war to Japan and its occupied territories and ended the war with the historic atom bombing of mainland Japan.

The China-Burma-India Association was established in 1948 in Milwaukee, WI and is now a nonprofit organization of approximately 7,000 veterans. In Las Vegas, a group of the brave and courageous veterans has established a chapter of their own called the Silver State Basha No. 133 with Eugene Henkin as their current commander. The China-Burma-India Veterans Association, Silver State Basha No. 133, keeps their veterans in touch by sending out more than 200 newsletters to China-Burma-India Veterans of Las Vegas and surrounding communities.

The Silver State Basha No. 133 is an example of the many fine men and women in our country who had the courage, sacrifice, and devotion to serve in World War II. On April 21–23, the China-Burma-India Veterans Association World War II will hold its western area reunion in Las Vegas at the Rio Hotel and Casino. I am pleased to recognize this group and would like to wish the China-Burma-India Veterans Association best wishes on a successful reunion.

TRIBUTE TO JOHN O. HEMPERLEY

Mr. HATFIELD. Mr. President, I rise today to pay tribute to John O. Hemperley, the Budget Officer of the Library of Congress, who passed away last Saturday.

Members and staff of the Appropriations Committee rely heavily on the expertise, efficiency, and responsiveness of agency budget officers. Throughout our Federal Government there is a corps of budget professionals who set the example of dedicated public service. John Hemperley embodied the highest standards of his profession. He possessed a knowledge and understanding of the Library's budget that was unsurpassed, and he was unfailingly responsive in sharing that knowledge with our committee and its staff. He was fierce in his defense of the Library's mission and the budget funding that mission, but he never misrepresented the facts, and he always faithfully executed the budget enacted by the Congress.

The Library of Congress is a unique and treasured institution. It is the greatest repository of knowledge in the history of the world, and for 196 years the Congress of the United States has supported and nurtured its development. Today the Library faces the challenge of providing new electronic services to all its constituent groups while maintaining its traditional services to the Congress and the Nation, all in a time of severe fiscal constraint.

John O. Hemperley was a unique and treasured individual. For the past 23 years, he supported and nurtured the Library of Congress in its relationship with the Committee on Appropriations. He will be sorely missed, not only by those who knew and loved him here in the Senate and in the Library, but by all those who may never have known him but who benefit daily from the enormous resources the Library provides. The challenges the Library faces will be more daunting without him.

Mr. President, I know I speak for Senator MACK, the chairman of our Legislative Branch Appropriations Subcommittee, and for all other members of the Appropriations Committee, and our staff, in expressing our great sorrow and extending sincere condolences to John's wife, Bess Hemperley, their children, and grandchildren. And may John rest in peace with God.

CHANGE OF VOTE

Mr. MOYNIHAN. Mr. President, on rollcall vote 50, I voted yea. My intention was to vote nay. I ask unanimous consent that I be permitted to change my vote which in no way would change the outcome of the vote.

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

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, I have mentioned many times that memorable evening in 1972 when the television networks reported that I had won the Senate race in North Carolina.

At first, I was stunned because I had never been confident that I would be the first Republican in history to be elected to the U.S. Senate by the people of North Carolina. When I got over that, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

I have kept that commitment and it has proved enormously meaningful to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the 23 years I have been in the Senate.

A large percentage of them have been concerned about the total Federal debt which recently exceeded $5 trillion. Of course, Congress is responsible for creating this monstrous debt which coming generations will have to pay.

Mr. President, the young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I decided that it was important that a daily record be made of the precise size of the Federal debt which, at the close of business yesterday, Tuesday, April 16, stood at $5,142,250,889,027.95. This amounts to $19,430.38 for every man, woman, and child in America on a per capita basis.

The increase in the national debt since my report yesterday—which identified the total Federal debt as of close of business on Monday, April 15, 1996—shows an increase of more than two billion dollars $2,239,481,250.00, to be exact. That 1-day increase is enough to match the money needed by approximately 332,070 students to pay their college tuitions for 4 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TERRORISM PREVENTION ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying S. 735, which the clerk will report.

The assistant legislative clerk read as follows:

A conference report to accompany S. 735, an act to prevent and punish acts of terrorism and for other purposes.

The Senate resumed the consideration of the conference report.

MOTION TO RECOMMIT

Mr. LEAHY. Mr. President, I move to recommit the conference report on the bill S. 735 to the committee of conference with instructions to the managers on the part of the Senate to disagree to the conference substitute recommended by the committee of conference and insist on striking the text of section 414 (relating to summary exclusion), section 422 (relating to modification of asylum procedures) and section 423 (relating to preclusion of judicial review) from the conference substitute.

The PRESIDING OFFICER. There are 30 minutes on the motion, to be equally divided.

Who yields time?

Mr. LEAHY. Mr. President, I yield myself 6 minutes.

Mr. President, I will ask for the yeas and nays on this at the appropriate time but, I understand that the distinguished chairman of the committee is on his way to the floor. I would not make such a request until he was on the floor.

I am not taking this action lightly. I understand there is a real concern on motions to recommit, but this is a very, very serious matter.

I understand the symbolism of trying to have this conference report adopted by the House on the 1-year anniversary of the terrible bombing of the Federal building in Oklahoma City and, for that matter, the 3-year anniversary of the tragic end of the siege near Waco. It is one thing to say we want to schedule a resolution or sense of the Congress to coincide with a memorial day but here we are talking about a very significant piece of legislation. While I think that all of us abhor what happened in Oklahoma—certainly, no sane American could take any pleasure in what happened in the tragedy in Oklahoma City—we also have a responsibility as U.S. Senators, no matter which party we belong to, to pass the best law we can. After all, that is what the American people expect.

The vast majority of Americans are opposed to terrorism, terrorism of any sort, and they assume that their elected officials, both Republicans and Democrats, are going to pass good antiterrorism legislation. If it takes a day or two more to get it right, then let us take the day or two more. We are doing this for a nation of 250 million Americans, a very powerful nation, threatened by terrorism.

The Senate passed S. 735 on June 6, 1995, almost a year ago. The House only considered its version last month. The conference committee apparently met a couple of evenings ago, and we were handed the conference report yesterday with instructions to pass it post haste. Having seen almost 10 months elapse since the Senate passed this bill, I hope

we take time to at least to read the conference report. And, I dare suggest, there are not five Senators in here who have even read the conference report or have the foggiest notion of what it is they are voting on.

This is what we are talking about. We are talking about a bill being rushed through here about antiterrorism, because we are all against terrorists. But I am willing to bet my farm in Middlesex, VT, you are not going to find 5 to 10 Senators in this body who have read every word of this conference report.

In particular, my motion to recommit concerns profound changes to our asylum process that were not previously considered by the Senate in our deliberations on antiterrorism last year. The provisions I am objecting to have nothing to do with preventing terrorism. That is one reason why they were not in the antiterrorism bill that we considered and passed last summer. These provisions were added in the conference.

They do not have to do with terrorism. I am asking only to strike sections 414, 422, and 423. These are general immigration matters. They should be in the immigration bill. They should not be in this antiterrorism bill.

I tried to amend these provisions during the Judiciary Committee consideration of the immigration bill. I failed on a tie vote. I circulated a "Dear Colleague" earlier this week, making clear my intention to try to change this. These provisions are bad policy. They are going to make bad law, and they are put in here for the first time in a conference report.

I disagree as well with the habeas corpus sections of the conference report, but at least we had the opportunity to debate and amend those provisions. The asylum rewrite was done in the dark of the night and it is being forced on us today. I think that is wrong.

Look no further than the front page of the New York Times on Monday. You see the most recent example of why we must not adopt the summary exclusion provision in the bill. There is an article on the case of Fauziya Kasinga and her flight from Togo to avoid female genital mutilation. She has sought for 2 years to find sanctuary in this country, only to be detained, tear-gassed, beaten, isolated and abused—not in some distant land, but the United States of America. The case has outraged women and men all over this country.

What you may not know is that the conference report that we have before us would summarily exclude Ms. Kasinga from ever having made an asylum claim, a claim that I hope, based on the reported facts, is going to be granted without her enduring more suffering. You see she traveled from Germany coming to America, and traveled on a false British passport in order to escape mutilation in Togo.

Under the legislation before us, she would be out. "Tough. Go back and get mutilated. We do not care. We have a law—that none of us ever saw, none of us ever debated, none of us ever spent time on—that allows for your summary exclusion. You are out."

Fidel Castro's daughter is another recent example of a refugee who came here using a disguise and phony Spanish passport to seek asylum. She came through Spain. Under the provisions of this bill, she might have been turned away at the border after a summary interview by a low-level immigration officer. We all know that there are political reasons why Fidel Castro's daughter should be granted asylum. Under the provisions of the conference report before us, slipped into the bill in the middle of the night, are barriers that could make that impossible.

I yield myself 2 more minutes.

In my "Dear Colleague" letter on my proposed amendment to these sections in the immigration bill and in the additional views I filed with the committee report on the immigration bill I also recall victims of the Holocaust and their use of false identification provided by the brave diplomats Raoul Wallenberg and Chiune Sugihara during World War II. Think of Oskar Schindler, think of "Schindler's List." These are the kind of things that we need to consider before adopting this conference report.

My concern is not to defend alien smuggling or false documentation or terrorists, but to acknowledge that there are some circumstances and oppressive regimes in the world where, if you are going to escape, you may well need to rely on false papers.

It would be ironic if we were to pass these provisions on an antiterrorism bill that would prohibit victims of terror, torture, and oppression around the world from seeking refuge in this, the world's greatest democracy.

I hope that the United States will not abandon its historic role as a refuge for the oppressed and persecuted. Our country is a beacon of hope and freedom, let it not be extinguished. Let us not abandon our leadership role in international human rights. Let us not abandon the world's true refugees, let us not restrict the due process that protects the people who look to us for asylum. Unfortunately, the impact of the provisions in this bill would be to deny refugees any opportunity to claim political asylum and would, instead, summarily exclude them from the United States and send them back to their persecutors without a hearing, without due process protections, without assistance to help them describe their plight and without judicial review of any kind.

Sections 421 and 422 of the conference report prohibit an asylum claim by refugees who enter this country with false identification. I could understand that we might want to consider as potentially relevant factors to an asylum claim that the refugee arrived with false documents and the route that the refugee traveled to get here. But those factors should not be dispositive. The examples to which I have previously alluded indicate that there are times when the use of false documentation is not something that we would want to punish. I fear that the bill goes too far and sends the wrong signal by putting the burden on the refugee, without counsel and in a summary proceeding, to establish that the person is the exception and to create a clear record of "credible fear" and that it was necessary to present the false document to depart from the persecuting country.

The Committee to Preserve Asylum has sent each of us a letter outlining the ways in which similar provisions in the immigration bill would harm human rights and endanger refugees. In their April 8 letter supporting the Leahy amendment they outline cases in which these provisions would have been disastrous.

The U.N. High Commissioner for Refugees sent our chairman a letter dated March 6 objecting to these provisions as inconsistent with the 1967 Protocol Relating to the Status of Refugees and remains critical of the bill.

The asylum process was reorganized and reformed in January 1994. The bill fails to take these changes into account. In fact, in 1995 asylum claims decreased greatly and were being timely processed. Only 20 percent were granted. Thus, the bill's provisions are a bad solution in search of a problem. The INS and Department of Justice report that they have matters in hand.

The Department of Justice counsels that we should allow immigration judges rather than asylum officers to make these determinations. Under the circumstances, I believe that we have moved too far too fast and allowed a few cases from the distant past to create bad law.

The asylum provisions in the bill would place undue burdens on unsophisticated refugees who are truly in need of sanctuary but may not be able to explain their situation to an overworked asylum officer. The bill would establish summary exclusion procedures and invest low-level immigration officers with unprecedented authority to deport refugees without allowing them a fair opportunity to establish a valid claim to asylum. Even before being permitted to apply for asylum, refugees who flee persecution without valid documents, would be met with a series of procedural hurdles virtually impossible to understand or overcome.

This is a radical departure from current procedures that afford an asylum hearing before an immigration judge

during which an applicant may be represented by counsel, may cross-examined and present witnesses, and after which review is available by the Board of Immigration Appeals. Such hearings have been vitally important to refugees who may face torture, imprisonment or death as a result of an initial, erroneous decision by an INS official. Indeed, human rights organizations have documented a number of cases of people who were ultimately granted political asylum by immigration judges after the INS denied their release from INS detention for not meeting a "credible fear" standard. Under the summary screening proposed in the bill conference report, these refugees would have been sent back to their persecutors without an opportunity for a hearing.

Under international law, an individual may be denied an opportunity to prove an asylum claim only if the claim is "manifestly unfounded." This bill would establish a summary screening mechanism that utilizes a "credible fear" standard without meaning or precedent in international law. These summary exclusion provisions have been criticized by international human rights organizations and the United Nations High Commissioner for Refugees.

Furthermore, the proposed legislation would deny the Federal courts their historic role in overseeing the implementation of our immigration laws and review of individual administrative decisions. The bill would allow no judicial review whether a person is actually excludable. These proposals thereby portent a fundamental change in the role of our coordinate branches of Government and a dangerous precedent.

Besides being fundamentally unfair to a traumatized and fatigued refugee, who would be allowed no assistance and no interpreter, the proposed summary screening process would impose a burdensome and costly diversion of INS resources. In 1995 for example, only 3,287 asylum seekers arrived without valid documents—hardly the tens of thousands purported to justify these changes. The bill would require that a phalanx of specially trained asylum officers be created and posted at airports, sea ports and other ports of entry across the country to be available to conduct summary screening at the border. There is simply no need to divert these resources in this way when the asylum process has already been brought under control.

There are no exigent circumstances that require this Nation to turn its back on its traditional role as a refuge from oppression and to resort to summary exclusion processes. Neither the Department of Justice nor the INS support these provisions or believe them necessary.

I urge my colleagues to reject this gutting of our asylum laws and support the motion to recommit.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it not be charged to my time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, regarding the motion to recommit the conference report by the distinguished Senator from Vermont, now, look, this bill is a tough bipartisan measure. Stated simply, it is a landmark piece of legislation. My colleagues on the other side of the aisle know it. We have crafted a bill that puts the Nation's interests above partisan politics.

Some of my colleagues however have criticized this bill for not being tough enough on terrorists. In truth, many oppose this bill because it is too tough on vicious, convicted murderers—not my friend from Vermont, but others. My colleagues are aware that this motion to recommit will not improve the bill. Instead, if it passes it will scuttle the antiterrorism bill. In other words, it will kill it.

Accordingly, on behalf of Senator DOLE and myself, I move to table the pending motion and ask for the yeas and nays.

Mr. LEAHY. Mr. President, would the Senator withhold just a moment?

Mr. HATCH. I will be happy to withhold.

Mr. LEAHY. Mr. President, as I understand it, we are under a time agreement. Such a motion would not be in order until—or at least a vote on such a motion would not be in order until all time is either used or yielded back. Am I correct?

Mr. HATCH. I thought maybe the Senator had used his time.

I withdraw my request.

The PRESIDING OFFICER. The motion would not be in order until the time is used or yielded back.

Mr. LEAHY. If the Senator asks unanimous consent to make his motion to get the yeas and nays on it now, to be done at the expiration of time or yielding back——

Mr. HATCH. We can wait until then.

Mr. LEAHY. Mr. President, would the Senator yield further, on my time?

Mr. HATCH. I certainly do.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that a letter from the Committee to Preserve Asylum and various attachments in support of my amendment, signed by the American Friends Service Committee, the American Jewish Committee, Amnesty International, Associated Catholic Charities of New Orleans, Jesuit Social Ministries, Jewish Federation of Metropolitan Chicago, Indian Law Resource Center, and a number of others in support of my amendment be included in the RECORD.

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

COMMITTEE TO PRESERVE ASYLUM,
Washington, DC, April 8, 1996.

Hon. PATRICK J. LEAHY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEAHY: We are an ad hoc coalition of religious groups, human rights organizations, concerned physicians, and immigration and civil rights advocates that have come together to oppose the new bars to applying for asylum contained in S. 269.

The right to seek asylum is an internationally recognized human right, incorporated into U.S. law by Congress in the 1980 Refugee Act. It protects individuals fleeing persecution on account of race, religion, nationality, political opinion, or membership in a particular social group. Each year the U.S. grants asylum to about 8,000 people, less than 1% of legal immigrants. The new bars to asylum contained in S. 269, the Immigration Control and Financial Responsibility Act, would seriously undermine human rights protections for these bona fide refugees.

The new bars to asylum, found in sections 133 and 193 of the bill, would give low level immigration officers the authority to exclude and deport without a fair hearing refugees who were forced to flee persecution without valid travel documents. For reasons illustrated in the attached documents, this section would effectively deny asylum to many human rights victims. It will also cost more money. Senator Leahy will offer an amendment on the Senate floor that will preserve procedural protections for people escaping religious and political persecution.

We urge you to vote for the Leahy amendment.

Sincerely yours,
American Civil Liberties Union.
American Friends Service Committee.
American Jewish Committee.
Amigos de los Sobrevivientes.
Amnesty International.
Associated Catholic Charities of New Orleans.
Asylum and Refugee Rights Law Project, Washington Lawyers' Committee for Civil Rights and Urban Affairs.
Ayuda, Inc., Washington, DC.
Center for Immigrants Rights, Inc.
Central American Resource Center—CARECEN of Washington, DC.
Central America Political Asylum Project, American Friends Service Committee, Miami, FL.
Church World Services Immigration and Refugee Program.
Columban Fathers' Justice & Peace Office.
Comité Hispano de Virginia.
Committee for Humanitarian Assistance to Iranian Refugees.
Committee to Protect Journalists.
Council of Jewish Federations.
Dominican Sisters of San Rafael, CA.
El Centro Hispanoamericano.
FIRN, Inc. (Foreign-born Information and Referral Network).

Friends Committee on National Legislation.
Heartland Alliance for Human Needs & Human Rights.
Hebrew Immigrant Aid Society.
Hogar Hispano.
Illinois Coalition for Immigrant and Refugee Protection.
Immigrant and Refugee Services of America.
Immigrant Legal Resource Center.
Indian Law Resource Center.
International Institute of Boston.
International Institute of Los Angeles.
Jesuit Social Ministries.
Jewish Federation of Metropolitan Chicago.
Las Americas Refugee Asylum Project.
Lawyers Committee for Human Rights.
Lutheran Immigration and Refugee Service.
Marjorie Kovler Center for the Treatment of Survivors of Torture.
Mennonite Central Committee.
Minnesota Advocates for Human Rights.
National Asian Pacific American Legal Consortium.
Network: A National Catholic Social Justice Lobby.
North Texas Immigration Coalition.
Northwest Immigrant Rights Project.
Peace Workers.
Physicians for Human Rights.
Political Asylum/Immigration Representation Project, Boston College Law School.
Proyecto Adelante.
Proyecto San Pablo.
Robert F. Kennedy Memorial Center for Human Rights.
Sponsors Organized to Assist Refugees, OR.
Union of Council of Soviet Jews.
U.S. Committee for Refugees.
Vietnamese Association of Illinois.
VIVE, Inc., An Organization for World Refugees.

THE NEW BARS TO ASYLUM WOULD RETURN HUMAN RIGHTS VICTIMS TO FURTHER PERSECUTION

VOTE FOR THE LEAHY AMENDMENT

Sections 133 and 193 of S. 269, the Immigration Control and Financial Responsibility Act, would give low-level immigration officers the authority to deport back to their persecutors refugees who were forced to flee persecution without valid travel documents. The new bars to asylum would punish people whose only means of fleeing repressive governments is by using invalid travel documents.

Many true refugees are forced to flee persecution without valid travel documents either because they do not have time to acquire them or because applying for them would threaten their lives.

Under current law, a person who arrives in the United States without valid travel documents and fears persecution in his or her home country may go before an immigration judge and prove eligibility for asylum. The asylum seeker may be represented at the hearing at no cost to the government.

The new bars to asylum would preclude such a person from even applying for asylum until he or she has proven that he or she has a "credible fear" of persecution and used the invalid travel documents to flee directly from a country where there is a "significant danger" of being returned to persecution. This all may have to be proven immediately after a stressful journey, and without the assistance of counsel or an interpreter, and without the involvement of any judicial or quasi-judicial officer.

The new bars and summary procedures are problematic for several reasons.

A "false papers" rule would harm human rights victims. By definition, asylum seekers frequently fear persecution by the government of their home country—the same government that issues travel documents and checks identity papers and exit permits at the airports and border crossings. It should be recalled that the United States has long honored Raoul Wallenberg, who saved countless lives during the Holocaust by issuing unofficial travel documents so that refugees could flee further persecution.

Meritorious asylum seekers would be returned to persecution. The INS has made serious errors while trying to apply the "credible fear" test. Under current law, asylum seekers who arrive in the U.S. without valid travel documents are detained pending their hearing unless they prove a "credible fear" of persecution in their home country. Human rights organizations have documented many cases in which people were denied parole under this standard, but later were granted asylum at their hearing before an immigration judge. Under the new bars to asylum, they would have been returned to persecution. A summary of some of these case studies is attached.

The Department of Justice opposes the new bars to asylum. Deputy Attorney General Jamie Gorelick wrote in her February 14 letter to Judiciary Committee Chairman Orrin G. Hatch that the Justice Department opposes sections 133/193, noting that "Absent smuggling or an extraordinary migration situation, we can handle asylum applications for excludable aliens under our regular procedures."

The new bars would deny protection to refugees who had to change planes on route to the United States. Before being able to apply for asylum, a refugee who used false documents would have to prove that they were needed to leave her country or to transit through another country. This requirement would prejudice both asylum seekers who flee countries that do not have direct carrier routes to the U.S. and those who must travel over land through countries that do not have asylum laws, that may be friendly with the government they are fleeing, or that are hostile to people of their background or nationality. Refugees from Asian and African countries in particular face this situation.

The new bars to asylum are inconsistent with U.S. obligations under international law and will inevitably lead to errors. The new bars lack the minimal procedural safeguards to prevent the mistaken return of a genuine refugee to certain persecution. The UNHCR "fears that many bona fide refugees will be returned to countries where their lives or freedom will be threatened" if the new bars to asylum become law. (Letter to Sen. Hatch, Chairman Judiciary Cmte, March 6, 1996).

VOTE FOR THE LEAHY AMENDMENT

Bob, a student at the University of Khartoum in Sudan, was an active member of the Democratic Unionist Party, an anti-government organization. After participating in a peaceful student protest, he was arrested by the Sudanese government. He was detained in a 6 by 11 foot cell with 10 other prisoners for 2 months. During his imprisonment, he was repeatedly interrogated and tortured—he was hung by his hands and feet, beaten and electrically shocked. As a result of the torture, his elbows are permanently deformed. He remained active in the democratic movement after his release from prison. Then, as he was walking to a democratic union meeting, he was again arrested and imprisoned. A few months later, while he was still in prison, he suffered a nervous breakdown because of the torture he suffered. He was transferred to a hospital, but remained under arrest. Wearing a nurse's uniform that his mother had smuggled into the hospital, Bob escaped from imprisonment.

Bob's colleagues from the democratic union smuggled him onto a freighter bound for Germany. In Germany, he borrowed another person's ID card to leave the ship. Knowing that the anti-immigration and NeoNazi movement in Germany had heightened and that it would be impossible to receive asylum there, Bob flew from Germany to the United States. He arrived without a passport. When he exited the plane, he immediately told the INS that he wanted to apply for asylum. He was placed in detention. Bob was not released from detention because the INS interviewer determined he did not have a "credible fear" of persecution. He was granted asylum by an immigration judge.

Alan, an Indian national, had been persecuted in Kashmir because of his religion. On several occasions, he and his family members were imprisoned and tortured by the Indian government. In July 1994 when the military police sought to detain him, he evaded arrest. A few months later his family's home was bombed.

Fearing for his life, Alan fled to the United States using a false passport. He told the INS he wanted asylum immediately. He explained to the INS officials that he and his family had been persecuted by the Indian government. The INS officers at the airport did not think he was credible. The officials verbally abused Alan and denied him food and water until he was brought to a detention center the next day. Alan was not released from detention because the INS did not think he had a credible fear of persecution even though he presented the INS with reports about religious persecution in Kashmir. Alan was later granted asylum by an immigration judge.

Sam, a Nigerian national, was an active member of a pro-democracy organization that was determined to ensure democratic elections in Nigeria. Shortly before the elections, the leader of the democracy organization was found murdered, and several members were arrested and subsequently disappeared. The State Secret Service went to Sam's house on election day searching for him. When Sam learned that the secret service was searching for him, he immediately went into hiding, afraid that if they found him, he too would "disappear" as his colleagues had.

Sam fled to the United States right out of hiding. He changed planes in Amsterdam. He traveled with a false U.S. passport. He was afraid that the Nigerian government would arrest him if he tried to leave the country with his own identification papers. When he arrived in the United States, he immediately told the INS that he wanted asylum. He was placed in detention. The INS interviewed him to determine whether he had a credible fear of persecution; the INS concluded that he did not. He was granted asylum by a federal court.

Mr. LEAHY. Mr. President, I also ask unanimous consent that a letter from the U.N. High Commissioner for Refugees in support be included in the RECORD.

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

UNITED NATIONS,
HIGH COMMISSIONER FOR REFUGEES,
Washington, DC, March 19, 1996.

Re Special Exclusion Provisions of S. 269.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: I wish to express UNHCR's sincere appreciation for your efforts during the 14 March Judiciary Committee mark-up session to remove the special exclusion provisions of S. 269. These provisions, found in Sections 133, 141 and 193 of the bill, would almost certainly result in the U.S. returning bona fide refugees to countries where their lives or freedom would be threatened.

As noted in my 6 March letter to Judiciary Committee Chairman Orrin Hatch, we offer our views regarding S. 269 with the hope that you and the other members of the Judiciary Committee will seek to adhere to the standards and principles set forth in the 1967 Protocol Relating to the Status of Refugees, to which the U.S. acceded in 1968.

In particular, UNHCR is concerned with the following special exclusion provisions:

(1) Lack of due process—Sections 133, 141 and 193 provide few procedural safeguards to ensure that true refugees are not erroneously returned to persecution.

(a) No administrative review—Under Section 141, special exclusion orders are not subject to administrative review (p. IB-4, line 19). Minimum procedural guidelines for refugee status determinations specify that an applicant should be given a reasonable time to appeal for a formal reconsideration of the decision. This principle is set forth in UNHCR Executive Committee Conclusion No. 8 (1977).[1] The "prompt supervisory review" provided for in Section 193 (p. IC-36, line 12) does not meet these minimum procedural guidelines.

(b) Limitation on access to counsel—Under Section 193, asylum-seekers arriving at US ports of entry with false documents or no documents are permitted to consult with a person of their choosing, only if such consultation does "not delay the process" (p. IC-36, line 25). Such a limitation is in violation of the principle that applicants for asylum should be given the necessary facilities for submitting his/her case to the authorities, including the services of a competent interpreter and the opportunity to contact a representative of UNHCR (UNHCR Executive Committee Conclusion No. 8 (1977)).

(2) Limitation on access to asylum—Section 193 provides that individuals presenting false or no documents or who are escorted to the US from a vessel at sea are not permitted to apply for asylum unless they traveled to the US from a country of claimed persecution and that the false document used, if any, was necessary to depart from the country of claimed persecution. UNHCR requests the US to remove this limitation and to adhere to international principles which provide as follows:

(a) "[A]sylum should not be refused solely on the ground that it could be sought from another State. Where, however, it appears that a person, before requesting asylum, already has a connexion or close links with another State, he may if it appears fair and reasonable be called upon first to request asylum from that State" (UNHCR Executive Committee Conclusion No. 15 (1979) (emphasis added)).

(b) When refugees and asylum-seekers move in an irregular manner (without proper documentation) from a country where they have already found protection, they may be returned to that country if, in addition to being protected against refoulement (i.e. protected against return to a country where their lives or freedom would be threatened), they are treated in accordance with "recognized basic human standards" (UNHCR Executive Committee Conclusion No. 58 (1989)). UNHCR is prepared to assist in practical arrangement for the readmission and reception of such persons, consistent with these international standards.

(3) Credible fear standard—Sections 133, 141 and 193 create a new, heightened threshold standard that asylum-seekers must meet before they are permitted to present their claims in a hearing before an immigration judge. Under these sections, asylum-seekers who are brought or escorted to the US from a vessel at sea (Sections 133 and 141), who have entered the US without inspection, but have not resided in the US for two years or more (Section 141), who arrive during an "extraordinary migration situation" (Section 141) or who arrive at a port of entry with false documents or no documents (Section 193) must first establish a "credible fear" of persecution before they are permitted to present their claims in an asylum hearing before an immigration judge. UNHCR urges the adoption of a "manifestly unfounded" or "clearly abusive" standard which would reduce the risk that a bona fide refugee is erroneously returned to a country where s/he has a well-founded fear of persecution. This international standard for expeditious refugee status determinations is set forth in UNHCR Executive Committee Conclusion No. 30 (1983).

We are hopeful that you will support the elimination of a deadline for filing asylum applications. Failure to submit a request within a certain time limit should not lead to an asylum request being excluded from consideration (UNHCR Executive Committee Conclusion No. 15 (1979)). Under this international principle, the US is obliged to protect refugees from return to danger regardless of whether a filing deadline has been met.

Again, I thank you for your efforts to ensure that refugees are protected from return to countries of persecution. Please do not hesitate to contact my Office if UNHCR may be of any further assistance to you, your staff or other members of the Committee.

Sincerely,

ANNE WILLEM BIJLEVELD,
Representative.

Mr. LEAHY. Mr. President, I am not in any way trying to derail this bill. I am just saying that this is something that was tucked into it in the middle of the night. Nobody ever had a chance to debate it. It is in here. And it is going to make it impossible, or nearly impossible, for anyone from Fidel Castro's sister to somebody escaping torture and religious persecution to come to the United States, if traveling through a second country or traveling with a false passport to do it.

That makes no sense. That is not an antiterrorist situation. Look at "Schindler's List." Remember Raoul Wallenberg. Think about those who escaped persecution by using false passports as a way they could get out of the country. They may well have to go through an intermediate country to get to the greatest nation of freedom on Earth. Just because somebody slipped these provisions into the conference report, let us not go along with it. This is something that should be debated.

Our own Department of Justice does not support these provisions of the bill. I think in fact the Justice Department reiterated their opposition to them in an April 16 letter on similar provisions in the immigration bill to the majority leader. Deputy Attorney General Gorelick wrote us, "absent smuggling or an extraordinary migration situation, we can handle asylum applications for excludable aliens under our regular procedures."

I reserve the balance of my time and yield to the Senator from Utah.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I do not really have anything more to say other than this is a very important piece of legislation. It is a key piece of legislation. It is desired by almost everybody who wants to do anything against terrorism. It is effective and strong. Even though we acknowledge we do not have everything everybody wants in this bill, it is a darn good bill that will make a real difference. If this motion or any motion to recommit passes, this bill is dead, it will be killed. So we simply have to defeat any and all motions to recommit. I will move to table the amendment at the appropriate time. I am prepared to yield back the balance of my time on this amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. Mr. President, the Senator from Utah, the distinguished chairman of the committee, keeps referencing that——

The PRESIDING OFFICER. Does the Senator from Vermont yield time to the Senator from Delaware?

Mr. LEAHY. Yes. I understand I have about 4 minutes. I yield 2 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, the Senator from Utah keeps saying anything will kill this bill. That is not true. This is not "kill this bill." If we send this back to conference for one or two or 12 amendments it does not kill this bill. Every major bill we had, including the crime bill, we sent back to conference with instructions—at least on three occasions. This will not kill this bill.

Some of this has not been well thought out. Much of what we left out of the bill, I am convinced, on reconsideration by our friends in the House, they would change their view. But I want to make it clear, I do not believe there is any evidence to suggest that sending this back to conference with

[1] The UNHCR Executive Committee is a group of representatives from 50 countries, including the United States, that provides policy and guidance to UNHCR in the exercise of its refugee protection mandate.

specific instructions would kill the bill.

I am prepared, if the chairman and if Senator LEAHY is, to yield back. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Does the Senator from California care to speak on this?

Mrs. BOXER. No. I am waiting for the next motion.

Mr. LEAHY. Mr. President, I thought Senator KENNEDY wished to speak on this.

I am ready to yield back the balance of my time.

Mr. HATCH. I am prepared to yield back the balance of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. HATCH. Mr. President, I ask unanimous consent that the pending Leahy motion to recommit be temporarily set aside with the vote to occur on or in relation to the Leahy motion after completion of debate on the next motion to recommit.

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

Mr. HATCH. Senators should be aware there will be two consecutive rollcall votes following completion of all debate on the next motion.

Mr. President, I also ask unanimous consent to move to table the Leahy amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. Mr. President, for the benefit of my colleagues, to review the bidding from yesterday, the distinguished chairman of the committee and I agreed on a unanimous-consent proposal that we have one-half hour on each of up to as many as 14 motions. I doubt there will be that many. But we will move them out seriatim here. I see my distinguished colleague from California, Senator BOXER, is on the floor prepared to go with her motion, to begin to debate her motion. So I would, with the permission of the Senator from Utah, yield to the Senator from California for that purpose.

I will make one important point, Mr. President. At the appropriate time I will make the motion. As I understand the parliamentary situation, debate must be concluded before I make the motion, otherwise the motion is subject to immediately being tabled, which I do not think my friend has any intention of doing. But just to make sure we do it by the numbers—I beg your pardon. I have been informed by staff we got unanimous consent yesterday that that is not necessary, that we can offer the motion. But I will offer the motion at this point.

MOTION TO RECOMMIT

Mr. BIDEN. Mr. President, I offer a motion to recommit the conference report with instructions to add provisions on the National Firearms Act statute of limitations. For the purpose of discussion of that motion, I send that motion to the desk.

The PRESIDING OFFICER. The motion is now pending.

The motion is as follows:

Motion to recommit the conference report on the bill S. 735 to the committee of conference with instructions to the managers on the part of the Senate to disagree to the conference substitute recommended by the committee of conference and insist on inserting the following:

SEC. . INCREASED PERIODS OF LIMITATION FOR NATIONAL FIREARMS ACT VIOLATIONS.

Section 6531 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively; and

(2) by amending the matter immediately preceding subparagraph (A), as redesignated, to read as follows: "No person shall be prosecuted, tried, or punished for any criminal offense under the internal revenue laws unless the indictment is found or the information instituted not later than 3 years after the commission of the offense, except that the period of limitation shall be—

"(1) 5 years for offenses described in section 5861 (relating to firearms and other devices); and

"(2) 6 years—.".

The PRESIDING OFFICER. There will be 30 minutes equally divided. Who yields time?

Mr. BIDEN. I thank the Chair for its assistance. I yield as much time as the Senator from California may need under my control.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Thank you, Mr. President. I want to thank the Senator from Delaware for taking the leadership on this issue. Every motion that he will make today is a motion that is tough on crime. Every single motion that he will make, if it is carried by this U.S. Senate, will make this a better bill.

The motion that he just sent to the desk means a lot to the Senator from California because I offered it to this U.S. Senate. It was adopted unanimously. I have to say, it is inexplicable to me why this provision would have been stricken. I do know there are certain groups that oppose it, one in particular, the NRA. I cannot for the life of me understand why else this would have been stricken from the Senate bill.

Let me explain the amendment that I offered which is the subject of this motion. What we would do is simply make sure that under the National Firearms Act when there is a crime which deals with making a bomb, making a silencer, making a sawed-off shotgun, that there be a period of time of 5 years rather than 3 years for law enforcement to track down and prosecute the criminal who would commit such a crime.

There is an anomaly in the United States Code right now. These crimes are the only ones that have a 3-year statute of limitations. Let me explain why this is so bad and why we must fix it. If there is a crime where a terrorist makes a bomb and the bomb explodes and it kills people—and we have just, of course, revisited, as our President did, the tragedy in Oklahoma City, and the 1-year anniversary of that dreadful day is coming quickly upon us—if a criminal had a bomb in his home or in his farmhouse or in his truck or hidden away for a period of a year, let us say, while he made that bomb, the statute of limitations starts running from the day the bomb is made. In such a case law enforcement would have only 2 years to track down and put away such a criminal.

I do not understand why those who claim to be tough on crime would drop from this bill a commonsense provision. Striking this provision makes it easier to get away with making a bomb. It is that simple.

Who supports this BOXER amendment? How did I even learn about it? I learned about it from local law enforcement people who asked me to fight this fight. I learned about it from the Justice Department, who asked us to carry this fight. I learned about it from the Treasury Department, which heads the ATF, and they asked me to fight for this. Mr. President, 47 police chiefs told me to fight for this. For them, I offered this amendment to establish a 5-year statute of limitations for making a bomb, a sawed-off shotgun, or a silencer. It is pretty straightforward.

I think the American people understand this, and people can stand up here as long as they want, and I have respect for them. However, I must question them when stand up here and say, "Well, gee, Senator BOXER, if we kept your amendment in here, this whole bill would go down." Show me one U.S. Senator of either party, show me one House Member who would truly stand up and say that a criminal who makes a bomb, who makes a silencer, who makes a sawed-off shotgun should get away with it because of a 3-year statute of limitations. If any disparity is warranted, bomb making ought to be a longer statute, because a bomb could be hidden in somebody's possession for a long time before it was detonated and before it was used.

The police chief of Oklahoma City supports this. Let me repeat that: The police chief of Oklahoma City supports this amendment. They know they need time to put together their case.

What are we doing here? Are we doing the bidding of the NRA, or are we

doing the bidding of the American people? Are we trying to protect the people from these vicious crimes, these cowardly crimes? It is horrible enough when someone walks up to someone else and injures them with a weapon. That is a horrible crime and it should be punishable by the worst possible punishment.

It is unbelievable to me that this was stricken by this conference committee. I thought we were going to be tough on crime.

Last night, a simple proposal that would say if a chemical weapon was used, local law enforcement could call on our military to get help was defeated in this Republican Senate—defeated. Now, ask the average law enforcement person in the local community if they are experts on chemical and biological weapons. They will tell you no. Just as in my amendment, if you ask them, do you need more time to go after the cowards that would make a bomb, they would say, "We need more time, Senator. Fight for your amendment." We did, and it passed this Senate, and it was dropped in conference. It comes back to us with this piece missing.

I am stunned that would be the case. There is no argument except the one that the distinguished chairman makes over and over again on each of these motions which is, "You know that your amendment, Senator, will kill this bill." Well, I do not know that. I never got one letter, one note of opposition to this commonsense proposal supported by the police chief of Oklahoma City and all the other law enforcement people who know it takes time to put together these complex cases.

I say if anyone believes this is bad policy, if they disagree with me on substance, if they disagree with the police chief of Oklahoma City and all the other police chiefs, the Justice Department and the administration, why do they not come down here? I say if they agree that it is common sense that altogether these crimes should have a minimum of a 5-year statute of limitations, they should support the Biden motion to recommit.

It defies imagination that we are now here refighting important commonsense proposals included in the Senate version of this bill.

I hope that my Republican friends will support this motion. I think it is absolutely key that we not tie the hands of law enforcement. We are coming to the 1-year anniversary of Oklahoma City. We know the investigation is going on and is continuing. If you asked every American, no matter what political stripe, no matter what part of the country they are from, they would say that it is important to give law enforcement enough time to investigate these complex cases—that is all we are asking for. This does not cost any money. It simply gives law enforcement time, time to make sure that they have completed their investigation and those cowards who would blow up innocent people are put away and dealt with in the harshest possible fashion.

I say that is being tough on crime. I hope that we will have support for this motion to recommit. Mr. President, I yield the floor. I reserve whatever time I might have.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I will not take long because, frankly, it comes down to one thing: that we have worked this bill out. We have worked hard with the House Members. It has been very difficult to do. They have made significant concessions to us, and rightfully so. We applaud them for doing so because we have our problems here, and they have their problems there.

Anybody who has been in this process very long understands that once you reach a conference report like this—especially this one, which has taken a year to get here—any change is going to kill the bill—especially this provision.

Section 108 of the Senate bill, in part, would increase from 3 to 5 years the limitations period for commencing actions for violations of the National Firearms Act. The reason it is opposed by Members of the House, and the reason I oppose this attempt to increase the limitations provision, simply put, is because it is unnecessary. It does absolutely nothing with regard to terrorism. The 3-year Internal Revenue Code statute of limitation period for licensed firearms dealers violating the National Firearms Act is more than an adequate time to commence prosecutions.

There is no sanguine reason to extend the period. This has nothing to do with terrorism. It may be a good idea in another context, but it is apparent that it would cause plenty of problems in this context because there are simply people in the House—and I suspect here—who disagree with the distinguished Senator from California, who is very sincere in putting this amendment forward.

The statute of limitations period should be built upon fairness. These types of statutes of limitation must protect the Government's ability to prosecute claims and violations of the law. Yet, they also have to protect citizenry from stale claims and bureaucratic abuse. In this area there are a significant number of people on both sides of the floor here, and in the House of Representatives in particular, who have seen unfairness by various bureaucratic abusers and do not want to change this.

The traditional 3-year limitations period here accomplishes this fine balance between public needs and private rights. If we look at the underlying National Firearms Act offenses subject to a 3-year limitations period, the violations either prohibit dealers from possessing or transferring illegal firearms, such as banned machine guns or sawed-off shotguns, or possessing or transferring them without the proper firearm identification serial numbers, or through fraudulent applications or records. The 3-year limitations period, historically, has been more than sufficient to prosecute claims under the act, some being substantive but many of an administrative or of a paperwork nature. Some are technical. And we have seen abuses. Extending the limitations period to 5 years does absolutely nothing except perhaps open the system up to abuse and unfairness. Frankly, that is why our colleagues in the House are against this amendment. That is why I am against it here today.

I am prepared to yield, and I reserve the remainder of my time.

Mr. BIDEN. Mr. President, I yield myself 2 minutes of what I understand to be 5 minutes of remaining time.

The idea, of course, here, Mr. President, is that the proposal that is in the bill, the failure to do this in the bill does not make sense. Listen to some of the types of weapons covered. Poison gas, bombs, grenades, rockets having propellant charges of more than 4 ounces, missiles having an explosive or incendiary charge of more than one-quarter ounce, mines—these are not playthings we are talking about. Remember, the statute of limitations runs not from the time the crime becomes public knowledge, but from the time the crime was committed. So if a terrorist builds a bomb secretly, keeps it in his barn for 2½ years, and blows up a building with it, the Federal prosecutors only have 6 months to track the guy down and get an indictment for building that bomb.

Crimes covered by the National Firearms Act are serious. They involve illegal manufacture of rockets, bombs, missiles, and sawed-off shotguns. So I cannot understand why anybody would oppose bringing the statute of limitations for these crimes into line with almost every other Federal crime.

Here are a few examples of crimes with a 5-year statute: Simple assault; stealing a car; impersonating a Federal employee; buying contraband cigarettes; impersonating, without authority, the character Smokey the Bear. If we are going to give the Government 5 years to track down a guy who impersonates Smokey the Bear, why not track down a guy who is involved in producing poison gas in his garage or barn?

I yield the remainder of my time to the Senator from California.

Mrs. BOXER. Mr. President, I say to the Senator from Delaware that, as usual, he has put this in exactly the

right manner. There is no reason on God's green Earth why this should not have been kept in this bill. Again, just ask the American people. Sometimes things sound very complicated. When the Senator from Utah got up and discussed the law, he makes it sound too complicated for the average person to understand. When you tell the average person that if you get out there and impersonate Smokey the Bear, law enforcement has 5 years to track you down, prosecute you, and put you away, but if you make a bomb, they have 3 years, it makes no sense whatsoever.

When the Senator from Utah says I am very sincere, I appreciate that. He knows me and he knows that I am, and I know that he is as well. But this is not about my sincerity. This is about a tool that law enforcement has asked the Congress to give them. So in the remainder of my time, I am going to read into the RECORD the local police chiefs who have asked us to give them this tool. It does not cost any money and does not set up a new bureaucracy. It gives them a commodity they want: time. So I am going to read, in the time that remains, the people who said to me, "Senator, this is important. Let us get this statute of limitations extended so we can go after these bad, cowardly criminals and put them away."

The police chiefs of San Jose, CA; San Francisco, CA; Berkeley, CA; Los Angeles Port, CA; Salinas, CA; San Leandro, CA; Indianapolis, IN; the police chief of Oklahoma City, OK; the director of police in Roanoke, VA; the chiefs of police in Bladensburg, MD; Edwardsville, IL; Rock Hill, SC; Old Saybrook, CT; North Little Rock, AR; Puyallup, WA; Yarmouth, ME; Kinnelton, NJ; Bel Ridge, St. Louis, MO; Charleston, SC; Jackson, MS; Salem, MA; Scottsdale, AZ; Cambridge, MA; Haverhill, MA; Millvale, Pittsburgh, PA; Newport News, VA; Dekalb County Police, Decatur, GA; Opelousas, LA; Eugene, OR; Mobile, AL; Portland, OR; East Chicago, IN; Louisville, KY; Alexandria, VA; Renton, WA; Waukegan, IL; Port St. Lucie, FL; Greensboro, NC; Miami, FL; Buffalo, NY; Oxnard, CA; Seattle, WA.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mrs. BOXER. Thank you. I hope people will listen to the local chiefs and support the motion of the Senator from Delaware.

Mr. HATCH. Mr. President, look, if the Senator's arguments are valid, why do we not make it a 100-year statute of limitations? I mean, we can make it that way. They can prosecute any time they want to prosecute.

The fact of the matter is that we are trying to balance our law enforcement needs. Most of these are paperwork violations that are going to be automatically ascertained within a very short period of time, certainly within 3 years. If we make it 5 years, they will wait 4½ years before prosecuting on a paperwork violation rather than 2½ years, which is sometimes the case now.

There is simply no reason to extend the statute of limitations for this act. Anyone who uses a bomb, as is the illustration by the Senator from California, or illegal weapon, under this act, will be prosecuted under the Criminal Code and receive far larger penalties than are under this act. The majority of these offenses are mere paperwork offenses and have little or nothing to do with terrorism. Essentially, it would permit bureaucrats, like I say, 4½ years to start an investigation instead of 2½ years. That is really sometimes what happens.

Let us get back to where we were; that is, that we have arrived at a compromise here, and we have had to bring the House a long distance to meet the needs of the Senate. They have cooperated and have worked hard. Chairman HYDE and the other members of the conference have all worked very hard on this, and this is where we are. There are those on both sides of the floor over there who do not like this amendment, and, frankly, it would be a deal killer and a bill killer. If we want an antiterrorism bill, we have to vote down this motion to recommit.

I am prepared to yield the remainder of my time.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN addressed the Chair.

Mr. HATCH. Mr. President, I yield 60 seconds of my time to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I would like to make two very brief points.

I do not believe this is a deal killer, No. 1. But No. 2, there are two pieces here. It is illegal to make a bomb. It is illegal to put together poison gas. That is one crime all by itself. The second crime is if you go out and use it. So, if you used a bomb to blow up buildings, a new statute of limitations starts to run.

There is a distinction between what is lacking in this bill across the board, between prevention and apprehension. We not only want to get the bad guys who do the bad things; we want to prevent the bad guys from being able to do the bad things. By allowing the statute of limitations to be like it is for Smokey the Bear impersonation, and everything else in the Federal code—just about—it gives us more time to track down the people who have prepared or are stockpiling this kind of material, whether or not they have used it. That is an important distinction.

I think this is an important amendment. I cannot believe for a moment that this would kill the bill, that you would have 35 people in the House vote against this because we made the statute of limitations for making poison gas the same as for impersonating Smokey the Bear. I find that unfathomable.

I thank my colleague for yielding me an extra minute.

Mr. HATCH. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 6 minutes and 20 seconds.

Mr. HATCH. Mr. President, let me answer the distinguished Senator.

There are people on both sides of the aisle over there who do not like this amendment. We have taken a year to get this done. It was done 1 month after we passed the Senate bill, which, by the way, was an excellent bill. The fact of the matter is, there are people over there who will kill this bill over any amendment at this particular point. Everybody knows that. This is not something new to us.

We have had to fight our guts out to get this conference and get the conference report done. Frankly, there are a wide variety of viewpoints on this bill and on some of the aspects of this bill.

Look, if somebody is making a bomb, it is very likely you could charge that person under conspiracy, or an attempt statute, or under a number of other statutes that have longer statutes of limitations. This is not—I do not want to call it a phony issue, but it certainly is not an issue that should allow a motion to recommit.

Frankly, 3 years is plenty of time to get somebody who makes a bomb. If they do not get it under this statute, they will get it under something else. But if you expand it to 5 years, then all of these paperwork violations—which primarily is what is prosecuted under this statute, and some of them very unjustly so in the past—all of those become dragged out for another 2 years.

Frankly, we want the law enforcement people, if they feel they have a legitimate reason to prosecute, to prosecute it, and do it quickly so the witnesses are available, so that a lot of other things can be done and the people can defend themselves.

So there are a number of legitimate reasons why people do not like this amendment and why people in the House would not want this in the bill. The purpose of this is to give the bureaucrats a new lease on life without really stopping terrorism. That is what we are talking about here.

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

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

Mr. HATCH. Mr. President, what is the current business?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. HATCH. I yield back the remaining part of my time. What is the current business?

VOTE ON LEAHY MOTION TO RECOMMIT

The PRESIDING OFFICER. The question is now on the motion to table the Leahy motion.

Mr. HATCH. We do have the motion to table.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HATCH. Mr. President, on behalf of Senator DOLE and myself, I also move to table the Biden-Boxer motion, and ask for the yeas and nays as well.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. It is my understanding that these votes will be back to back starting now.

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the motion to lay on the table the motion of the Senator from Vermont. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

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

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—61

Abraham	Exon	Lugar
Ashcroft	Faircloth	McCain
Bennett	Feinstein	McConnell
Bond	Frist	Murkowski
Breaux	Gorton	Nickles
Brown	Gramm	Pressler
Bryan	Grams	Reid
Burns	Grassley	Roth
Byrd	Gregg	Santorum
Campbell	Hatch	Shelby
Chafee	Hatfield	Simpson
Coats	Helms	Smith
Cochran	Hollings	Snowe
Cohen	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
D'Amato	Johnston	Thompson
DeWine	Kassebaum	Thurmond
Dole	Kempthorne	Warner
Domenici	Kyl	
Dorgan	Lott	

NAYS—38

Akaka	Bingaman	Bumpers
Baucus	Boxer	Conrad
Biden	Bradley	Daschle
Dodd	Kerry	Nunn
Feingold	Kohl	Pell
Ford	Lautenberg	Pryor
Glenn	Leahy	Robb
Graham	Levin	Rockefeller
Harkin	Lieberman	Sarbanes
Heflin	Mikulski	Simon
Inouye	Moseley-Braun	Wellstone
Kennedy	Moynihan	Wyden
Kerrey	Murray	

NOT VOTING—1

Mack

So the motion to lay on the table the motion to recommit was agreed to.

Mr. HATCH. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, since these are two stacked votes, I ask unanimous consent that there be 1 minute for debate equally divided in the usual form prior to the vote on the motion to table the Biden-Boxer motion.

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

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

BIDEN MOTION TO RECOMMIT

Mr. BIDEN. Mr. President, let me explain briefly what this is. First, right now there is a statute of limitations that if you go out and impersonate Smokey the Bear, you have 5 years to track them down, if you write a bad check you have 5 years. If you make poison gas, if you make a chemical weapon, if you have a rocket propellant charge of more than 4 ounces, if you produce missiles and hide them in your garage, and they find them, without them being used, they only have a 3-year statute of limitations. So if they did not find them until 1 year after you have made them, you have 2 years. If they did not find them until 2½ years, you have 6 months. We want to make this a 5-year statute of limitations, just like impersonating Smokey the Bear.

This is mindless not to do this when you are talking about making poison gas and chemical weapons and grenade launchers.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. This is a National Firearms Act and 3-year limitation. These are mainly paperwork violations. If someone violates beyond that—and for even paperwork they can get them for conspiracy. They can prosecute them under a whole variety of statutes that have longer statutes of limitation.

This is not a serious issue to us in the Senate, but it is a very serious issue to those in the House. We have worked hard to fashion this compromise. It is a doggone good compromise. Our friends in the House have really worked hard to help us to get it done. Frankly, this motion, as well as others, would kill the bill. So I hope my fellow Senators will vote against this motion.

The PRESIDING OFFICER. All time for debate has expired.

Mr. HATCH. Mr. President, this is a motion to table, is it not?

The PRESIDING OFFICER. That is correct.

Mr. HATCH. I do not have to move to table?

The PRESIDING OFFICER. No.

The question is on agreeing to the motion to table the Biden motion to recommit the conference report on S. 735 to the committee on conference with instructions. 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 Florida [Mr. MACK] is necessarily absent.

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

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—53

Abraham	Faircloth	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Pressler
Brown	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hatch	Shelby
Chafee	Hatfield	Simpson
Coats	Helms	Smith
Cochran	Hutchison	Snowe
Cohen	Inhofe	Specter
Coverdell	Jeffords	Stevens
Craig	Kassebaum	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kyl	Thurmond
Dole	Lott	Warner
Domenici	Lugar	

NAYS—46

Akaka	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Johnston	Reid
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden
Feingold	Levin	
Feinstein	Lieberman	

NOT VOTING—1

Mack

The motion to lay on the table the motion to recommit was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

MOTION TO RECOMMIT

Mr. BIDEN. Mr. President, we are now going to move to a motion that I offer to recommit the conference report with instructions to add a provision on multipoint wiretaps that was in our original Senate bill.

I send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Motion to recommit the conference report on the bill S. 735 to the committee of conference with instructions to the managers on the part of the Senate to disagree to the conference substitute recommended by the committee of conference and insist on inserting the following:

SEC. . REVISION TO EXISTING AUTHORITY FOR MULTIPOINT WIRETAPS.

(a) Section 2518(11)(b)(ii) of the title 18 is amended: by deleting "of a purpose, on the part of that person, to thwart interception by changing facilities." and inserting "that the person had the intent to thwart interception or that the person's actions and conduct would have the effect of thwarting interception from a specified facility."

(b) Section 2518(11)(b)(iii) is amended to read: "(iii) the judge finds that such showing has been adequately made."

(c) The amendments made by subsection (a) and (b) of this amendment shall be effective 1 day after the enactment of this Act.

The PRESIDING OFFICER. There will be 30 minutes equally divided.

Mr. BIDEN. I yield myself 2 minutes.

Mr. President, the distinguished Senator, and former Attorney General of the State of Connecticut, is here. We are going to divide this up a little bit. I want to make in my opening statement here a clarification for anyone listening as to what we are doing here, because we are really not changing anything that is not already done in any significant way.

These multipoint wiretaps are made out to be this major new concoction that they have come up with to interfere in the lives of people. I was told in the House conference that some Members of the House thought that it meant that the FBI would be in vans roving down the street literally eavesdropping on people's homes. It is bizarre what people think this means.

Let me explain what has to happen now to get a multipoint wiretap. There are all sorts of provisions built into the law now for the Federal Government: One, the Government must convince a judge that there is probable cause to believe that a specific person is committing a specific crime, as with any other wiretap. Two, the application even to ask a Federal judge for one of these wiretaps is approved at the very top level of the Justice Department, either by the Attorney General herself, or the Deputy Attorney General, or the Assistant Attorney General for the Criminal Division. No U.S. attorney in America can go out and ask a judge for one of these. No U.S. attorney can do that. No assistant U.S. attorney can do it without the approval of the Attorney General, Deputy Attorney General, or the head of the Criminal Division.

The application submitted must identify the person involved and believed to be committing the crime, and whose communications are to be the ones intercepted. A judge then has to find that the target's action—that is, the person who they are targeting. Say, we think our reporter here is in fact committing a crime. What you have to do is get the judge to believe that there is probable cause to believe a crime has been committed, that he is engaging in an activity. And, further, when they decide that you can wiretap not only his home phone, but the mobile phone he has in his pocket, the phone he has in his car, and the pay phone he uses all the time—the judge has to believe that the person is committing the crime—and communications are intercepted, it has to be proved that he is trying to effectively thwart the tap. For example, if my phone is tapped and there is probable cause that I committed a criminal offense, and I walk every day at 2 o'clock down to the pay phone on the corner, or I use a cell phone and then get rid of the new cell phone every day and get a new one, then that effectively thwarts the ability of the Federal Government investigators to tap someone where there is probable cause that they committed a crime. So that judge has to believe all that before he grants such an order.

In addition, any interception cannot begin until the officers have clearly determined that the target in question—that is, the person they believe committed the crime—is using a particular tapped phone. Once the target is off the phone, the interception must end. It does not say, by the way, that any phone that the target uses can be tapped. It says that we have reason to believe that he is using the following phone, one, two, or three. You can tap those phones.

Once the phone is tapped, if you go to your mother-in-law's house to use the phone, and after you get off, your mother-in-law is off the phone, they cannot, under the law, tap your mother-in-law. They must end the surveillance. It must stop. It must stop.

In addition, the moment the target leaves the phone, the tap on that phone has to be disengaged. It cannot be used. Any evidence cannot be used that would come from such a tap, if it stayed on. So this is nothing new. What is new is that, under the present law, this is used for the mob and other outfits. Under the present law, you have to show that the person is intending to thwart the surveillance—intending to. So essentially what you have to get is a mobster or terrorist saying, "I cannot use this phone in my house anymore because I think it is tapped. I am going to be going other places to use other phones. I will get to you later." That is what you basically have to prove now.

What we are saying in this law is—and 77 Senators voted for it last year—if the effect of the target is to thwart the surveillance, that is all you need to prove. The effect is to thwart the surveillance. You do not have to prove that he intended to thwart the surveillance; you have to prove the effect is to thwart surveillance.

So, again, a minor change already exists with multipoint wiretaps, is already in place. I will quote Mr. MCCOLLUM, the Republican leader of the Criminal Subcommittee. When I offered this in conference, he said:

I think the reality is quite simple here—

This is MCCOLLUM speaking to me.

You are 100 percent right.

I am 100 percent right.

It is the single-most important issue we are not putting in this bill. We have got to find some way to do it. But we are not going to get the votes for this bill, and we could not get the votes for this freestanding bill, I don't think, right this minute in the House.

Get the first part: "It is the single-most important issue we are not putting in the bill." Mr. MCCOLLUM is right.

I yield the remainder of my time to the distinguished Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my colleague from Delaware. Mr. MCCOLLUM was right. Senator BIDEN was right in everything he said, except for where he said you could not wiretap my mother-in-law. I would like to talk to him later about that.

Mr. BIDEN. If the Senator will yield for 3 seconds. His mother-in-law may be listening.

Mr. LIEBERMAN. She probably is.

Mr. President, let me say first, both to the Senator from Delaware and the Senator from Utah, how very pleased in general I am that we have come as far as we have on this legislation. Over a year ago, President Clinton challenged us to reach a bipartisan consensus on counterterrorism legislation in the aftermath of the Oklahoma City tragedy. The Senate promptly did so, including the Dole-Hatch substitute bill we passed last spring, including in that bill most of the key provisions of the President's own counterterrorism bill offered earlier in the year by Senator BIDEN and others.

Unfortunately, the Senate's spirit of bipartisanship did not reach the other body and did not, as fully as I think it should, reach the conference itself. The conference has produced a report and a bill that I would term a good bill in the war against terrorism. But it could and should be better. That is why I am supporting Senator BIDEN's motion to recommit, particularly directing the conference committee to insert this so-called multipoint wiretapping that I was privileged to offer along with Senator BIDEN and which, as he has indicated, passed the Senate overwhelmingly. Not only was that amendment

dropped in conference, but even what I thought was the entirely uncontroversial provision in the Senate bill that would add specific terrorism offenses to the list of crimes for which wiretaps may be authorized was dropped as well. In other words, if there is a suspected terrorist out there now and law enforcement wants to tap his or her phones, they have to do so on suspicion of a crime being committed but it cannot be a terrorist act. They have to find some other specific crime that was committed.

Mr. President, these omissions puzzle me and trouble me. I am afraid that they represent some strange left-right marriage of fear or skepticism or cynicism about the Government and about law enforcement officials particularly. As Senator BIDEN has said, the power to wiretap—let me say from my own experience and others in law enforcement—is a critically important tool in the hands of law enforcement, and they need that tool not to feather their own nest or build their own empires; they need it to protect us from the criminals, and in this case the terrorists. They are on our side, those who work for the U.S. attorneys, the FBI, the DEA, and the whole range of other law enforcement officials down to the State and local police. They are on our side.

There is somehow a feeling that has grown at the extremes of our political discourse that we have a lot to fear from them. This provision, as Senator BIDEN has said, incorporates the classically American due process rules to make sure that any wiretap that is obtained is approved by a judge and is applied and used in narrowly and clearly circumscribed ways.

Mr. President, for everything I know about terrorism, the ability to penetrate the highly secretive world of terrorists is the single most effective tool law enforcement officials have to prevent terrorism acts from happening and then to bring the terrorists to justice. We can build barriers around Federal buildings. We can increase law enforcement presence and try to fortify obvious targets. But we can never defend all of the targets of terrorists, because they are cowards. They will look for and strike undefended targets without remorse about killing innocent civilians. You simply cannot protect every target. They will strike everywhere. The object of the terrorist is to create terror and panic. So, the best defense we have against them is an offense, to penetrate their operations and to know that they are about to strike before they strike so we can cut them off. If there was ever a category of crime that warranted the full range of wiretap capacities that law enforcement officials have today, it is terrorism. That is what this amendment would do.

Look. In a way, by not including this amendment that the Senate passed overwhelmingly, more essentially, allowing the terrorist to use all of the tools of modern technology, leave the house phone, go to the cell phone, go to the car phone, go to the phone booth, and we are saying to law enforcement, "Oh, no, you cannot. We are going to make it hard for you to follow them. You are going to have to prove that they are moving with an intent to thwart that wiretap."

Senator BIDEN's example is so perfect. Basically we are saying to the law enforcement folks, you have to hear a terrorist say on the phone that, "I got to hang up, John. I'm afraid the FBI is listening to me. I am going to move out to my cell phone." You need that kind of proof of intent to get, under the current law, this multipoint wiretap.

So we are saying to the bad guys, the criminals, the terrorists, you can use all of this modern telecommunications equipment, but we are going to stop law enforcement from trailing them. It is as if we said during the cold war that we had intelligence information that the Soviet Union had developed some very strong new weapon, that the Pentagon had the ability to counteract that weapon with a defense, but we are going to put strictures on them from using that weapon. It does not make sense. It is why I think it is so important to adopt this amendment.

Mr. President, multipoint wiretaps are used very sparingly because of the requirements that Senator BIDEN set out. They have proved, however, according to testimony submitted by Deputy Attorney General Jamie Gorelick to the Judiciary Committee, highly effective tools in prosecuting today's highly mobile criminals and terrorists who may switch phones frequently for any number of reasons. Again, as we have asked before on other measures, why allow ease of obtaining a multipoint wiretap against other criminals, including organized crime criminals, and not allow it against terrorists who threaten us in such a devastating way?

Mr. President, the aim of this motion to recommit is a simple one. We want to be sure that our law enforcement officials receive the tools they need, the tools that will be there for them so that swift and effective action can be taken to prevent the World Trade Center explosion, to prevent Oklahoma City, to prevent any future disaster of that kind. We owe our Federal law enforcement officials that authority, that capacity, those tools. But the truth is we owe it to ourselves. They are out there trying to protect us and our families from being innocent victims of a terrorist. Every counterterrorism expert that I have ever talked to or ever heard, within the Government and without, will emphasize the importance of infiltration and surveillance in countering terrorists and bringing them to justice. Given the devastating effects of these acts, not only the maiming and death of men, women, and children, but these acts are assaults on the institutions of our Government, on the democratic processes which we cherish, and on our fundamental liberty to move safely and confidently throughout our society. They create the kind of fear that undercuts the freedom that we have fought for.

So I do not understand why we would not want to give the law enforcement officials the same authority to obtain wiretaps when pursuing terrorists that they have under current law to pursue other kinds of criminals, and why we do not want to improve their ability to track all criminals, including terrorists, as they move from phone to phone and from place to place with the obvious intent of thwarting surveillance and covering their treacherous, deadly deeds.

Mr. President, finally, I say we need to give the conferees another chance to strengthen this bill. As I said at the outset, it is a good bill, but it can and should be a better bill. I fear that, if we do not include a power like this one, that we are going to come to a day when we are going to look back and regret it—a terrorist act that will occur that could have been stopped if law enforcement had this authority.

I know we want to pass this bill and have the President sign it by the first anniversary of the Oklahoma City tragedy, but the truth is that I would rather see us do this right, do it as strongly and effectively as we can. And if it takes a few more days, so be it. We have waited this long. We can wait a little longer to protect ourselves, our society, the institutions of our Government, and the basic freedom to live and move around in our great country from the horrible acts of terrorists within our midst.

I thank the Chair. I yield the floor.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 15 minutes and the Senator from Delaware has 1 minute and 54 seconds.

Mr. HATCH. Mr. President, I do not disagree with my two distinguished colleagues on that side that this might be a useful provision. After all, I wrote it, and we put it in the Senate bill. I drafted the multipoint language in the Senate bill. However, since that time, some have raised, in their eyes, serious questions as to whether this expanded authority to wiretap American citizens and others is necessary.

Because of that, we have worked out this bill through a long series of meetings for over a year, culminating Monday night in a conference where we put everything in this bill we could possibly get into it. We brought it very close to what the original Senate bill was. I think it is a darned good bill. We

could not get the other side to agree on this provision. It comes down to whether we want a bill or we do not.

To this end, because of that, then I insisted we at least put in a study, a balanced study to look at the excesses of law enforcement with regard to wiretapping and the needs of law enforcement with regard to wiretapping and the applications of it. The distinguished Senator from Connecticut and I both understand how important it is, and so does, of course, the ranking Democrat on the committee. We will require the Justice Department to review its law enforcement surveillance needs and report back to Congress.

On that basis, I just want to say that I am committed to working with both Senator BIDEN and Senator LIEBERMAN to craft legislation which will provide law enforcement with the electronic surveillance capabilities it needs, wiretap authority it needs. I am going to get this done one way or the other in an appropriate way, but the study is important in the eyes of those on the other side. It is important in my eyes.

I do not want to go into this thing halfcocked, nor do I want to lose this bill because others feel we may be moving into it halfcocked without having looked at it in a balanced way. So I will work with both of my colleagues to craft legislation to provide law enforcement with whatever wiretap authority, expanded wiretap authority it needs beyond what it has today. I give my colleagues my assurance that we will move in this direction with dispatch. I think they both know, when I say that, I mean it. The truth, however, is that this provision would have done nothing—and I repeat nothing—to stop the Oklahoma bombing. This is not antiterrorism legislation that would have been necessary to stop the Oklahoma bombing. While multipoint wiretaps may be useful in crime investigation, we simply do not need to put them in this particular legislation at this time.

Last evening, Israel was bombed in another bombing attack. I personally do not believe we should wait one more day—knowing that is going on over there and knowing that we have at least 1,500 known terrorists and organizations in this Nation, I do not think we should wait one more day, not one more hour in my book, in voting for final passage of this bill. We want to assure that terrorist funding is prohibited and stopped, and this bill goes a long way toward doing that.

Let me mention for the record the letters of support that we have for this bill. They are wide ranging and across the political spectrum: The National Association of Attorneys General, the National Association of Police Officers, the National District Attorneys Association, the Anti-Defamation League, Survivors of the Oklahoma Bombing, Citizens for Law and Order, the International Association of Chiefs of Police, the National Sheriffs Association, the National Troopers Association, the Law Enforcement Alliance of America, 34 individual State attorneys general including the California attorney general, California's District Attorneys Association, the National Government Association with regard to the habeas corpus provision, and various Governors, and so forth. It is okayed by the Governor of Oklahoma, who is a Republican, Frank Keating, and by the Democrat attorney general, with whom I have had a great deal of joy working, Drew Edmonson. I have a lot of respect for him, and he has been willing to work with us to try to get this done.

Frankly, we do not have a letter, but we do have the verbal support of AIPAC, and I might say other attorneys general in this country who have written to us and want to be mentioned. We will put that all in the RECORD.

This is important. This bill is important. I know my colleagues know I am sincere when I say I will find some way of resolving these multipoint wiretap problems. Unfortunately, they were called roving wiretaps when they came up, and just that rhetorical term has caused us some difficulties and has caused some of the people who feel, after Waco, Ruby Ridge, Good Ol' Boys Roundup, et cetera, that even law enforcement sometimes is too intrusive into all of our lives, and at this particular time of the year, at tax time, with the feelings about the IRS, there are some who literally feel this is going too far and it will kill this bill if we put it in.

So I will move ahead. We will have the study, but I will move ahead even while the study is being conducted and do everything I can with my two colleagues here to get this problem resolved. I intend to do it, and we will get it done.

I am going to move to table this. I hope folks will vote for the motion to table so that we can continue to preserve this bill and get it done, quit playing around with it and get it done. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware has 1 minute 54 seconds remaining.

Mr. BIDEN. Mr. President, if the problem is people misunderstand because this is a roving wiretap, one thing that will get everybody's attention is we amend it, send it back, and it will become real clear. In about 20 minutes of discussion, we can have it back here, and it will not kill the bill—if that is the reason.

No. 2, in the letter from the chiefs, the president of the International Association of Chiefs of Police, they do support the bill but they are very clear. Let me quote. They say:

This legislation does not deal with the ability of law enforcement to use roving wiretaps or 48-hour wiretaps in the case of terrorism even though this later type of wiretap is already authorized in other special situations.

They list what they do not like about the bill. They do not like the fact that this is not in the bill. They strongly support this wiretap authority. And if we cannot get it done now in this bill, I respectfully suggest to my friend that no matter how much he wishes to fix this, there will be no ability to get it done standing alone.

I yield back whatever seconds I may have remaining.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. The fact is that we have to pass this bill. Frankly, I think we can get this problem solved. It is kind of a world turned upside down. When I got here 20 years ago, it was the conservatives who wanted expanded wiretap authority and the liberals fought it with everything they had. But now all of a sudden we have the liberals fighting for wiretap authority and conservatives concerned about it.

The fact is it is not just the rhetoric. There is some sincere concern on the part of some Members of the House who are crucial to the passage of this bill about putting this in at this time. I believe we can resolve this problem in the future, and I will work hard to do it with my colleagues, but it really cannot be in this bill if we want a terrorism bill at this time.

I yield back the remainder of my time. On behalf of Senator DOLE and myself, I move to table the motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to recommit. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] is necessarily absent.

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

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—58

Abraham	Coats	Dorgan
Ashcroft	Cochran	Faircloth
Bennett	Cohen	Feingold
Bond	Coverdell	Frist
Brown	Craig	Gorton
Bryan	D'Amato	Gramm
Burns	DeWine	Grams
Campbell	Dole	Grassley
Chafee	Domenici	Gregg

Hatch	McCain	Smith
Hatfield	McConnell	Snowe
Helms	Murkowski	Specter
Hutchison	Nickles	Stevens
Inhofe	Pressler	Thomas
Jeffords	Reid	Thompson
Kassebaum	Roth	Thurmond
Kempthorne	Santorum	Warner
Kyl	Shelby	Wellstone
Lott	Simon	
Lugar	Simpson	

NAYS—40

Akaka	Glenn	Lieberman
Baucus	Graham	Mikulski
Biden	Harkin	Moseley-Braun
Bingaman	Heflin	Moynihan
Boxer	Hollings	Murray
Bradley	Inouye	Nunn
Bumpers	Johnston	Pell
Byrd	Kennedy	Pryor
Conrad	Kerrey	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Exon	Lautenberg	Wyden
Feinstein	Leahy	
Ford	Levin	

NOT VOTING—2

Breaux	Mack

So the motion to table the motion to recommit was agreed to.

Mr. MOYNIHAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

MOTION TO RECOMMIT

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] moves to recommit the conference report on the bill S. 735.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent reading of the motion be dispensed with.

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

The text of the motion to recommit is as follows:

Motion to recommit the conference report on the bill S. 735 to the committee of conference with instructions to the managers on the part of the Senate to disagree to the conference substitute recommended by the committee of conference and insist on deleting the following:

"(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

"(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

"(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding."; from section 104 of the conference report".

Mr. MOYNIHAN. 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. MOYNIHAN. Mr. President, the distinguished ranking member and manager have asked that I yield myself such time as I may require, and I add with the proviso, as much time as he wishes. I will obviously yield to him.

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. MOYNIHAN. Mr. President, this is a proposal to strike an unprecedented provision—unprecedented until the 104th Congress—to tamper with the constitutional protection of habeas corpus.

The provision reads:

(d) An application for writ of habeas corpus on behalf of a person in custody pursuant to the judgment of State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—"(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or "(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

We are about to enact a statute which would hold that constitutional protections do not exist unless they have been unreasonably violated, an idea that would have confounded the framers. Thus we introduce a virus that will surely spread throughout our system of laws.

Article I, section 9, clause 2 of the Constitution stipulates, "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."

We are at this moment mightily and properly concerned about the public safety, which is why we have before the Senate the conference report on the counterterrorism bill. But we have not been invaded, Mr. President, and the only rebellion at hand appears to be against the Constitution itself. We are dealing here, sir, with a fundamental provision of law, one of those essential civil liberties which precede and are the basis of political liberties.

The writ of habeas corpus is often referred to as the "Great Writ of Liberty." William Blackstone called it "the most celebrated writ in English law, and the great and efficacious writ in all manner of illegal imprisonment." It is at the very foundation of the legal system designed to safeguard our liberties.

I repeat what I have said previously here on the Senate floor: If I had to choose between living in a country with habeas corpus but without free elections, or a country with free elections but without habeas corpus, I would choose habeas corpus every time. To say again, this is one of the fundamental civil liberties on which every democratic society of the world has built political liberties that have come subsequently.

I make the point that the abuse of habeas corpus—appeals of capital sentences—is hugely overstated. A 1995 study by the Department of Justice's Bureau of Justice Statistics determined that habeas corpus appeals by death row inmates constitute 1 percent of all Federal habeas filings. Total habeas filings make up 4 percent of the caseload of Federal district courts. And most Federal habeas petitions are disposed of in less than 1 year. The serious delays occur in State courts, which take an average of 5 years to dispose of habeas petitions. If there is delay, the delay is with the State courts.

It is troubling that Congress has undertaken to tamper with the Great Writ in a bill designed to respond to the tragic circumstances of the Oklahoma City bombing last year. Habeas corpus has little to do with terrorism. The Oklahoma City bombing was a Federal crime and will be tried in Federal court.

Nothing in our present circumstance requires the suspension of habeas corpus, which is the practical effect of the provision in this bill. To require a Federal court to defer to a State court's judgment unless the State court's decision is unreasonably wrong effectively precludes Federal review. I find this disorienting.

Anthony Lewis has written of the habeas provision in this bill: "It is a new and remarkable concept in law: that mere wrongness in a constitutional decision is not to be noticed." If we agree to this, to what will we be agreeing next? I restate Mr. Lewis' observation, a person of great experience, a long student of the courts, "It is a new and remarkable concept in law: that mere wrongness in a constitutional decision is not to be noticed." Backward reels the mind.

On December 8, four United States attorneys general, two Republicans and two Democrats, all persons with whom I have the honor to be acquainted, Benjamin R. Civiletti, Jr., Edward H. Levi, Nicholas Katzenbach, and Elliot Richardson—I served in administrations with Mr. Levi, Mr. Katzenbach, and Mr. Richardson; I have the deepest regard for them—wrote President Clinton. I ask unanimous consent that the full text be printed in the RECORD.

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

DECEMBER 8, 1995.

Hon. WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The habeas corpus provisions in the Senate terrorism bill, which the House will soon take up, are unconstitutional. Though intended in large part to expedite the death penalty review process, the litigation and constitutional

rulings will in fact delay and frustrate the imposition of the death penalty. We strongly urge you to communicate to the Congress your resolve, and your duty under the Constitution, to prevent the enactment of such unconstitutional legislation and the consequent disruption of so critical a part of our criminal punishment system.

The constitutional infirmities reside in three provisions of the legislation: one requiring federal courts to defer to erroneous state court rulings on federal constitutional matters, one imposing time limits which could operate to completely bar any federal habeas corpus review at all, and one preventing the federal courts from hearing the evidence necessary to decide a federal constitutional question. They violate the Habeas Corpus Suspension Clause, the judicial powers of Article III, and due process. None of these provisions appeared in the bill that you and Senator Biden worked out in the last Congress together with representatives of prosecutors' organizations.

The deference requirement would bar any federal court from granting habeas corpus relief where a state court has misapplied the United States Constitution, unless the constitutional error rose to a level of "unreasonableness." The time-limits provisions set a single period for the filing of both state and federal post-conviction petitions (six months in a capital case and one year in other cases), commencing with the date a state conviction becomes final on direct review. Under these provisions, the entire period could be consumed in the state process, through no fault of the prisoner or counsel, thus creating an absolute bar to the filing of a federal habeas corpus petition. Indeed, the period could be consumed before counsel had even been appointed in the state process, so that the inmate would have no notice of the time limit or the fatal consequences of consuming all of it before filing a state petition.

Both of these provisions, by flatly barring federal habeas corpus review under certain circumstances, violate the Constitution's Suspension Clause, which provides: "The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in the cases of rebellion or invasion the public safety may require it" (Art. I, §9, cl. 1). Any doubt as to whether this guarantee applies to persons held in state as well as federal custody was removed by the passage of the Fourteenth Amendment and by the amendment's framers' frequent mention of habeas corpus as one of the privileges and immunities so protected.

The preclusion of access to habeas corpus also violates Due Process. A measure is subject to proscription under the due process clause if it "offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental," as viewed by "historical practice." *Medina* v. *California*, 112 S.Ct. 2572, 2577 (1992). Independent federal court review of the constitutionality of state criminal judgments has existed since the founding of the Nation, first by writ of error, and since 1867 by writ of habeas corpus. Nothing else is more deeply rooted in America's legal traditions and conscience. There is no case in which "a state court's incorrect legal determination has ever been allowed to stand because it was reasonable," Justice O'Connor found in *Wright* v. *West*, 112 S.Ct. 2482, 2497; "We have always held that federal courts, even on habeas, have an independent obligation to say what the law is." Indeed, Alexander Hamilton argued, in The Federalist No. 84, that the existence of just two protections—habeas corpus and the prohibition against ex post facto laws—obviated the need to add a Bill of Rights to the Constitution.

The deference requirement may also violate the powers granted to the judiciary under Article III. By stripping the federal courts of authority to exercise independent judgment and forcing them to defer to previous judgments made by state courts, this provision runs afoul of the oldest constitutional mission of the federal courts: "the duty . . . to say what the law is." *Marbury* v. *Madison*, 5 U.S. (1 Cranch) 137, 177 (1803). Although Congress is free to alter the federal courts' jurisdiction, it cannot order them how to interpret the Constitution, or dictate any outcome on the merits. *United States* v. *Klein*, 80 U.S. (13 Wall.) 128 (1871). Earlier this year, the Supreme Court reiterated that Congress has no power to assign "rubber stamp work" to an Article III court. "Congress may be free to establish a . . . scheme that operates without court participation," the Court said, "but that is a matter quite different from instructing a court automatically to enter a judgment pursuant to a decision the court has not authority to evaluate." *Gutierrez de Martinez* v. *Lamagno*, 115 S.Ct 2227, 2234.

Finally, in prohibiting evidentiary hearings where the constitutional issue raised does not go to guilt or innocence, the legislation again violates Due Process. A violation of constitutional rights cannot be judged in a vacuum. The determination of the facts assumes" and importance fully as great as the validity of the substantive rule of law to be applied." *Wingo* v. *Wedding*, 418 U.S. 461, 474 (1974).

The last time habeas corpus legislation was debated at length in constitutional terms was in 1968. A bill substantially eliminating federal habeas corpus review for state prisoners was defeated because, as Republican Senator Hugh Scott put it at the end of debate, "if Congress tampers with the great writ, its action would have about as much chance of being held constitutional as the celebrated celluloid dog chasing the asbestos cat through hell."

In more recent years, the habeas reform debate has been viewed as a mere adjunct of the debate over the death penalty. But when the Senate took up the terrorism bill this year, Senator Moynihan sought to reconnect with the large framework of constitutional liberties: "If I had to live in a country which had habeas corpus but not free elections," he said, "I would take habeas corpus every time." Senator Chafee noted that his uncle, a Harvard law scholar, has called habeas corpus "the most important human rights provision in the Constitution." With the debate back on constitutional grounds, Senator Biden's amendment to delete the deference requirement nearly passed, with 46 votes.

We respectfully ask that you insist, first and foremost, on the preservation of independent federal review, i.e., on the rejection of any requirement that federal courts defer to state court judgments on federal constitutional questions. We also urge that separate time limits be set for filing federal and state habeas corpus petitions—a modest change which need not interfere with the setting of strict time limits—and that they begin to run only upon the appointment of competent counsel. And we urge that evidentiary hearings be permitted wherever the factual record is deficient on an important constitutional issue.

Congress can either fix the constitutional flaws now, or wait through several years of litigation and confusion before being sent back to the drawing board. Ultimately, it is the public's interest in the prompt and fair disposition of criminal cases which will suffer. The passage of an unconstitutional bill helps no one.

We respectfully urge you, as both President and a former professor of constitutional law, to call upon Congress to remedy these flaws before sending the terrorism bill to your desk. We request an opportunity to meet with you personally to discuss this matter so vital to the future of the Republic and the liberties we all hold dear.

Sincerely,

BENJAMIN R. CIVILETTI, Jr., *Baltimore, MD.*
EDWARD H. LEVI, *Chicago, IL.*
NICHOLAS DEB. KATZENBACH, *Princeton, NJ.*
ELLIOT L. RICHARDSON, *Washington, DC.*

Mr. MOYNIHAN. Mr. President, let me read excerpts from the letter:

The habeas corpus provisions in the Senate bill . . . are unconstitutional. Though intended in large part to expedite the death penalty review process, the litigation and constitutional rulings will in fact delay and frustrate the imposition of the death penalty . . .

The constitutional infirmities . . . violate the Habeas Corpus Suspension Clause, the judicial powers of Article III and due process . . .

. . . A measure is subject to proscription under the due process clause if it "offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental," as viewed by "historical practice."

That is Medina versus California, a 1992 decision. To continue,

Independent federal court review of the constitutionality of state criminal judgments has existed since the founding of the Nation, first by writ of error, and since 1867 by writ of habeas corpus.

Nothing else is more deeply rooted in America's legal traditions and conscience. There is no clause in which "a state court's incorrect legal determination has ever been allowed to stand because it was reasonable."

That is Justice O'Connor, in Wright versus West. She goes on, as the attorneys general quote,

We have always held that federal courts, even on habeas, have an independent obligation to say what the law is.

If I may interpolate, she is repeating the famous injunction of Justice Marshall in Marbury versus Madison.

The attorneys general go on to say:

Indeed, Alexander Hamilton argued, in The Federalist No. 84, that the existence of just two protections—habeas corpus and the prohibition against ex post facto laws—obviated the need to add a Bill of Rights to the Constitution.

The letter from the attorneys general continues, but that is the gist of it. I might point out that there was, originally, an objection to ratification of the Constitution, with those objecting arguing that there had to be a Bill of Rights added. Madison wisely added one during the first session of the first Congress. But he and Hamilton and Jay, as authors of the Federalist papers, argued that with habeas corpus

and the prohibition against ex post facto laws in the Constitution, there would be no need even for a Bill of Rights. We are glad that, in the end, we do have one. But their case was surely strong, and it was so felt by the Framers.

To cite Justice O'Connor again:

A state court's incorrect legal determination has never been allowed to stand because it was reasonable.

Justice O'Connor went on:

We have always held that Federal courts, even on habeas, have an independent obligation to say what the law is.

Mr. President, we can fix this now. Or, as the attorneys general state, we can "wait through several years of litigation and confusion before being sent back to the drawing board." I fear that we will not fix it now. The last time this bill was before us, there were only eight Senators who voted against final passage.

We Americans think of ourselves as a new nation. We are not. Of the countries that existed in 1914, there are only eight which have not had their form of government changed by violence since then. Only the United Kingdom goes back to 1787 when the delegates who drafted our Constitution established this Nation, which continues to exist. In those other nations, sir, a compelling struggle took place, from the middle of the 18th century until the middle of the 19th century, and beyond into the 20th, and even to the end of the 20th in some countries, to establish those basic civil liberties which are the foundation of political liberties and, of those, none is so precious as habeas corpus, the "Great Writ."

Here we are trivializing this treasure, putting in jeopardy a tradition of protection of individual rights by Federal courts that goes back to our earliest foundation. And the virus will spread. Why are we in such a rush to amend our Constitution? Eighty-three amendments have been offered in this Congress alone. Why do we tamper with provisions as profound to our traditions and liberty as habeas corpus? The Federal courts do not complain. It may be that if we enact this, there will be some prisoners who are executed sooner than they otherwise would have been. You may take satisfaction in that or not, as you choose, but we will have begun to weaken a tenet of justice at the very base of our liberties. The virus will spread.

This is new. It is profoundly disturbing. It is terribly dangerous. If I may have the presumption to join in the judgment of four attorneys general, Mr. Civiletti, Mr. Levi, Mr. Katzenbach, and Mr. Richardson—and I repeat that I have served in administrations with three of them—this matter is unconstitutional and should be stricken from this measure.

Fourteen years ago, June 6, 1982, to be precise, I gave the commencement address at St. John University Law School in Brooklyn. I spoke of the proliferation of court-curbing bills, at that time, but what I said is, I feel, relevant to today's discussion. I remarked,

. . . some people—indeed, a great many people—have decided that they do not agree with the Supreme Court and that they are not satisfied to Debate, Legislate, Litigate.

They have embarked upon an altogether new and I believe quite dangerous course of action. A new triumvirate hierarchy has emerged. Convene (meaning the calling of a constitutional convention), Overrule (the passage of legislation designed to overrule a particular Court ruling, when the Court's ruling was based on an interpretation of the Constitution), and Restrict (to restrict the jurisdiction of certain courts to decide particular kinds of cases).

Perhaps the most pernicious of these is the attempt to restrict courts' jurisdictions, for it is . . . profoundly at odds with our nation's customs and political philosophy.

It is a commonplace that our democracy is characterized by majority rule and minority rights. Our Constitution vests majority rule in the Congress and the President while the courts protect the rights of the minority.

While the legislature makes the laws, and the executive enforces them, it is the courts that tell us what the laws say and whether they conform to the Constitution.

This notion of judicial review has been part of our heritage for nearly two hundred years. There is not a more famous case in American jurisprudence than Marbury v. Madison and few more famous dicta than Chief Justice Marshall's that

It is emphatically the province and the duty of the judicial department to say what the law is.

But in order for the court to interpret the law, it must decide cases. If it cannot hear certain cases, then it cannot protect certain rights.

Mr. President, I am going to ask unanimous consent that a number of materials appear in the RECORD following my remarks. I apologize for the length, but if we are going to trifle with the Great Writ of Liberty, the record needs to be complete. The materials are as follows: a May 23, 1995 letter from the Emergency Committee to Save Habeas Corpus to the President and a one-page attachment; a June 1, 1995 letter from the Emergency Committee to me; a March 13, 1996 New York Times editorial entitled, "The Wrong Answer to Terrorism"; an April 8, 1996 Times editorial entitled, "Grave Trouble for the Great Writ"; three Anthony Lewis op-eds which appeared in the Times on July 7, 1995, December 8, 1995, and April 15, 1996 entitled "Mr. Clinton's Betrayal", Is It A Zeal To Kill?", and "Stand Up For Liberty", respectively; and the third paragraph of the March 12, 1996 "Statement of Administration Policy" concerning H.R. 2703—the House version of the counter-terrorism bill—which reads, in part: "H.R. 2703 would establish a standard of review for Federal courts on constitutional issues that is excessively narrow and subject to potentially meritorious constitutional challenge."

Mr. President, I ask unanimous consent that these materials be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. MOYNIHAN. Mr. President, we need to deal resolutely with terrorism. And we will. But if, in the guise of combating terrorism, we diminish the fundamental civil liberties that Americans have enjoyed for two centuries, then the terrorists will have won. With deep regret, but with a clear conscience, I will vote against the conference report to S. 735 as now presented.

EXHIBIT 1

EMERGENCY COMMITTEE TO SAVE HABEAS CORPUS,
May 23, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We understand that the Senate may act, as soon as tomorrow, on the habeas corpus provisions in Senator Dole's terrorism legislation. Among these provisions is a requirement that federal courts must defer to state courts incorrectly applying federal constitutional law, unless it can be said that the state ruling was "unreasonable" incorrect. This is a variation of the proposal by the Reagan and Bush administrations to strip the federal courts of the power to enforce the Constitution when the state court's interpretation of it, though clearly wrong, had been issued after a "full and fair adjudication."

The Emergency Committee was formed in 1991 to fight this extreme proposal. Our membership consists of both supporters and opponents of the death penalty, Republicans and Democrats, united in the belief that the federal habeas corpus process can be dramatically streamlined without jeopardizing its constitutional core. At a time when proposals to curtail civil liberties in the name of national security are being widely viewed with suspicion, we believe it is vital to ensure that habeas corpus—the means by which all civil liberties are enforced—is not substantially diminished.

The habeas corpus reform bill you and Senator Biden proposed in 1993, drafted in close cooperation with the nation's district attorneys and state attorneys general, appropriately recognizes this point. It would codify the long-standing principle of independent federal review of constitutional questions, and specifically reject the "full and fair" deference standard.

Independent federal review of state court judgments has existed since the founding of the Republic, whether through writ of error or writ of habeas corpus. It has a proud history of guarding against injustices born of racial prejudice and intolerance, of saving the innocent from imprisonment or execution, and in the process, ensuring the rights of all law-abiding citizens. We in the Emergency Committee have fought against proposals to strip the federal courts of power to correct unconstitutional state court actions, alongside other distinguished groups such as the NAACP Legal Defense Fund, the Southern Christian Leadership Conference, the American Bar Association, former prosecutors, and the committee chaired by Justice Powell on which all subsequent reform proposals have been based. We have met with Attorney General Reno, testified in Congress, and successfully argued in the Supreme Court against the adoption of a deference standard, in Wright v. West.

We hope you will use the power of your office to ensure that the worthwhile goal of streamlining the review of criminal cases is accomplished without diminishing constitutional liberties. If it would be helpful, we would be pleased to meet with you to discuss this vitally important matter personally.

Sincerely,

BENJAMIN CIVILETTI.
EDWARD H. LEVI.
NICHOLAS DEB. KATZENBACH.
ELLIOT L. RICHARDSON.

STATEMENTS ON PROPOSALS REQUIRING FEDERAL COURTS IN HABEAS CORPUS CASES TO DEFER TO STATE COURTS ON FEDERAL CONSTITUTIONAL QUESTIONS

"Capital cases should be subject to one fair and complete course of collateral review through the state and federal system. . . . Where the death penalty is involved, fairness means a searching and impartial review of the propriety of the sentence."—Justice Lewis F. Powell, Jr., presenting the 1989 report of the Ad Hoc Committee on Federal Habeas Corpus in Capital Cases, chaired by him and appointed by Chief Justice William Rehnquist

"The federal courts should continue to review *de novo* mixed and pure questions of federal law. Congress should codify this review standard. . . . Senator Dole's bill [containing the "full and fair" deference requirement] would rather straightforwardly eliminate federal habeas jurisdiction over most constitutional claims by state inmates."—150 former state and federal prosecutors, in a December 7, 1993 letter to Judiciary Committee Chairmen Biden and Brooks

"Racial distinctions are evident in every aspect of the process that leads to execution. . . . [W]e fervently and respectfully urge a steadfast review by federal judiciary in state death penalties as absolutely essential to ensure justice."—Rev. Dr. Joseph E. Lowery, President, Southern Christian Leadership Conference, U.S. House Judiciary Committee hearing on capital habeas corpus reform, June 6, 1990

"The State court cannot have the last say when it, though on fair consideration and what procedurally may be deemed fairness, may have misconceived a federal constitutional right."—Justice Felix Frankfurter, for the Court, in *Brown v. Allen*, 344 U.S. 443, 508 (1953)

"[There is no case in which] a state court's incorrect legal determination has ever been allowed to stand because it was reasonable. We have always held that federal courts, even on habeas, have an independent obligation to say what the law is."—Justice Sandra Day O'Connor, concurring in *Wright v. West*, 112 S.Ct. 2482 (1992), citing 29 Supreme Court cases and "many others" to reject the urging of Justices Thomas, Scalia and Rehnquist to adopt a standard of deference to state courts on federal constitutional matters.

EMERGENCY COMMITTEE TO SAVE HABEAS CORPUS,
June 1, 1995.

Hon. DANIEL PATRICK MOYNIHAN,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN: We understand that the Senate may act next week on the habeas corpus provisions in Senator Dole's terrorism legislation. Among these provisions is a requirement that federal courts must defer to state courts incorrectly applying federal constitutional law, unless it can be said that the state ruling was "unreasonably" incorrect. This is a variation of past proposals to strip the federal courts of the power to enforce the Constitution when the state court's interpretation of it, though clearly wrong, had been issued after a "full and fair" hearing.

The Emergency Committee was formed in 1991 to fight this extreme proposal. Our membership consists of both supporters and opponents of the death penalty, Republicans and Democrats, united in the belief that the federal hebeas corpus process can be dramatically streamlined without jeopardizing its constitutional core. At a time when proposals to curtail civil liberties in the name of national security are being widely viewed with suspicion, we believe it is vital to ensure that habeas corpus—the means by which all civil liberties are enforced—is not substantively diminished.

The hebeas corpus reform bill President Clinton proposed in 1993, drafted in close cooperation with the nation's district attorneys and state attorneys general, appropriately recognizes this point. It would codify the long-standing principle of independent federal review of constitutional questions, and specifically reject the "full and fair" deference standard.

Independent federal review of state court judgments has existed since the founding of the Republic, whether through writ of error or writ of hebeas corpus. It has a proud history of guarding against injustices born of racial prejudice and intolerance, of saving the innocent from imprisonment or execution, and in the process, ensuring the rights of all law-abiding citizens. Independent federal review was endorsed by the committee chaired by Justice Powell on which all subsequent reform proposals have been based, and the Supreme Court itself specifically considered but declined to require deference to the states, in Wright v. West in 1992.

We must emphasize that this issue of deference to state rulings has absolutely no bearing on the swift processing of terrorism offenses in the federal system. For federal inmates, the pending habeas reform legislation proposes dramatic procedural reforms but appropriately avoids any curtailment of the federal courts' power to decide federal constitutional issues. This same framework of reform will produce equally dramatic results in state cases. Cutting back the enforcement of constitutional liberties for people unlawfully held in state custody is neither necessary to habeas reform nor relevant to terrorism.

We are confident that the worthwhile goal of streamlining the review of criminal cases can be accomplished without diminishing constitutional liberties. Please support the continuation of independent federal review of federal constitutional claims through habeas corpus.

Sincerely,

BENJAMIN CIVILETTI.
EDWARD H. LEVI.
NICHOLAS DEB. KATZENBACH.
ELLIOT L. RICHARDSON.

[From the New York Times, Mar. 13, 1996.]

THE WRONG ANSWER TO TERRORISM

With the first anniversary of the Oklahoma City bombing approaching next month, Congress and the White House are pressing to complete action on new anti-terrorism legislation. In haste to demonstrate their resolve in an election year, President Clinton and lawmakers from both parties are ready to approve steps that would dangerously erode American liberties. Combating terrorism is vitally important, but it should not threaten long-established rights of privacy, free speech and due process.

Last June the Senate rashly passed the Comprehensive Terrorism Protection Act of 1995. The bill contained some reasonable measures, including an increase in F.B.I. staff and revisions in Federal law that would make it easier to trace bombs and impose harsher penalties for dealing in explosives.

But the legislation also authorized intrusive new surveillance powers for law enforcement agencies, crackdown on suspect aliens and an ill-advised blurring of the line between military and police forces. To assure passage, Mr. Clinton unwisely agreed to withdraw his objections to incorporating a change in habeas corpus standards that would limit death row appeals in Federal courts.

A corresponding bill under consideration in the House this week does not include some of the most troubling Senate provisions, including the expanded role for military forces in domestic law enforcement. But House members who take their constitutional vows seriously should eliminate or modify other damaging provisions in the bill.

Among other dubious steps, the House bill would grant the Secretary of State expansive authority to brand foreign groups and their domestic affiliates as terrorists, thereby making it a crime for Americans to support the group's activities, even if they are perfectly legal. Members of designated terrorist groups would be barred from entering the country to speak, reviving a discredited practice that was discarded in 1990 with repeal of the McCarthy-era McCarran-Walter Act.

Under the House legislation, the Attorney General would be given unchecked authority to elevate ordinary state and Federal crimes to acts of terrorism, carrying sentences ranging up to death. The F.B.I., which already has ample authority to pursue terrorists, would get new powers to obtain phone and travel records without having to establish that a suspect seemed to be engaging in criminal activity. Government wiretap authority would be expanded, with reduced judicial oversight.

The proposed change in habeas corpus would undermine the historic role of the Federal courts in correcting unconstitutional state court convictions and sentences. If Congress is determined to make this alteration, it should at least address the question separately and carefully, rather than tagging it onto an antiterrorism bill.

These objectionable measures are not included in a promising alternative bill proposed by three Democratic representatives—John Conyers Jr. of Michigan, Jerrold Nadler of New York and Howard Berman of California.

Americans were shaken and angered by the explosion that shattered the Federal building in Oklahoma City and killed 169 people. Congress is right to give Federal law enforcement agencies more money and manpower. Diminishing American liberties is not the solution to terrorism.

[From the New York Times, Apr. 8, 1996]

GRAVE TROUBLE FOR THE GREAT WRIT

Members of Congress are exploiting public concerns about terrorism to threaten basic civil liberties. Of these, not one is more precious than the writ of habeas corpus—the venerable Great Writ devised by English judges to guard against arbitrary imprisonment and, in modern terms, a vital shield against unfair trials.

Both the House and Senate have voted to weaken the modern version of habeas corpus beyond recognition. Invading the province of the independent Federal judiciary, their proposals would forbid judges from rendering their own findings of fact and law, virtually instructing the judges to decide cases against the petitioning prisoner. President Clinton, who has waffled on the issue, needs to warn Congress that he will not sign this unconstitutional measure just to get a terrorism law.

The writ has long been available in America to tell sheriffs and wardens to "produce the body" of the prisoner and justify the jailing in court. Congress applied the habeas corpus power in 1867 to give Federal district courts the power to review state criminal convictions. Since then, judges have set aside many sentences of prisoners who failed to receive fair trials, including some condemned to die because prosecutors concealed evidence of their innocence.

The antiterrorism bills contain provisions that would accelerate the executions of condemned prisoners, at great risk to their fundamental rights. These provisions have survived Congressional debate even though other provisions that might actually have done something about terrorism—banning bullets that pierce police vests and tagging explosives to enable law enforcement to trace terrorist bombs—were scrapped on the House floor.

The most pernicious legal change would instruct Federal judges that they are bound by state court findings when determining the fairness of a prisoner's criminal trial. Only when those findings are "unreasonable" or flatly contradict clearly announced Supreme Court rulings can the Federal court overturn them. State courts rarely disobey the high court openly. But they still make serious mistakes. Federal judges have often found state court judgments woefully sloppy though masked in neutral language the new proposals would insulate from review.

A Supreme Court case from last year makes the point. By a distressingly thin 5-to-4 margin, the Court set aside the death sentence of a man whose murder conviction rested on the word of an informant whose potential motives for falsely accusing him were known to the police but concealed from the defense. The condemned man's conviction survived many layers of state and Federal judicial review before reaching the Supreme Court. Under the proposal in Congress, the defendant, instead of getting a new trial, would get the chair.

By essentially telling independent Federal judges how to decide cases, the bill unconstitutionally infringes on the jurisdiction of a coordinate branch of government and potentially violates the Constitution's stricture that the writ of habeas corpus shall not be suspended except in time of war or dire emergency. It also includes unrealistic deadlines for filing court petitions and undue restraints on legal resources available to prisoners. Unless a Senate-House conference committee can disentangle habeas corpus from terrorism, Mr. Clinton has a duty to warn that he will veto the entire package.

[From the New York Times, July 7, 1995]

MR. CLINTON'S BETRAYAL

(By Anthony Lewis)

BOSTON.—For Bill Clinton's natural supporters, the most painful realization of his Presidency is that he is a man without a bottom line. He may abandon any seeming belief, any principle. You cannot rely on him.

There is a telling example to hand. As the Senate debated a counterterrorism bill last month, Mr. Clinton changed his position on the power of Federal courts to issue writs of habeas corpus. The Senate then approved a provision that may effectively eliminate that power.

The issue may sound legalistic, but habeas corpus has been the great historic remedy for injustice. By the Great Writ, as it is called, Federal courts have set aside the convictions of state prisoners because they were tortured into confessing or convicted by other unconstitutional means.

In recent years conservatives in Congress have attacked the habeas corpus process because it delays the execution of state prisoners on death row. Some prisoners do file frivolous petitions. But in other cases conservative Federal judges have found grave violations of constitutional rights—ones not found in state courts, often because the defendants had such incompetent lawyers.

After the Oklahoma City bombing, Senate Republicans decided to attach a crippling habeas provision to the counterterrorism bill. On May 23 four former Attorneys General, Democrats and Republicans—Benjamin Civiletti, Nicholas deB. Katzenbach, Edward H. Levi and Elliot L. Richardson—wrote President Clinton urging him to oppose it.

"It is vital," they wrote, "to insure that habeas corpus—the means by which *all* civil liberties are enforced—is not substantively diminished.

. . . It has a proud history of guarding against injustices born of racial prejudice and intolerance, of saving the innocent from imprisonment or execution and in the process insuring the rights of all law-abiding citizens."

Two days later President Clinton wrote the Senate majority leader, Bob Dole, to say that he favored habeas corpus reform so long as it preserved "the historic right to meaningful Federal review." The issue should be addressed later, he said, not in the counterterrorism bill.

Then, on June 5, Mr. Clinton appeared on television on CNN's "Larry King Live." Asked about habeas corpus, he said reform "ought to be done in the context of this terrorism legislation."

It was a complete switch from his position of less than two weeks before. And it had the effect of undermining Senate supporters of habeas corpus.

Two days later the Senate approved the Republican measure. The House has also passed stringent restrictions on habeas corpus, so almost certainly there will be legislation putting a drastic crimp on the historic writ.

The Senate bill says that no Federal court may grant habeas corpus to a state prisoner if state courts had decided his or her claim on the merits—unless the state decision was "contrary to, or involved an unreasonable application of" Federal constitutional law as determined by the Supreme Court.

That language seems to mean that Federal judges must overlook even incorrect state rulings on constitutional claims, so long as they are not "unreasonably" incorrect. It is a new and remarkable concept in law; that mere wrongness in a constitutional decision is not to be noticed.

Experts in the field say the provision may effectively eliminate Federal habeas corpus. It signals Federal judges to stay their hands. And what Federal judge will want to say that his state colleagues have been not just wrong but "unreasonable"?

The President explained to Larry King that attaching the habeas corpus provision to the counterterrorism bill would speed proceedings in the prosecutions brought over the Oklahoma bombing. But those are Federal prosecutions, not covered by this bill.

No, the reason for President Clinton's turnabout is clear enough. He thinks there is political mileage in looking tough on crime. Compared with that, the Great Writ is unimportant.

In 1953 Justice Hugo L. Black wrote: "It is never too late for courts in habeas corpus proceedings . . . to prevent forfeiture of life or liberty in flagrant defiance of the Constitution." Now, thanks to Bill Clinton and the Republicans in Congress, it may be.

[From the New York Times, Dec. 8, 1995]

IS IT A ZEAL TO KILL?

(By Anthony Lewis)

An Illinois man who had been on death row for 11 years, Orlando Cruz, had a new trial last month and was acquitted of murder. The record, including police perjury, was so rank that the Justice Department has begun investigating possible civil rights violations.

In the last 20 years, 54 Americans under sentence of death have been released from prison because of evidence of their innocence. In an important pending case, a U.S. Court of Appeals has scheduled a hearing for Paris Carriger, an Arizona death row inmate who some usually skeptical criminologists believe is probably innocent.

Congress is now preparing to deal with the fact that innocent men and women are occasionally sentenced to death in this country. Congress's answer is: Execute them anyway, guilty or innocent.

That result will follow, inevitably, from legislation that is heading for the floor of the House and has already passed the Senate. It would limit Federal habeas corpus, the legal procedure by which state prisoners can go to Federal courts to argue that they were unconstitutionally convicted or sentenced.

Federal habeas corpus has played a crucial part in saving wrongly convicted men and women from execution. One reason is that state judges, most of them elected, want to look strongly in favor of capital punishment. For example, Alabama judges have rejected 47 jury recommendations for life sentences, imposing death instead, while reducing jury death sentences to life only 5 times.

The habeas corpus restrictions moving through Congress would increase the chance of an innocent person being executed in two main ways.

The first deals with the right to bring in newly discovered evidence of innocence in a fresh habeas corpus petition. There are legal rules against successive petitions, but there is an escape hatch for genuine evidence of innocence.

Today a prisoner is entitled to a habeas corpus hearing, despite the rules against repeated petitions, if his new evidence makes it "more likely than not that no reasonable juror would have convicted him." The pending legislation would change the "more likely" standard to the far more demanding one of "clear and convincing evidence."

Second, the legislation as passed by the Senate raises a new obstacle. Federal courts would be forbidden to grant habeas corpus if a claim had been decided by state courts—unless the state decision was "an arbitrary or unreasonable" interpretation of established Federal constitutional law.

Apparently, a Federal judge could not free a probably innocent state prisoner if he had been convicted as the result of a state court constitutional ruling that was merely wrong. It would have to be "unreasonably" wrong—a remarkable new concept.

Why would members of Congress want to increase the chances of innocent men and women being gassed or electrocuted or given lethal injections? Perhaps I am naive, but I find that difficult to understand.

The country's agitated mood about crime, fed by demagogic politicians, makes Congress—and Presidents—want to look tough on crime. One result is zeal for the death penalty.

But that cannot explain a zeal to cut off newly discovered evidence of a prisoner's likely innocence and execute him, guilty or innocent. Can our political leaders really be so cynical that they put the tactical advantage of looking tough on crime ahead of an innocent human life?

It is a question for, among others, Senator Orrin Hatch and Representative Henry Hyde, chairmen of the Senate and House Judiciary Committees. Whatever their political outlook, I have never thought them indifferent to claims of humanity.

President Clinton must also face the reality of what this legislation would do. Last May he wrote Senator Bob Dole that he favored habeas corpus reform so long as it preserved "the historic right to meaningful Federal review." He opposed adding a habeas corpus provision to counterterrorism legislation—but a few days later he abandoned that position.

In the House the clampdown on habeas corpus is going to be part of a counterterrorism bill coming out of the Judiciary Committee. The bill has many other problems, of fairness and free speech. But the attack on habeas corpus is a question of life and death.

[From the New York Times, Apr. 15, 1996]

STAND UP FOR LIBERTY

(By Anthony Lewis)

WASHINGTON.—In one significant respect, Bill Clinton's Presidency has been a surprising disappointment and a grievous one. That is in his record on civil liberties.

This week Congress is likely to finish work on legislation gutting Federal habeas corpus, the historic power of Federal courts to look into the constitutionality of state criminal proceedings. Innocent men and women, convicted of murder in flawed trials, will be executed if that protection is gone.

And President Clinton made it possible. With a nod and a wink, he allowed the habeas corpus measure to be attached to a counterterrorism bill that he wanted—a bill that has nothing to do with state prosecutions.

House and Senate conferees are likely to finish work on the terrorism bill this week, and both houses to act on it. Last week Attorney General Janet Reno sent a long letter to the conferees. Reading it, one is struck by how insensitive the Clinton Administration is to one after another long-established principle of civil liberties.

The letter demands, for example, that the Government be given power to deport aliens as suspected terrorists without letting them see the evidence against them—arguing for even harsher secrecy provisions than ones the House struck from the bill last month. It says there is no constitutional right to see the evidence in deportation proceedings, though the Supreme Court has held that there is.

Ms. Reno denounces the House for rejecting a Clinton proposal that the Attorney General be allowed to convert an ordinary crime into "terrorism" by certifying that it transcended national boundaries and was intended to coerce a government. Instead, in the House bill, the Government would have to prove those charges to a judge and jury—a burden the Clinton Administration does not want to bear.

The Reno letter objects to "terrorists" being given rights. But that assumes guilt. The whole idea of our constitutional system is that people should have a fair chance to answer charges before they are convicted. Does Janet Reno think we should ignore the Fourth and Fifth and Sixth Amendments because they protect "criminals"? Does Bill Clinton?

Even before the terrorism bill, with its habeas corpus and numerous other repressive provisions, the Administration had shown a cavalier disregard for civil liberties. The Clinton record is bleak, for example, in the area of privacy.

President Clinton supported the F.B.I.'s demands for legislation requiring that new digital telephone technology be shaped to assure easy access for government eavesdroppers. That legislation passed, and then the Administration asked for broader wiretap authority in the counterterrorism bill. (That is one proposal Congress seems unwilling to swallow.)

The President also supported intrusive F.B.I. demands for ways to penetrate methods used by businesses and individuals to assure the privacy of their communications. He called for all encryption methods to have a decoder key to which law-enforcement officials would have access.

Recently Mr. Clinton issued an executive order authorizing physical searches without a court order to get suspected foreign intelligence information. That is an extraordinary assertion of power, without legislation, to override the Constitution's protection of individuals' privacy.

He has also called for a national identity card, which people would have to provide on seeking a job to prove they are not illegal aliens. That idea is opposed by many conservatives and liberals as a step toward an authoritarian state.

Beyond the particular issues, Mr. Clinton has failed as an educator. He has utterly failed to articulate the reasons why Americans should care about civil liberties: the reasons of history and of our deepest values. This country was born, after all, in a struggle for those liberties.

His record is so disappointing because he knows better. Why has he been so insensitive to the claims of liberty?

The answer is politics: politics of a narrow and dubious kind. The President wants to look tough on terrorism and aliens and crime. So he demands action where there is no need or public demand. Without his push, the excesses of the terrorism bill would have no meaningful constituency.

He would do better for himself, as for the country, if he stood up for our liberties. And there is history. Does Bill Clinton really want to be remembered as the President who sold out habeas corpus?

EXCERPT FROM STATEMENT OF ADMINISTRATION POLICY

Finally, H.R. 2703 contains provisions to reform Federal habeas corpus procedures. The Administration has consistently and strongly supported habeas corpus reform in order to assure that criminal offenders receive swift and certain punishment. Indeed, the Administration believes that the bill could be improved to provide additional guarantees that offenders have only "one bite at the apple" and complete the process even more expeditiously. These further limitations should be accompanied by necessary changes in the scope of review afforded to such petitions. H.R. 2703 would establish a standard of review for Federal courts on constitutional issues that is excessively narrow and subject to potentially meritorious constitutional challenges. To achieve the twin goals of finality and fairness. H.R. 2703 should shorten the duration and reduce the number of reviews for each criminal conviction while preserving the full scope of habeas review so that it can continue to serve its historic function as the last protection against wrongful conviction. The Administration hopes to work with the House and the conferees to achieve these ends.

Mr. DOLE. Mr. President, is leader time reserved?

The PRESIDING OFFICER. Yes.

BROADCAST BLACKOUT

Mr. DOLE. Mr. President, TV broadcasters have broken their trust with the American people. For more than 40 years, the American people have generously lent TV station owners our Nation's airwaves for free. Now some broadcasters want more and will stop at nothing to get it. They are bullying Congress and running a multimillion-dollar scare campaign to mislead the public.

The reason is simple: Why pay for something when you can get it for free? But there is one small problem. The airwaves are the Nation's most valuable natural resource and are worth billions and billions of dollars. They do not belong to the broadcasters. They do not belong to the phone companies. They do not belong to the newspapers. Each and every wave belongs to the American people, the American taxpayers. Our airwaves are just as much a national resource as our national parks.

Enter the TV broadcasters. Earlier this year, I blocked their legislative efforts to get spectrum for free. At my request, Congress is now holding open hearings on reforming our spectrum policies.

Apparently, the democratic process is not good enough for most broadcasters. So TV broadcasters are now running ads and so-called public service announcements, claiming that TV will die without this huge corporate welfare program, this billions and billions of dollars they want to take away from the American taxpayers. Of course, they do not call this giveaway welfare; they call it a tax. Imagine calling a giveaway a tax.

Also, I am aware that some broadcasters have asked Members of Congress to drop by their stations. In the midst of these friendly discussions, the broadcasters say, "I thought you might want to see the ad we are considering running in your district."

So much for subtlety.

It seems to me the broadcasters should be happy with the deal they already have. They have been getting free channels for years. In return, they

fulfill public interest obligations, such as reporting news and information. Now they want more airwaves for free.

Newspapers also report the news, but Congress has never had to buy them off. It seems to me that giving broadcasters free spectrum is like giving newspapers free paper from our national forests.

Congress has never challenged whether broadcasters should be allowed to keep a channel. Instead, we are simply stating that if broadcasters want more channels, then they are going to pay the taxpayers for them. That does not kill television.

The broadcasters say they cannot afford to buy additional airwaves, which the Congressional Budget Office estimates is worth at least $12 billion. Last time I checked, the American people cannot afford to give it to them free.

We are trying to balance a budget with tax cuts for families with children, reducing spending, and closing loopholes.

Broadcasters say that if they had to pay for the extra airwaves, it would be the end of so-called free, over-the-air television. The facts speak otherwise. According to the Washington Post, over the last 2 years broadcast deals in the private sector amounted to a whooping $31.3 billion. That is with a "b"—billion dollars.

Here is another fact. All TV broadcast licenses in America were originally given away for free, but only 6 percent are still in the hands of the original licensee. The other 94 percent have been bought and sold. My point is that broadcasters have a long history of paying top dollar for existing channels. Somehow they cannot afford any new ones unless the taxpayer picks up the tab.

UNFUNDED MANDATE ON CONSUMERS

Before Congress lets huge moneyed interests get their fingers on this national resource, we must be certain that the American taxpayer is fully protected. The policy broadcasters' want will not only force taxpayers to giveaway valuable airwaves, it will also force consumers to spend hundreds of billions of their own dollars on new equipment which is a point that I think has been overlooked. They have been trying to frighten everybody with television, and to get their way are going to have to have another television or some attachment.

The fact is that federally mandating a transition to digital broadcast will ultimately render all television sets in the country obsolete. You will not be able to use your television set.

Consumers will be forced to buy either new television sets or convertor boxes to receive so-called free, over-the-air broadcasts.

Last year we passed the unfunded mandates law. Perhaps some have forgotten, but that law applies to more than just State and local governments. It applies to the private sector and most importantly to individuals.

The impact of the broadcasters' plan would be dramatic. There are 222 million television sets in this country. At a Senate Budget Committee hearing last month, the broadcasters testified that the average digital television set's estimated cost is $1,500, while the less expensive converter box will cost approximately $500. Replacing every television set in America with a digital one would cost $333 billion. Using the less expensive converter box would cost $111 billion. No doubt about it, consumers will not be happy that Congress made this choice for them. That is precisely what we are going to do here unless we wake up and smell something.

The American people should have a say before Congress makes a decision on spectrum. After all, the airwaves are theirs and so are their TV sets. Neither belongs to the broadcasters.

NETWORK COVERAGE

Finally, TV broadcasters have rightly kept a watchful eye on a bloated Government. Whether it was $600 toilet seats or $7,000 coffee pots, they have always helped us quickly identify waste. But they have been strangely silent on this issue. In contrast, story after story, and editorial after editorial, protested this giveaway in the print media.

In fact, I have a whole bookful here. In fact, this is loaded with editorials and comments about this giveaway. You do not see it on television.

There have been a few exceptions. I want to be fair. CNN, which is a cable network, has reported on this issue, while CBS made an attempt a month ago. So-called public interest obligations seem to have gone out the window when it is not in the broadcasters' self-interest.

If five Senators took a legitimate trip somewhere overseas to investigate something that might be costing the American people money, that is reported on the evening news as a junket costing thousands and thousands of dollars to the American taxpayer because the Senators were over there trying to see if they were spending too much on foreign aid maybe in Bosnia or maybe somewhere else. That would be news. Maybe it is news. Maybe it should be reported. But when it comes to billion dollar giveaways, to them "mum" is the word. You never hear about it on television. Dan Rather will not utter a word. Peter Jennings, Tom Brokow—maybe they do not know about it. But I would say to the American taxpayers and the people with TV sets that somebody had better protect the American public.

I have even had a threatening letter, which I will not put in the file, that if I do not shape up and stop talking about this, this broadcaster is going to get his 700 employees to vote for someone else in November. That is intimidation.

I have no quarrel with the broadcasters. I have always thought they were my friends. But it seems to me that when we are trying to balance the budget and when we are asking everybody to make a sacrifice, then we ought to make certain that we do not give something away worth billions and billions and billions of dollars.

Maybe the broadcasters felt this issue was not newsworthy. But if that is the case, why did the National Association of Broadcasters vote to go on the offensive and launch a multi-million-dollar ad campaign to preserve, as they spin it, free, over-the-air broadcasting?

I have already indicated it is not going to be free. It is going to cost you $500 for a converter box or $1,500 for a new TV set. That is not free.

I did not realize that ad campaigns have replaced the evening news.

CONCLUSION

Mr. President, if the broadcasters have a case to make, Congress is prepared to hear them. We are having fair and open hearings. That is what democracy is all about. It is not about distorting the truth and making thinly veiled threats. The American people know this. And despite what some might think, we are not easily duped.

I hope that fairness will prevail. I do not know what the value should be. But we should find out. Maybe it is $1. Maybe it is $1 million. Maybe it is $50 billion. But I never found anything wrong with having a hearing and asking the people that might be impacted, including the American consumer, to come to testify. I believe many broadcasters understand their responsibility. Maybe there are only a few out there leading this effort to mislead the American public and to walk away with billions of dollars in welfare from the Congress of the United States.

I know this is not a very popular thing to do—to get up and take on TV broadcasters or radio broadcasters because they have a lot of free access to the airwaves. But I believe, if we are serious about the budget and serious about the future, serious about the taxpayers, that it at least ought to be raised.

So I think they are all legitimate. But I think those broadcasters who have not been blinded by greed—and there are a lot of them out there that have not—will help shape the future of television.

Again, I must say that I know it does not get a lot of attention. But there are all kinds of columns here by different people, William Safire and others, page after page, hundreds of pages of stories about this giveaway.

I know the broadcasters are meeting in Las Vegas, and I think it is time to throw the dice and have a hearing. Maybe they can make their case. That is what Congress is all about.

But it seems to me that the President, I think, should have an interest

in this. It is not a partisan issue. It is an issue of how we are going to pay the bills, how we are going to balance the budget, and what amount will properly be received in charging for spectrum.

Mr. MOYNIHAN. Mr. President, will the majority leader yield for a question?

Mr. DOLE. I am happy to yield.

Mr. MOYNIHAN. Does the leader have in mind to schedule hearings and to ask the administration officials to testify?

Mr. DOLE. In fact, I think we have had one. Senator PRESSLER, chairman of the Commerce Committee, had 1 day of hearings. There will be another day of hearings, I think, next week to be followed by additional hearings. So there is an effort to have everybody come in and testify and then make a judgment.

I see the Senator from South Dakota is on the floor now. That was part of the agreement on the telecommunications bill—that the bill would go forward, there would be hearings, and Congress would make a judgment for the American people. We are going to have to cough up the money on what we should do.

Mr. MOYNIHAN. I thank the Senator. It is none too soon.

IRANIAN ARMS FOR BOSNIA

Mr. DOLE. Mr. President, since the report surfaced in the Los Angeles Times that President Clinton decided to allow Iran to provide arms to the Bosnians, there has been little, if any, response from the other side of the aisle.

Had there been a Republican in the White House, no doubt, the Democrats would have been all over the President. But, that is not the real issue. I am not here to be all over the President. This is not about the conduct of partisan politics, but the conduct of our foreign policy. This is about American leadership, American credibility, and Congressional oversight. That is why I met today with the chairmen of the Foreign Relations, Intelligence, Armed Services, and Judiciary Committees to discuss this serious foreign policy matter. For nearly 3 years, this administration opposed congressional efforts to lift the unjust and illegal arms embargo on Bosnia and Herzegovina. We were told, and the American people were told, that the United States was bound by the U.N. embargo on the former Yugoslavia. We were told that if America violated this embargo, we would lose support from our allies for other embargoes, such as the one against Iraq. Finally, we were told that lifting the embargo and allowing the Bosnians to have arms while U.N. forces were deployed in Bosnia, would endanger the troops of our allies.

Some people are saying, well, you knew that Iran was providing arms to the Bosnians. I would like to respond to that. While we read and heard reports that Iran was smuggling arms to the Bosnians, we did not know the President and his advisers made a conscious decision to give a green light for Iran to provide arms. Indeed, those of us who advocated lifting the arms embargo—Republicans and Democrats—argued that if America did not provide Bosnia with assistance, Iran would be Bosnia's only option. In my view, the role of the President and administration officials in this matter need to be examined—even if we do not receive cooperation from the White House and the Intelligence Oversight Board—which has been the case to date.

In the meeting I held with the four committee chairmen today, we decided on the approach we would take. The Intelligence Committee will investigate the matter of whether any administration officials were engaged in covert action. The Foreign Relations Committee will review administration policy as stated and as executed, as well as the ramifications of these revelations. Let me tell you why I believe this examination is important.

In short, this duplicitous policy has seriously damaged our credibility with our allies. It has also produced one of the most serious threats to our military forces in Bosnia and, according to the administration, the main obstacle to the arm and train program for the Bosnians—I am talking about the presence of Iranian military forces and intelligence officials in Bosnia.

As I have said many, many times on this floor, along with many of my colleagues on the other side, had we lifted the arms embargo and had we provided the weapons, the Bosnians could have defended themselves and chances are there would not have been any American troops there now, and we would have had a peace agreement sooner and on better terms for the Bosnians. And most likely, as I said, we would not have 20,000 Americans in Bosnia at this moment. And finally, had we lifted the arms embargo on Bosnia, the United States would have done the right thing for the right reason. We would have done it openly, and we would have done it honestly.

That is what this examination and these hearings will be about, because I think we owe it to the American people and we owe it to Members of Congress. As far as I know, no one knew about what was happening. We were told we just could not lift the arms embargo because of all the problems that would create with our allies and our credibility at the same time. Apparently some knew it was happening through the back door.

I yield back the remainder of my leader time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Did the Senator want to comment on the Moynihan amendment?

Mr. HOLLINGS. I ask unanimous consent that I be given 10 minutes as if in morning business to respond to the majority leader on the issue of broadcast spectrum auctions.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from South Carolina is recognized.

Mr. HOLLINGS. I thank the distinguished leaders of this measure.

TELECOMMUNICATIONS

Mr. HOLLINGS. Mr. President, I must take exception with the statements by the distinguished majority leader. What really occurred 5 years ago is that hearings both in our Committee of Commerce, which I was chairing at the time, and the Federal Communications Commission as to how to bring about high-definition television, going from the analog signal to the high-definition digital television signal—similar to how we went earlier from AM radio to FM radio and we gave away the licenses, and now most of the radio audience predominates in FM.

On this particular score, there are all kinds of problems. First, there is a problem faced by the local broadcasters. To change over from their analog signal to a digital signal is going to be a cost of somewhere between $2 and $10 million. They are not going to put that $2 to $10 million in changing over unless and until there are digital TV sets. The people who are going to purchase the sets are not going to purchase them until the broadcasters bring about digital television.

So working as the public body in the public interest, we reasoned, after these hearings, that there ought to be a transition to change over, to certainly not penalize established free broadcasts in America—it is not a gift, if you please, but, on the contrary, we need to get them to switch from analog to digital and then we'll take the one that they relinquished and auction it. Nobody is getting anything free. It is necessary to bring about that particular switch from the analog to the high-definition television that will truly benefit consumers.

Chairman Sikes, a Republican chairman of the Federal Communications Commission, enunciated this policy. We had 2 years of hearings in our Commerce Committee. We, in a bipartisan fashion, got the movement going with respect to the broadcasters. You have to sort of sell this idea to move them along.

We are trying now to get the criteria for high-definition television agreed upon by all the technical entities that are interested in this particular move.

And the Federal Communications Commission is having hearings to determine the technology that should be used. Once that is done this spring, we hope to move forward and, as best we can, accelerate this improved television viewing for the American public.

And now this thing about balancing the budget, this crowd is running up $1 billion a day in interest costs. You raise spending $1 billion a day while we are talking that you do not want to pay for. I put in a value-added tax bill to pay for it, but nobody else around here wants to pay for it—talking about paying the bills and balancing the budget. But right is right and fair is fair.

The broadcasters have not been going around soliciting or asking for a giveaway of billions of dollars or whatever it is. We have to maintain free over-the-air broadcasting. They used to have almost 100 percent of the broadcast audience. They are down to 60 percent. Cable television and direct broadcast satellites are taking over and everything of that kind. In a very real sense, we are very careful about the regular analog stations that you and I watch every day and every evening.

So the air should be clear. You can have 100 hearings. You can go back on it. You can come up with the sale and make a lot of money, but the American public is not going to be served. Auctioning the second channel would only disadvantage the American consumer. You should not reverse a well-studied and well-thought-out policy by a Republican administration and a Democratic administration, a Republican committee and a Democratic committee. We should stick with the FCC plan—it is the best way to ensure free over-the-air television and the taxpayer will benefit when the original channel is auctioned.

This peripheral attack about I am Horatio at the bridge here and I am standing up and I am protecting the public, and we want to pay the bills and we want to balance the budget, is all hogwash. If you want to pay bills, then I say to the Senator, it is in your Finance Committee. Pull it out of the Finance Committee and let's vote up and down, because you cannot balance the budget without increasing taxes.

I will make my challenge one more time. I make it time and again. I would be delighted to jump off the Capitol dome if you can give me a 7-year balanced budget without increasing taxes. You cannot do it. I gave that to the distinguished chairman of the Budget Committee, and he did not do it. That was over a year ago. And I am still ready to jump.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah has 15 minutes.

Mr. FORD. Mr. President, I ask unanimous consent I might have 2 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Kentucky has 2 minutes.

Mr. FORD. I thank the Chair, and I thank my friend from Utah.

GAGGING OF A SENATOR

Mr. FORD. Mr. President, yesterday the Senator from North Dakota was prevented from speaking on the Senate floor. They recessed the Senate in order to prevent him from speaking. I know the majority leader has certain privileges that other Senators do not have—leader's time, recognized first, and all that. But I think the majority leader made a mistake in trying to gag a colleague yesterday.

We are here, expecting to vote every 30 minutes, on an amendment or reconsideration—recommittal on this terrorism bill, and the majority leader comes in, as is his right—I do not say he did not have the right—but we talk about telecommunications and we talk about Bosnia. Yet, the Senator from North Dakota could not talk about Social Security and balancing the budget.

So, I want the Senate to know that some of us observe that. I believe the majority leader made a mistake. I think he realized he made a mistake. And we should not attempt to gag anyone here on the Senate floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

TERRORISM PREVENTION ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. HATCH. Mr. President, for my friend from New York, I will just move to table this amendment. But I think, because he approaches things in such a scholarly manner, I should take just a few minutes to explain why we cannot accept his amendment and why I will move to table.

Mr. President, I think that part of the disagreement we have with respect to the appropriate standard of review in habeas petitions involves differing visions as to the proper role of habeas review.

Federal habeas review takes place only after there has been a trial, direct review by a State appellate court, a second review by a State supreme court, and than a petition to the U.S. Supreme Court. Thus we have a trial and at least three levels of appellate review. In a capital case, the petitioner often files a clemency petition, so the State executive branch also has an opportunity to review the case.

But that is not the end. In virtually every State, a postconviction collateral proceeding exists. In other words, the prisoner can file a habeas corpus petition in State court. That petition is routinely subject to appellate review by an intermediate court and the State supreme court. The prisoner may then file a second petition in the U.S. Supreme Court, and may also, of course, seek a second review by the Governor.

So, after conviction, we have at least six levels of review by State courts and two rounds of review—at least in capital cases—by the State executive. Contrary to the impression that may be left by some of my colleagues, Federal habeas review does not take place until well after conviction and numerous rounds of direct and collateral review.

The Supreme Court has clearly held that habeas review is not an essential prerequisite to conviction. Indeed, this very term, the Supreme Court reaffirmed the principle that the Constitution does not even require direct review as a prerequisite for a valid conviction.

Now that we have set the proper context for this debate, let us just look at the proposed standard. Under the standard contained in the bill, Federal courts would be required to defer to the determinations of State courts unless the State court's decision was "contrary to, or involved an unreasonable application of, clearly established federal law, as determined by the Supreme Court . . . ."

This is a wholly appropriate standard. It enables the Federal court to overturn State court decisions that clearly contravene Federal law. Indeed, this standard essentially gives the Federal court the authority to review, de novo, whether the State court decided the claim in contravention of Federal law.

Moreover, the review standard proposed allows the Federal courts to review State court decisions that improperly apply clearly established Federal law. In other words, if the State court unreasonably applied Federal laws, its determination is subject to review by the Federal courts.

What does this mean? It means that if the State court reasonably applied Federal law, its decision must be upheld. Why is this a problematic standard? After all, Federal habeas review exists to correct fundamental defects in the law. After the State court has reasonably applied Federal law, it is hard to say that a fundamental defect exists.

The Supreme Court, in Harlow versus Fitzgerald, has held that if the police officers' conduct was reasonable, no claim for damages under Bivens can be maintained. In Leon versus United States, the Supreme Court held that if the police officers' conduct in conducting a search was reasonable, no fourth amendment violation would obtain and the Court could not order suppression of evidence obtained as a result of the search. The Supreme Court has repeatedly endorsed the principal that no remedy is available where the Government acts reasonably.

Why then, given this preference for reasonableness in the law, should we

empower a Federal court to reverse a State court's reasonable application of Federal law to the facts?

Our proposed standard simply ends the improper review of State court decisions. After all, State courts are required to uphold the Constitution and to faithfully apply Federal laws. There is simply no reason that Federal courts should have the ability to virtually retry cases that have been properly adjudicated by our State courts.

I think that once we cut away the camouflage surrounding the arguments against our proposed habeas reform package, we find two things: First, a disagreement with the death penalty as a punishment. That is a legitimate disagreement. I, personally, am in favor of the death penalty, but I would very sparingly use it. But there are others who very sincerely believe that the death penalty is wrong. I can understand that. Many people have moral or ethical concerns about the death penalty, and many more in this country, the vast majority, believe we should have a death penalty for the most heinous murders and crimes in our society. I am appreciative, though, and sensitive to the concerns of others who feel otherwise. Many of my colleagues have heartfelt views on this matter, and I respect the sincerity of those views.

But if the arguments against meaningful habeas reform are in reality arguments against the death penalty, then let us debate the efficacy of the death penalty. Let us decide whether death is the appropriate sanction for people like those who murdered the 168 individuals in Oklahoma City. I am prepared to debate the point. But let us not disguise this argument.

The second argument I think my friends are making is that they fundamentally distrust the decisions of State courts. They believe that State courts are somehow incompetent to try important cases. They believe that State juries are somehow not as good as Federal juries; that State court judges are not as qualified as Federal judges; that State prosecutors and defense attorneys are not as adept as their Federal counterparts. Although I generally disagree with this argument, I can understand it. I can debate it. I can argue about the merits of having State criminal justice systems at all. I can debate the issue of whether something magical happens when a State court judge becomes a Federal judge. But if this is what really concerns the opponents to the habeas reform, then let us debate the point straight up. We should not allow this debate to be derailed.

My good friend, the Senator from New York, referred to the Great Writ, which is part of the Constitution. He need not fear for the Great Writ, if this proposal is enacted, in other words, if our bill is enacted. The Great Writ of Habeas Corpus contained in the Constitution applied to only two circumstances: No. 1, to challenge an illegal imprisonment before trial; and, No. 2, to determine whether the trial court had jurisdiction to hear the case.

The habeas corpus we are reforming is the statutory form of habeas corpus. There are some in this body who oppose such reform. I believe they are motivated in part, in major part, by their desire to stop the death penalty or to oppose the death penalty. I can understand that position, although I disagree with it, and I think the vast majority of Americans disagree with it.

I believe convicted killers should be punished, and the particularly heinous killings ought to be punished with the death penalty. I think the survivors and family, the victims of this type of heinous murder, have a right to see that those who killed their loved ones are justly punished. That is why we have to pass this provision. It is long overdue.

To me, and I think to many others, almost everybody in law enforcement today, the habeas corpus provision that we have in this bill is a good one. The standard is a good one. The deference to State law is good, because it just means that we defer to them if they have properly applied Federal law. We should not give some judge who hates the death penalty a right to disrupt that whole process when there is no legal justification for doing so. Frankly, we have allowed the procedural justifications to exist for far too long and that is what this is all about.

So, having said that, I have letters from all kinds of law enforcement organizations, including some organizations that have fought for civil liberties all of their existence, that support our habeas corpus reform because it is time to have that in law. It is time to get rid of the charade. They support the habeas corpus reform more than any—or the death penalty reform, more than any other provision in this bill, although there are many good provisions in this bill.

Having said all that, I am prepared to yield back the remainder of my time, and, on behalf of Senator DOLE and myself, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ABRAHAM). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, might I ask for 30 seconds to thank my friend and respond?

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

Mr. MOYNIHAN. Mr. President, I thank him for his thoughtful, careful response. I would like to make the point that my concern is not with the death penalty but with habeas corpus itself. I have had a long experience, as the manager has had, with problems of terrorism. As I said a moment ago, the only time the terrorists ever win is when they begin to make you change your own fundamental political and judicial processes, and that is what I fear this will do. It is of some relief to hear the distinguished manager's statement that the Great Writ will remain substantially intact.

Mr. HATCH. Mr. President, if I can have 30 seconds. The Great Writ will not be affected by this one bit. I appreciate his concerns, and I believe he will find this provision will help us in fighting violent criminals.

So I move to table the motion. I believe we have the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to recommit.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

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

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—64

Abraham	Gorton	Murkowski
Ashcroft	Graham	Nickles
Baucus	Gramm	Nunn
Bennett	Grams	Pressler
Bond	Grassley	Reid
Brown	Gregg	Robb
Bryan	Hatch	Rockefeller
Burns	Hatfield	Roth
Campbell	Helms	Santorum
Chafee	Hollings	Shelby
Coats	Hutchison	Simpson
Cochran	Inhofe	Smith
Coverdell	Jeffords	Snowe
Craig	Johnston	Specter
D'Amato	Kassebaum	Stevens
DeWine	Kempthorne	Thomas
Dole	Kyl	Thompson
Domenici	Lieberman	Thurmond
Faircloth	Lott	Warner
Feinstein	Lugar	Wyden
Ford	McCain	
Frist	McConnell	

NAYS—35

Akaka	Dorgan	Leahy
Biden	Exon	Levin
Bingaman	Feingold	Mikulski
Boxer	Glenn	Moseley-Braun
Bradley	Harkin	Moynihan
Breaux	Heflin	Murray
Bumpers	Inouye	Pell
Byrd	Kennedy	Pryor
Cohen	Kerrey	Sarbanes
Conrad	Kerry	Simon
Daschle	Kohl	Wellstone
Dodd	Lautenberg	

NOT VOTING—1

Mack

So the motion to lay on the table the motion to recommit was agreed to.

Mr. HATCH. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

MOTION TO RECOMMIT

Mr. BIDEN. Mr. President, I move to recommit the conference report on the bill S. 735 to the committee of conference with instructions to the managers on the part of the Senate to disagree to the conference substitute recommended by the committee of conference and insist on inserting the following language to prohibit the distribution of information relating to explosive materials for a criminal purposes.

I send the motion to the desk.

The motion is as follows:

Motion to recommit the conference report on the bill S. 735 to the committee of conference with instructions to the managers on the part of the Senate to disagree to the conference substitute recommended by the committee of conference and insist on inserting the following:

SEC. . PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVE MATERIALS FOR A CRIMINAL PURPOSE.

(a) Section 842 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(1) It shall be unlawful for any person to teach or demonstrate the making of explosive materials, or to distribute by any means information pertaining to, in whole or in part, the manufacture of explosive materials, if the person intends or knows, that such explosive materials or information will be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a criminal purpose affecting interstate commerce.".

(b) Section 844 of title 18, United States Code, is amended by designating subsection (a) as subsection (a)(1) and by adding the following new subsection:

"(a)(2) Any person who violates subsection (1) of section 842 of this chapter shall be fined under this title or imprisoned not more than twenty years, or both.".

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield myself such time as I may use within the limit of the time I have.

This provision is very straightforward and simple. It is beyond me why it was taken out of the Senate version of the language that was sent to the House.

I have heard many colleagues stand up on the floor here and rail against pornography on the Internet, and for good reason. Even when we thought we had corrected the language that Senator EXON introduced to comport with the first amendment, I still hear in my State, and I hear of people writing about how so and so is promoting pornography on the Internet because they will not ban pornography on the Internet.

Yet, in the bill, we came along—all of us here—and the genesis of this came from Senator FEINSTEIN, when it was initially offered. The majority leader, Senator HATCH, and I had some concerns with this, and we thought the language to ban teaching people how to make bombs on the Internet or engage in terrorist activities on the Internet might violate the first amendment. Senators DOLE, HATCH, and I worked to tighten the language and came up with language that was tough and true to civil liberties. It was accepted by unanimous consent.

We have all heard about the bone-chilling information making its way over the Internet, about explicit instructions about how to detonate pipe bombs and even, if you can believe it, baby food bombs. Senator FEINSTEIN quoted an Internet posting that detailed how to build and explode one of these things, which concludes that "If the explosion don't get'em, the glass will. If the glass don't get'em, the nails will."

I would like to give you a couple of illustrations of the kinds of things that come across the Internet. This is one I have in my hand which was downloaded. It said, "Baby food bombs by War Master." And this is actually downloaded off the Internet. It says:

These simple, powerful bombs are not very well known, even though all of the materials can be obtained by anyone (including minors). These things are so—

I will delete a word because it is an obscenity.

powerful that they can destroy a CAR. The explosion can actually twist and mangle the frame. They are extremely deadly and can very easily kill you and blow the side of a house out if you mess up while building it. Here is how they work.

This is on the Internet now. It says:

Go to Sports Authority or Herman's Sport Shop and buy shotgun shells. It is by the hunting section. At the Sports Authority that I go to you can actually buy shotgun shells without a parent or an adult. They don't keep it behind the glass counter, or anything like that. It is $2.96 for 25 shells.

And then it says:

Now for the hard part. You must cut open the plastic housing of the bullet to get to the sweet nectar that is the gun powder. The place where you can cut is CRUCIAL. It means a difference between it blowing up in your face or not.

Then there is a diagram, which is shown as to how to do that on the Internet. Then it says:

You must not make the cut directly where the gun powder is, or it will explode. You cut it where the pellets are.

And then it goes through this in detail. And then it gets to the end, and it says:

Did I mention that this is also highly illegal? Unimportant stuff that is cool to know.

And then it rates shotgun shells by two numbers, gauge, pellet size, and goes into great detail. It is like building an erector set. It does it in detail.

So what Senators DOLE and HATCH and I did, we said you should not be able to do this, but we have a first amendment problem, possibly. So we added a provision that says that you have to have the intent, when you are teaching people how to do this, that the person using it is using it for the purpose of doing harm.

So it seems to me that this is pretty straightforward. Granted, I want to stop pornography on the Internet. I think pornography does harm to the minds of the people who observe it, particularly young people. But if that does harm, how much harm is done by teaching a 15-year-old kid, a 12-year-old kid, or a 20-year-old person, with great detail, how to build a baby food bomb, or how to build an automatic particle explosion provision, or how to build light bulb bombs.

It says:

An automatic reaction to walking into a dark room is to turn on the light. This can be fatal if a light-bulb bomb has been placed in the overhead light socket. A light-bulb bomb is surprisingly easy to make. It also comes with its own initiator and electric ignition system. On some light-bulbs, the light-bulb glass can be removed from the metal base by heating the base of the light bulb in a glass flame, such as that of a blowtorch and a gas stove.

And so on and so forth. It goes on to explain how if you attach a plastic back to the light bulb when you remove the glass part but leave the filament and attach it and tape it there, when someone comes in and turns on the light, it blows up the room. Or, if you want to just play a prank, you could put odorous, smelling materials in the bag. It would blow up the bag. But you can put anything in it, and it blows it up.

We said in the language we passed that it shall be unlawful for any person to teach or demonstrate the making of explosive materials, or to distribute by any means information pertaining to, in whole or in part, the manufacture of explosive materials if the person intends or knows that such explosive material, or information will be used for, or in the furtherance of, activity that constitutes a Federal criminal offense, or a criminal purpose affecting interstate commerce. And the House took it out. The House removed it.

I want to say to all of you who are going to probably vote down my putting this back in, I want to hear you explain to your folks back home when a commercial is run on your television station that Senator Jones or Senator whoever voted against prohibiting on the Internet explicit directions how to make a bomb knowing that the person intends to use it. I want to hear your explanation of that. I want to be there when you explain that one.

Let me read the statute again. It says: It shall be unlawful for a person

to teach or demonstrate, et cetera, if the person intends or knows that such explosive material or information will be used for, or in the furtherance of, activity that constitutes a Federal crime. "Knows or intends" is a pretty a high standard falling, in my view, and in the view of constitutional scholars, well within our first amendment privileges. I just think this is crazy.

Let me go on just a few more moments, and then I will stop. The provision is pretty straightforward. If you are one of the guys who has made a name for himself by bringing manifestoes like "The Terrorist Handbook" or "How to Kill With Joy," which literally are on the Internet, and if someone comes to you and says, "Tomorrow morning a group of police officers are going to be meeting at the Fifth Street precinct, and I want to blow them up," and if you say to them, "Here, let me tell you how to make a bomb," arguably at that point the police can get you on a conspiracy charge. That is possible. That is possible. But if you just know what they are about, you see them all out there in a car, you look down and see that they have this plan, and you go ahead and tell them how to make a bomb, it is not a violation of the law to teach them how to make the bomb. Is not that incredible?

Last June, all of us in this body agreed to this. I hope we will agree to it again because let me tell you, if this will kill the bill, as I am sure my colleague from Utah is going to say it will, I want to hear—if this is the only change in the bill—I want to see those House Members stand up and say, "The reason I am not voting for this terrorist legislation is because I want to continue to allow people to teach people how to make bombs," knowing that they are going to be used to commit a crime or kill someone, "And that is why I am voting against this bill," because it now contains a provision that prohibits that, I think maybe this is time to face down some of those people over there. Let them stand up and tell all of our colleagues around the Nation, and tell the parents around the Nation, that that is the reason they are voting against the terrorism bill.

I retain the remainder of my time and yield the floor.

Mr. HATCH. Mr. President, I will only take a couple of minutes, and then I am prepared to yield back the remainder of my time.

The constitution of conspiracy to use an explosive to commit a felony is already provided for in precedent law, 18 U.S.C. 844(h). Thus, anyone who trains a terrorist to make a bomb as part of such a conspiracy would certainly be prosecuted under current law.

I want to make it clear that I do not entirely disagree with Senator BIDEN's position. However, we have been facing down this problem for a year now. Friday is the day where we commemorate this awful tragedy. Frankly, we have gone through every detail in this bill, and we have not been able to get it exactly to Senator BIDEN's desire, or even mine, but this is it. This is the bill. And anything short of this is going to amount to losing the bill.

Like I said, I do not entirely disagree with Senator BIDEN's position. However, there are many who have raised first amendment and intellectual property concerns about this provision. They are legitimate concerns. As the chairman of the Judiciary Committee, which handles all of the patents, copyrights, and trademark issues, I can say they are legitimate. So, consequently, we have included a study in the bill to ensure that we can criminalize efforts to distribute bombmaking materials without impinging upon constitutional freedoms. Besides, there is little doubt that anyone who knowingly transmits information to use explosives to commit a felony is already subject to Federal law; 18 U.S.C. 844(h) does that.

So, frankly, I would like to accommodate the distinguished Senator from Delaware, but we tried to and we have been unable to accommodate him. Frankly, I contend that any return to the conference will kill this bill.

I am prepared to yield. I apologize for not being able to do more. But we think we have brought this bill back to a very, very strong level, and we have had a lot of cooperation with Members of the House in doing so and the leadership on the Judiciary Committee—both Democrats and Republicans.

Yes, it is not a bill that any one of us in here thinks is totally what we want, but I think the vast majority of us will believe that it is a pretty darned good bill that is going to make a real dent in terrorist activities in the future and will, I think, correct some inequities of terrorist activities in the past.

So I am prepared to yield the remainder of my time.

Mr. BIDEN. Mr. President, let me respond about this conspiracy. I acknowledge that, if, in fact, there is an agreement with the bombmaker, the bomb teacher, and the bomb user, and they could prove that, then they can get the bomb teacher as part of this conspiracy. That is not how this happens. The way it happens is someone walks in telling me—and looking like they are something out of a movie—telling me, and I do not know them, that they want to learn how to make a fertilizer bomb. "I want to learn how to make a bomb out of baby food, a baby-food bomb, or a light-bulb bomb"—that is all they tell me, and I do not know them from Adam. I sit down and tell them how to make the bomb. The ability to prove that there was a conspiracy to commit a crime requires that there be an ability to be an agreement between the two of us about the crime that was about to be committed.

I am saying it should be a national crime if you intend, or you know the person is about to do something wrong regardless of whether you know what the crime is, what they are going to do with it. Obviously, if a 14-year-old kid comes to you and says, "By the way, I want to learn how to make a baby-food bomb that has the ability to blow up, has the power, like advertised here, that can bend the frame of a car," you are telling me that you have to be able to prove conspiracy. If the guy says, "I am happy to show you how to make that, just like I can show you how to make a rocket in the field for a science class," there is no distinction. And under this law, there is no conspiracy.

You vote against this, and it means someone can show a kid how to do that and not have to wonder why this kid is asking me how to make a powerful bomb that can bend the frame of a car. You cannot prove conspiracy. But it should be wrong. It should be wrong. And how any of you can vote here and say that is not wrong is beyond me.

I think it is about time we make some of those people hiding over in the House side stand up. Make them stand up.

I want to be there when some punk on the New York subway decides he wants a baby food bomb just for the kicks of it, just to see what it is like, and sets it off. You mean to tell me when we find the guy who taught him how to do it, we should say, "No problem; you didn't do anything wrong. It's OK; no problem." I think we should throw the sucker in jail.

I cannot understand how you all can vote against this. I understand the rationale. The rationale in part is 35 House Members, or 75 House Members or 99 House Members will turn down the whole bill because of this. I do not believe for 1 second that if this single provision were added to the bill, with all the stuff they have on habeas corpus they want, with all the other stuff they say they want, they are going to vote down this bill because now you are going to be able to arrest some wacko teaching our kids how to make bombs when you know they are going to use them. I cannot believe that. I think we are being cowardly in our willingness to confront whoever the cowards are over there who will not allow us to protect ourselves. This is crazy.

I yield the floor. I yield back my time. I am ready to vote.

The PRESIDING OFFICER (Mr. INHOFE). The Senator's time has expired.

Mr. BIDEN. That is a good reason to do it.

Mr. HATCH. Mr. President, I hear the Senator. I do really think, though, we ought to consider winding this up. Personally, I think there comes a time when enough is enough on these motions to recommit because what we are

trying to do is to get this bill through. Frankly, we have people in the House on both extremes, both the far left and far right, who disagree on some of these things. I do not think it is unreasonable to request a study so that we look at this matter, consider the first amendment implications and other implications and do it right, although I have some sympathy with what the Senator said.

I am prepared to yield back the remainder of my time, and I move to table.

Mr. BIDEN. Mr. President, I yield myself 20 seconds on the bill.

The PRESIDING OFFICER. The Senator has that right.

Mr. BIDEN. Mr. President, no one asked for a study on pornography. No one asked for that. I did not hear anybody stand up here and say, "Let's have a study on pornography. I wish to stop pornography on the Internet." I did not hear anybody say, "Let's not do it. Let's have a study." When it comes to a bomb, teaching our kids how to make bombs, we want to study it.

Mr. HATCH. Mr. President, like I say, I am sympathetic to what the Senator is trying to do. He knows that. But he also knows that we have gone through this and we have come up with this bill after a year of intensive battling, fighting. And it is not just the conservatives that were there; it is the far left.

We have worked hard on this, and this is the bill we could come up with. Do we want to do something about terrorism or do we want to kill the bill? That is what it comes down to. Frankly, it is not just any one of these things. It could be any one of these things. We have worked it out. It is a good bill, and it will make a difference. It will start fighting terrorism right now. In the end, it seems to me if we can ever get to a final vote on this, we will have something of which virtually everybody who thinks about it will be proud.

So I move to table the motion on behalf of Senator DOLE and myself and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to table the motion to recommit. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

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

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—51

Abraham	Faircloth	Lugar
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grams	Nickles
Burns	Grassley	Pressler
Campbell	Gregg	Roth
Chafee	Hatch	Santorum
Coats	Hatfield	Shelby
Cochran	Helms	Simpson
Cohen	Hutchison	Smith
Coverdell	Inhofe	Snowe
Craig	Jeffords	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner

NAYS—48

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Johnston	Reid
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Specter
Exon	Leahy	Wellstone
Feingold	Levin	Wyden

NOT VOTING—1

Mack

So the motion to lay on the table the motion to recommit was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

CLOTURE VOTE VITIATED—SENATE RESOLUTION 227

Mr. DOLE. Mr. President, I ask unanimous consent that the cloture vote with respect to the Special Committee to Investigate Whitewater be vitiated.

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

WHITEWATER DEVELOPMENT CORP. AND RELATED MATTERS

Mr. DOLE. Mr. President, I send a resolution to the desk, and I ask unanimous consent that the Senate turn to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 246) to authorize the use of additional funds for salaries and expenses of the Special Committee to Investigate Whitewater Development Corporation and related matters, and for other purposes.

The Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, the Senate is about to reauthorize the special committee's operations for a specific, limited period.

It is my understanding, and that of all my colleagues on this side of the aisle, that the special committee will conclude its hearing schedule no later than June 14, 1996, and further, that no other committee of the Senate intends to hold hearings on Whitewater-related matters thereafter. I have also discussed with the majority leader and will commit to him that it is not the intention of Members on this side of the aisle to object to the special committee meeting under the provisions of rule XXVI nor to obstruct the special committee's progress, thereby preventing them from completing their work pursuant to the latest deadlines outlined in this resolution.

It is the further understanding on this side that the report of the special committee, required to be submitted to the Senate pursuant to Senate Resolution 120, will be submitted no later than the close of business on June 17, 1996.

It is also our understanding that the majority leader does not believe any amendments, motions, or resolutions will be offered in the Senate regarding further extensions of the operations of the special committee beyond June 17, 1996.

Mr. President, I ask the distinguished majority leader whether I have correctly stated the situation as he now sees it?

Mr. DOLE. The Senator has correctly stated the understandings on both sides of the aisle as I see it at this time.

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. 246) was agreed to, as follows:

S. RES. 246

SECTION 1. FUNDS FOR SALARIES AND EXPENSES OF SPECIAL COMMITTEE.

There shall be made available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations, for use not later than June 17, 1996, by the Special Committee to Investigate Whitewater Development Corporation and Related Matters (hereafter in this Resolution referred to as the "special committee"), established by Senate Resolution 120, 104th Congress, agreed to May 17, 1995 (as amended by Senate Resolution 153, 104th Congress, agreed to July 17, 1995) to carry out the investigation, study, and hearings authorized by that Senate Resolution—

(1) a sum equal to not more than $450,000.

(A) for payment of salaries and other expenses of the special committee; and

(B) not more than $350,000 of which may be used by the special committee for the procurement of the services of individual consultants or organizations thereof; and

(2) such additional sums as may be necessary for agency contributions related to the compensation of employees of the special committee.

SEC. 2. TERMINATION OF THE SPECIAL COMMITTEE.

(a) HEARINGS.—Not later than June 14, 1996, the special committee shall complete the investigation, study, and hearings authorized

by Senate Resolution 120, 104th Congress, agreed to May 17, 1995 (as amended by Senate Resolution 153, 104th Congress, agreed to July 17, 1995).

(b) REPORT.—Not later than June 17, 1996, the special committee shall submit to the Senate the final public reported required by section 9(b) of Senate Resolution 120, 104th Congress, agreed to May 17, 1995 (as amended by Senate Resolution 153, 104th Congress, agreed to July 17, 1995) on the results of the investigation, study, and hearings conducted pursuant to that Resolution.

Mr. DOLE. Mr. President, I understand Senator D'AMATO and Senator SARBANES may want to speak briefly.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me just take several moments to thank the distinguished leaders, the majority leader and the minority leader, and a number of my colleagues on the Banking Committee on both sides of the aisle for helping us arrive at an agreement that will permit the business of the Senate to be conducted in an orderly, thoughtful, thorough fashion so that we can complete the work of the Whitewater Committee in a timely manner, recognizing that we are fast approaching—we are already in—the political season, but that season becomes even more and more political as the days and weeks move ahead.

It is my hope that working together, as we have in most of our undertakings on the Banking Committee and on the special Whitewater Committee, we can handle the matters that come before us, even those that may be somewhat contentious, in a bipartisan manner.

Ours was to get the facts. Ours is to report back to the Senate of the United States as best we can. Ours is not to prejudge. Ours is not to preclude. But ours is to be the searcher of facts, again, given the limitations that exist. It does not pay for us to go into what the limitations are. I must say that there are those areas beyond the ability of the Senate and its investigation to control or to deal with as it relates to time, availability of witnesses, et cetera.

So, recognizing those, we may never be able to satisfactorily complete the job of getting all of the facts or determining all of them, recognizing the limitations that we have. But I think if we do the best we possibly can, if we work together in the spirit of people who are willing to understand each other's problems, the limitations that we do have on us, ours will be an important task, it will not be an easy task, but it will be one that we can attempt to fulfill and meet the mandates of the Senate and, indeed, of the Constitution and, more importantly, of our people. We are going to be thorough, comprehensive, but yet fair.

Let me conclude by saying that I hope that we can finish by the 14th of June. That is the time which we have spelled out. I believe that reasonably, if we see that there are matters that are yet to be addressed that are important, that are substantial, that we can come to an accommodation to deal with that. It is my hope, though, that we will be able to deal with this, conclude the public hearings by the 14th of June, and thereafter have our report within the 3 days that we have provided.

I believe this is the best manner in which to proceed, less in the way of contention. I certainly hope—as my colleagues have, my Democratic colleagues have helped and assisted in arriving at this agreement—that they will work with us. We pledge to work with them to get all of those concerns, all of those people that we wish to get evidence from, testimony from, to be as cooperative and to use the good offices of my colleagues on the Democratic side to accomplish this goal.

So I want to commend both leaders. I want to thank Senator SARBANES, Senator DODD, the other members, the Republican members, of the committee for being patient, for being thoughtful, and doing a very difficult process. I believe that the agreement that we have hammered out is in the best interest of the Senate and, more importantly, the people of the United States. I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, let me say that the resolution which has just been passed represents a great deal of effort over a considerable period of time and obviously encompassed accommodations and adjustments on both sides and from many parties. I believe the resolution provides us now with the framework for the completion of the work of the special committee on Whitewater. The resolution requires the submission of the special committee's final public report by the 17th of June, and provides a budget to carry forward this work which we believe is adequate for the task. It provides for the hearings to end by the 14th of June.

I must say, I hope, as the chairman has stated, that we are able to conduct through this period of time fair and thorough and objective hearings.

The chairman is right, an effort has been made to do that in the past, I think with a fair amount of success, although as he observed we have had on occasion perhaps strayed off that path somewhat. I hope we do not, as we move forward now from today into the middle of June.

Many people contributed to making this possible. I want to recognize the contributions of the colleagues on my side, Senators DODD and BRYAN and BOXER and MURRAY and MOSELEY-BRAUN and KERRY and SIMON and, of course, the chairman and his colleagues who have worked on this. And, of course, the two leaders have been involved to some extent in order to bring this matter to this point.

The committee back in January, pursuant to the previous resolution, was required to report to the Senate about whether additional time was needed. At the time, there was a difference of opinion about that. The majority said additional time was needed; the minority felt not. We had a sharp difference about that. The minority leader made a proposition for an extension. The majority, of course, had a resolution before us for an unlimited extension. This, of course, is not an unlimited extension, and I think it is very important to recognize that.

I simply close by saying that I hope in the weeks to come, now as we approach the 17th of June for the submission of the final report, that we will be able to move ahead expeditiously with our work. It is the intention of the minority to seek to work in a constructive way with the majority to carry out these hearings in a responsible manner, not really to explore allegations, not to make allegations, but to carry out the kind of hearings for which the Senate can take some measure of comfort that it has been done according to appropriate standards. Mr. President, I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I want to join my colleague from Maryland in thanking our colleague from New York, the chairman of the committee, and others for putting this together. I want to commend as well my colleague from Maryland, who has done a very fine job in helping to fashion this resolution. I join with him and the chairman of the committee and others in hoping that we will be able now over the next several weeks to conduct a thorough and complete and fair investigation.

I will say, Mr. President, there are many people, of course, on this side of the aisle who, frankly, in fact, may have voted, if there were a recorded vote, may have voted even against that resolution, who felt that we should have wrapped this up and it is over with. So there is no recorded vote on this, and apparently there will be none. So there will be no actual recording, but Members can obviously speak for themselves. I would have voted for this resolution if there was a recorded vote. I want my colleagues to know that.

It would not be any great surprise to my colleague from New York if I say to him, Mr. President, that I would do so with great reluctance because I, frankly, would have liked to wrap this up earlier. So I read this and see this as a determination now to conclude our work by the 14th of June, with a couple extra days to get our report done. That is our goal and our determination. Certainly our colleague from New York

has made it clear to us that that is his intent as well. We respect that and take that. The distinguished majority leader has indicated that as well.

So we have a lot of work, I know, to do in the coming weeks. But we are confident we can do it and bring this to a conclusion. It has been a long process, Mr. President. I think, as someone pointed out, it may be the longest set of hearings in the history of the Congress on a particular matter like this. Someone may challenge that, but certainly in modern Senate history, I think, the longest record, the longest set of hearings, at great cost. I am not speaking now exclusively of our work here, but the overall investigation. So the American public, I think, wants us to complete our work on this.

Also, I point out that because this is a special committee but made up primarily of members of the Banking Committee—of course, the chairman is the chairman of the Banking Committee as well—there is a great deal of work we have to do on the Banking Committee before this Congress ends. Our colleague from California has a number of issues that she is interested in. Senator MURRAY, from the State of Washington, has mentioned several issues she is interested in, along with our colleague from Maryland and others.

So our sincere hope is that not only will we get this done, I say to our colleagues—I know many are asking the question: Are you really going to get your work done? I am saying here we are going to have this done on June 14, a report several days afterward, and our Banking Committee is also going to get its work done on other issues that have been raised as well that should be addressed.

With that, Mr. President, I commend my colleague from New York, my colleague from Maryland, our ranking member, for bringing this to a final conclusion. We will have our work done by June 14.

Mrs. BOXER. Mr. President, I am not going to belabor the points that were made except to add my thanks to my ranking member, Senator SARBANES, and my chairman, Senator D'AMATO, for working this out with the able assistance of many people, particularly Senator DODD.

I have always taken the position as long as there are Senators on the floor making it sound like there are issues that are being covered up or not looked at, it was very important for us to continue, because frankly, I think we have had a sufficient amount of time. We have had more days of hearings than the O.J. Simpson trial. The fact is, this has gone on endlessly.

The people in California, and I cannot speak for the people of Connecticut or the people from Maryland or the people from New York, but I can say those who came to see me in this 2-week break, not one said, "Senator, the one thing I want you to do when you go back is hold more hearings on Whitewater." Not one person. No Republican came up and told me that. They never even mentioned it. They did say, "Go back and get the job done. Balance the budget. Pass a budget. Do not cut Medicare. Take care of education. Go after the situation in our exports where we have problems with nations who are not treating us fairly."

I sit on the Banking Committee and we have that jurisdiction. We have not done a thing about the issues that will make life better for the people of this country. It is Whitewater, Whitewater, Whitewater. What do the people think of it? I tell you what they think of it, they think it is a waste of time. They think it is a waste of time. We have a special counsel who has no limit on what he can spend going after the truth on Whitewater. There is no statute of limitations. We had little discussion about that earlier in relation to another bill. This special prosecutor has the world at his fingertips, and yet we have to call up the same felons, the same felons that are spewing forth things against our President, we are going to bring them into the hallowed Halls of the Senate of the United States.

People are smart. The American people get it. This Congress has a bad reputation among the people. They do not think this Congress is doing its job. No wonder. No wonder. So there are a lot of accolades about how great it is that we reached an agreement on this. I say, good, I am glad, because the alternative was having this in the Banking Committee where we would get nothing else done, and waste the time of the Banking Committee.

I have a situation in California where we have a great industry which is the leader in CD's and laser disks. We are losing billions of dollars a year because of China piracy. What are we doing about it in the Banking Committee? Zero—no time. No time. I was encouraged when our chairman said that he agreed with me on this issue, and, yes, he will get that done. Well, that is good. I do not know how we will do it all, but my view has always been as long as there are allegations made on this floor that they have not unturned every stone, that I would vote to continue this, because the last thing I want is for people to think we are not willing to look.

Yes, I would have voted for this, but I have to say I hope we are better in this phase than we have been before, because there were days when we were supposed to have hearings and no one showed up. I am here, and I know there is a lot of comity on the floor today and everybody is thrilled. I am not so thrilled. Yes, I will vote for it, but I think it is a waste of time. It is political. Everyone in the country knows it is political. They are smart. They know the special prosecutor is out there, and they see Members of the Senate act like prosecutors and staff sitting there like that is their job. If they want to be prosecutors, God bless them, be prosecutors. Do not be a U.S. Senator, and do not come to work for U.S. Senators, because we have other things to do.

What we have to do is make life better for the people. It is embarrassing. It is embarrassing to me that I sit on one of the best committees in the U.S. Senate, and this is what we are going to be doing. I am glad we have an end date of June. We can wrap it up and do our work. I just hope we get back to the business of making life better for the people of our great Nation, because they deserve our attention. There is economic insecurity out there. There are things we can do in the Banking Committee to get to those issues. I stand ready to work in a bipartisan way to get to those issues and to move these hearings along.

I also have to say just because I am straight from the shoulder about this, that when we have witnesses up there who are convicted felons, I hope my colleagues on the other side of the aisle will not be surprised if I get a little tough in my questions. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will not delay the Senate. I know that Members would like to get back to the Terrorism Prevention Act.

I would like the record to reflect that I did vote against the establishment of the special committee to investigate Whitewater. I think it was not a proper function for the Senate this election year. I certainly would like the RECORD to reflect had there been a rollcall vote on this resolution extending the jurisdiction of that special committee, I would also vote against this.

I yield the floor.

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me. I will speak only a very few moments. I know we want to get on with the business of the Senate.

I want to first commend my colleague, Senator SARBANES, the ranking member of the committee, and I want to commend the chairman of the committee for ultimately working out an agreement. Maybe this can be a solution by which we might proceed in an orderly way to end the quest to find facts, information, and to educate ourselves on the so-called issue of Whitewater.

Mr. President, if we had brought this issue to a vote, like my friend from New Mexico, I probably would have voted "no". I probably would have voted "no" on this resolution, Mr. President, simply because I think that there are enough forces out there occupying the time and resources of our

Government and our judicial system to amply comply with the intent of this overall investigation.

These hearings have already gone, Mr. President, as my friend from California has stated, longer than the O.J. Simpson trial. Longer, I think, in many instances that the Iran-Contra trial. These were national issues of great importance. This is an issue of some importance, but it is of importance only because it affects what we know as a Whitewater issue. It relates to a matter that took place 12 or 15 years ago in the State of Arkansas. How important is it as it relates to the other issues that we have to defend and debate and concern ourselves with at this time? That is the question.

I do not feel that the Senate, nor this committee, should further utilize the resources of our Government to continue bringing witnesses up here from the State of Arkansas, week after week, day after day, and month after month, simply because it is a politically motivated endeavor. Mr. President, that is what it is. It is a politically motivated endeavor.

Yesterday, the distinguished chairman of the Banking Committee or the Whitewater Committee, if you might call it that, issued a press release in which he basically said if he did not get his way, if he did not have his way and if the Senate did not allow the Whitewater committee to continue—then he would use the Banking Committee to usurp the powers of the Whitewater Committee. He was then going to seek the authority to have the opportunity to investigate and to subpoena all financial records of every financial institution in the State of Arkansas. from January 1978 until January 20, 1993, when Governor Clinton became President Clinton.

Mr. President, had that occurred—and I am glad it did not—and had the Banking Committee singled out one State, I was going to attempt to amend that resolution, if it was in the form of a resolution, and say, wait a minute, let us not just apply this to one State, Arkansas. Do not let this be the first time that a committee of the U.S. Senate has declared war on one of the States in this Union. Let us make it apply to New York, to all the banks and all the banking institutions, to Wall Street, and to the stock exchange. That has not been the prettiest picture for the last 15 to 18 years. Let us investigate them. Let us extend this authority there and see how far that resolution would have gotten.

Well, Mr. President, of course, I am using a little bit of exaggeration. But I want to state that, for 15 years, had the Banking Committee had that authority to subpoena any and all records and any and all documents from all financial institutions in our State, it would have been a matter, I think, of egregious overreach of this body and, certainly, of the U.S. Government.

Mr. President, further, I would like to state that—and I hope the Chair will pay close attention to this, as the distinguished Senator always does—we have recently asked the Federal Bureau of Investigation to do a little workup of the amount of resources that it has committed to the Whitewater issue. I was astounded and shocked when I found out what the five major ongoing investigations by the Federal Bureau of Investigation are right now. One is Oklahoma City, which takes priority. That is where most of the resources have been expended. No. 2, the Unabomber. Well, it has paid off because we may have caught the Unabomber. That is a lot of resources, and that is a proper use of the FBI. The third is another bank scandal. I can supply what State that is in for the RECORD. Evidently, a lot of FBI resources are being allocated to that particular bank scandal. But the fourth in priority of all the investigations where the FBI is allocating its major resources is—you guessed it—Whitewater. It even surpasses the commitment that we have made to the World Trade Center bombing by terrorists some 2 or 3 years ago. Whitewater has surpassed the use of FBI personnel and financial resources, and we have gone above and beyond those funds expended and agents expended to deal with the World Trade Center bombing of 2 or 3 years ago.

That is unbelievably outrageous. In fact, some $11 million to $12 million of FBI resources have been expended just on Whitewater—$11 million to $12 million of FBI personnel, including 41 agents and 81 support personnel of the Federal Bureau of Investigation are looking at Whitewater events that happened 10, 12, 15 years ago.

Mr. President, it is time, as other speakers have said, to really get our priorities right. I am hopeful that this committee will continue, will move expeditiously, will come to a conclusion, write its report, throw that report at the Congress, and then let us let the people decide what we should do about it.

Finally, I want to say that this morning in the New York Times, finally—finally—under an editorial entitled "Replacing Kenneth Starr," who is basically the special counsel—or what I call the "special prosecutor" in the Whitewater matter down in Little Rock. The New York Times has asked for Mr. Starr to be replaced. Why have they asked for Mr. Starr to be replaced, Mr. President? Well, it is very simple. It is because Mr. Starr has conflicts of interest, which are precluding him from presenting a fair image of investigation and of factfinding in the Whitewater matter. Here is the man who is charged with prosecuting and investigating this issue. But here also is the man who has the burden of bearing these conflicts of interest. The New York Times points out this morning in its editorial "Replacing Kenneth Starr," that he is making speeches all over the country, representing controversial clients before the U.S. Supreme Court, representing, perhaps, the national Republican Party, and other groups that have direct conflicts of interest with the fair-mindedness that this hearing and process has to portray.

Mr. President, I ask unanimous consent that this editorial, "Replacing Kenneth Starr," appearing this morning in the New York Times, be printed in the RECORD.

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

[From the New York Times, Apr. 17, 1996]

REPLACING KENNETH STARR

With a Presidential election only six months away, the public needs to have confidence in the fairness, good judgment and unselfish civic purpose of the independent counsel on Whitewater. It is also important that the months of work by a large, expensive staff not be squandered. After listening to Kenneth Starr's narrow, legalistic reasons for his continued representation of wealthy, politically active clients while serving as independent counsel, we have concluded that Mr. Starr is not the person to deliver on those two goals. It is time for him to step aside and let the investigation go forward under a replacement from the senior staff.

Mr. Starr seems defiantly blind to his appearance problems and indifferent to the special obligation he owes to the American people. He and his ethics adviser, Sam Dash, keep pointing out that most of the 16 other people appointed under the independent counsel law have continued to work on private cases. They conveniently ignore the fact that Mr. Starr is one of only two such counsels to be given the task of investigating a sitting President.

"The independent counsel was never expected to become a full-time employee of the Government and leave his or her law firm," Mr. Starr told the Federal Bar Association in a haughty speech last week. That could be because never before has a lawyer assigned to investigate high government officials maintained such a conspicuously fast-paced and politically freighted private practice while assuming a major national responsibility.

The cumulative weight of Mr. Starr's conflicts have become so heavy that Mr. Dash, the top lawyer for the old Senate Watergate committee, who is paid $3,200 a week to advise Mr. Starr, defends only the formal legality of Mr. Starr's lucrative moonlighting. The law allows the court-appointed prosecutor to have an outside law practice, but Mr. Dash told Jane Mayer of The New Yorker that he would prefer that Mr. Starr serve full time. What the independent counsel is doing is proper, Mr. Dash argued later, but reasonable people may believe "there's an odor."

Mr. Dash is right about the odor, but wrong about the propriety. The independent counsel law was enacted so the public could be assured that the President would not sway Justice Department officials who work for him. But if the counsel refuses to divest himself of his own political and financial baggage, he erases the gain in public confidence that his appointment is expected to solidify.

This page has steadily advocated the continuation of the Whitewater investigation in the belief that the public has the right to know the full facts about the Clinton's business dealings and related matters. But at the very outset, we asked Mr. Starr to step aside because his entanglement with conservative judges cast a shadow over his objectivity. When that did not happen, we urged him to take a leave from his law firm and appoint a deputy to oversee areas of the investigation where he had a clear conflict of interest.

But the number of those conflicts—involving big tobacco, conservative foundations, the Resolution Trust Corporation, the International Paper Company—has grown so great that voters are bound to be confused about the integrity of Mr. Starr's decision on whether to prosecute the Clintons and their close associates.

There was a time when Mr. Starr could have ameliorated such doubt with openness and a sensitivity to his obligation to the American people. That time is past. He needs to honor the work of his staff and the investment of the taxpayers by stepping down.

Mr. PRYOR. Mr. President, also, let me state that in this New Yorker magazine, dated April 22, I believe—I do not have my glasses with me—there is a splendid article entitled "How Independent Is the Counsel," once again, talking about the conflicts, talking about the image that this man who is burdened with these conflicts presents as he is attempting to portray that he is fair-minded, objective, and impartial in finding all the facts.

It is time, Mr. President, that, once again, we sort of set this ship straight, if I might say that. It is time that we move forward with a fair determination of the facts and finding of the facts. I hope the committee will proceed expeditiously. But had I had the opportunity to vote, if it were a matter before this body that required a yes or no vote, I would have voted "no."

Mr. HATCH. What is the regular order, Mr. President?

The PRESIDING OFFICER. The conference report on S. 735 is the order of business.

Mr. HATCH. Soon we will proceed on that. But while we are waiting for Senator BIDEN to come, I want to say that I have sat on the Whitewater committee. I have to say I think it has been conducted very fairly. Senator D'AMATO has bent over backward to do it fairly. I know our counsel has done a fair and decent job. In fact, I have never seen two better counsel than the two we have on both the minority and majority sides on the Whitewater matter.

I also have to say that I hope it is resolved in favor of the President and First Lady. But there are a lot of things that are very much up in the air, matters over which we have a great deal of concern. You cannot just sweep them under the rug because it has taken time. There have been obfuscation, delays, and there have been deliberate refusals to give documents, and documents have suddenly appeared. These types of things do not ordinarily happen. It has been filled with all kinds of incidents and occurrences that literally would cause anybody to say, "What is going on here? If there is nothing wrong, why all these problems?" Personally, it is bothering me.

I have to say that I am glad we are getting this on the way to a resolution. I hope we can expedite it and do it in a fair and proper way, and get it over with one way or the other. I intend to do what I can to insist on doing that.

With that, I would like to go to the regular order, and I yield to Senator BIDEN.

TERRORISM PREVENTION ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

MOTION TO RECOMMIT

Mr. BIDEN. Mr. President, I offer a motion to recommit the conference report with instructions to add provisions on wiretap authority for terrorism crimes. I send the motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] moves to recommit the conference report on the bill S. 735 to the committee of conference with instructions to the managers on the part of the Senate to disagree to the conference substitute recommended by the committee of conference and insist on inserting the following:

SEC. . AUTHORIZATION FOR INTERCEPTIONS OF COMMUNICATIONS IN CERTAIN TERRORISM RELATED OFFENSES.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c)—

(A) by inserting before "or section 1992 (relating to wrecking trains)" the following: "section 2332 (relating to terrorist acts abroad), section 2332a (relating to weapons of mass destruction, section 2332b (relating to acts of terrorism transcending national boundaries), section 2339A (relating to providing material support to terrorists), section 37 (relating to violence at international airports),"; and

(B) by inserting after "section 175 (relating to biological weapons)," the following: "or a felony violation under section 1028 (relating to production of false identification documentation), sections 1541, 1542, 1543, 1544, and 1546 (relating to passport and visa offenses),"; (2) by striking "and" at the end of paragraph (o), as so redesignated by section 512(a)(2);

(3) by redesignating paragraph (p), as so redesignated by section 512(a)(2), as paragraph (s); and

(4) by inserting after paragraph (o), as so redesignated by section 512(a)(2), the following new subparagraphs:

"(p) any violation of section 956 or section 960 of title 18, United States Code (relating to certain actions against foreign nations);

"(q) any violation of section 46502 of title 49, United States Code; and".

The PRESIDING OFFICER. The time is 30 minutes equally divided.

Mr. BIDEN. Mr. President, I yield myself such time as I may consume within my allotted time.

Mr. President, before I begin on this amendment, I want to just tell you, and all of my colleagues who may be listening back in the offices, that while the last vote was going on a colleague of ours, Senator WENDELL FORD, came to the floor and said, "Let me show you something my staff just downloaded from the Internet." While you were all voting on whether or not to prohibit people from being able to teach people how to make bombs knowing or intending they be used to violate the law, let me read what was downloaded. This is roughly at 3:20 p.m. today.

Attention all Unabomber wannabes. You will first have to make a mild version of thermite. Use my recipe but substitute iron filings for rust. Mix the iron with aluminum filings in a ratio of 75 percent aluminum, 25 percent iron. This mixture will burn violently in a closed space (such as an envelope). This brings us to the next ingredient. Go to the post office and buy an insulated (padded) envelope. You know, the type that is double layered. Separate the layers and place the mild thermite in the main section where the letter would go. Then place magnesium powder in the outer layer. There is your bomb!!

Now to light it. This is the tricky part, and hard to explain.

I am still quoting now.

Just keep experimenting until you get something that works. The fuse is just that torch explosive I have told you about in another one of my anarchy files. You might want to wrap it like a long cigarette, then place it at the top of the envelope in the outer layer (on top of the powdered magnesium). When the torch explosive is torn, or even squeezed hard, it will ignite the powdered magnesium (sort of a flash light) and then it will burn the mild thermite. If the thermite did not blow up, it would at least burn your enemy (it does wonders on human flesh).

You all just voted to keep that legal—to keep that legal—because of the fear, apparently, or concern that we would not be able to convince 35 recalcitrant House Members to make that illegal. That is what you did. That is what you did.

I ask unanimous consent that this be printed in the RECORD along with the baby food bomb by Warmaster, also taken off the Internet.

For all of you who are concerned about the pornography on the Internet, as I am, how do you explain banning that, which we should, and not this? Pornography deforms the mind. These bombs burn the flesh.

I ask unanimous consent that these recipes available to our children and the demented people out there in the public, the few that exist, be printed in the RECORD to know what we have just done.

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

ATTENTION ALL UNABOMBER WANNABES

You will first have to make a mild version of thermite. Use my recipe, but substitute iron fillings for rust. Mix the iron with aluminum fillings in a ratio of 75% aluminum to

25% iron. This mixture will burn violently in a closed space (such as an envelope). This brings us to our next ingredient. Go to the post office and buy an insulated (padded) envelope. You know, the type that is double layered. Separate the layers and place the mild thermite in the main section, where the letter would go. Then place magnesium powder in the outer layer. There is your bomb!! Now to light it . . . this is the tricky part and hard to explain. Just keep experimenting until you get something that works. The fuse is just that touch explosive I have told you about in another one of my anarchy files. You might want to wrap it like a long cigarette and then place it at the top of the envelope in the outer layer (on top of the powdered magnesium). When the touch explosive is torn or even squeezed hard it will ignite the powdered magnesium (sort of a flash light) and then it will burn the mild thermite. If the thermite didn't blow up, it would at least burn your enemy (it does wonders on human flesh!).

BABYFOOD BOMBS

(By Warmaster)

These simple, powerful bombs are not very well known even though all the materials can be easily obtained by anyone (including minors). These things are so powerful that they can DESTROY a car. The explosion can actually twist and mangle the frame. They are extremely deadly and can very easily kill you and blow the side of the house out if you mess up while building it. Here's how they work.

Go to Sports Authority or Hermans sport shop and buy shotgun shells. It is by the hunting section. At the Sports Authority that I go to you can actually buy shotgun shells without a parent or adult. They don't keep it behind the little glass counter or anything like that. It is $2.96 for 25 shells.

Now for the hard part:

You must cut open the plastic housing of the bullet to get to the sweet nectar that is the gunpowder. The place where you cut it is CRUCIAL. It means the difference between it blowing up in your face or not.

You must not make the cut directly where the gunpowder is or it will explode. You must cut it where the pellets are. When you cut through it, empty the pellets out and the white stuff (called buffer) that surrounds the pellets. There is a layer of wadding that separates the gunpowder from the pellets and that must be cut through VERY CAREFULLY! Don't use a drill! Whatever instrument you use (knife, screwdriver, etc.) you must work very slowly and don't make big movements. Friction can set it off. You now have a nice supply of gunpowder.

I have also tried this with Quail Shot. The only difference between buck and quail is that quail has very small pellets and buck has big ones.

It is strange but almost all shotgun shells have a different interior. Some have very powdery powder and some have flakes for powder. Also some have plastic wadding and some have cardboard. Usually the smaller the pellets the less gunpowder and more cardboard wadding. The smaller pellet sizes are the ones with the flakes. Also that white stuff called buffer is only used in heavy buckshot and is not found in Quail and Dove shot or other bullets with small pellets.

[Contents deleted from original.]

I would like to stress once again that this is EXTREMELY dangerous and can very easily kill you. I've done this once and it scared the——out of me and I am never doing it again. These are very destructive. If you are stupid enough to do it, wear two or three pairs of safety glasses and thick clothes to protect you from the glass. The——can still hurt you from 100 feet away. The blast is also deafening. But if you want to spread some choas, this little bomb is the way to go.

Did I mention that this is also highly illegal?

Unimportant stuff that is cool to know:

They rate shotgun shells by two numbers. Gauge and pellet size. With gauge the smaller the number the bigger the bullet (12 gauge is bigger than 14 or 16 gauge). The biggest I know of is 10 gauge, but that is very hard to find. The other number is the pellet size. The bigger the pellet the less can fit in the bullet. The advantage of a big pellet is that it is more powerful but cover an area very scarcely. The smaller pellets have a much lower velocity but there are many more pellets in the shell. Here is how the system goes: 000 buckshot (triple 0) is the very biggest. There are only 10 pellets in it but they are huge. Then comes 00, 0, 1, 2, 3, 4, 5, 6, 7. Number 7 has about 200 pellets in it. It is used for squirrels and small birds. Generally the 000, 00, 0, 1, 2, 3, and 4 have the best powder. Anything higher up has this weird flakey gunpowder that doesn't work so well.

Some Other Things That Smart People Do That Don't Want To Get Killed:

Other things you can do with the powder other than use it in a babyfood jar is to use it in a smaller jar. You will get less bang out of it but it is much safer. Some good jars to use are very small makeup jars and those little TESTORS paint bottles. The paint bottles have thick glass and it might be more dangerous. Another thing you can do with the powder is wrap it up tightly in some paper and stick a fuse in it (it is easier to put the fuse in before you wrap the paper).

Typed by the Warmaster.

The author accepts no responsibility for any misuse of information in this file. This is for information purposes only, and reading enjoyment only, and is meant to show how at any time any lunatic with a mile long police record can legally make a highly powerful bomb with almost no equipment. The author is not advocating the use of explosives in any way.

Mr. BIDEN. Mr. President, what I would like to speak to in an indirect way covers this. We have had several votes on wiretaps, and I know people are asking why am I introducing the other wiretap provision that was taken out of the Senate bill. The reason I am is I refuse to believe that, if you all hear this enough, you will not eventually decide to do the right thing on this.

The provision that I have proposed is not original with me. It was in the Senate bill that we passed. The provision would add a number—the bill we have before us, the conference report—would add a number of terrorism-related offenses to the law. I will go into those in a minute. What I have sent to the desk, if adopted, would instruct the conferees to add the same number of offenses that we are adding to the bill, to the law, to those categories of things for which the Government, with probable cause, can get a wiretap. It was in the Senate bill as introduced by Senators HATCH and DOLE. It was part of the terrorism bill reported out of Representative HYDE's Judiciary Committee. Unfortunately, by the time the bill had made it to the House, the provision was dropped.

I think it is worth talking a moment about how a wiretap statute works, the one that is in place now in the law, for it seems there is a lot of misunderstanding about it these days. I am repeating myself again to eliminate the misunderstanding. As some people tell it, you would think the FBI and BATF and the local and State police are tapping our phones left and right, that they are riding down the streets in vans with electronic devices eavesdropping into our windows and houses—which they have the capacity to do, by the way. But that is just not the way it works.

First and foremost, it is not an FBI agent but a U.S. attorney, or even the Attorney General herself, who has the power to authorize the wiretap. No. Actually, that is not quite true. The ultimate authority to issue a wiretap sits only with a Federal judge. The U.S. attorney has the power to petition the court for a wiretap, but only a judge, a judge who cannot be fired, whose salary cannot be docked by any of us in Washington, who cannot be affected in any way, only a judge may disagree with something that the Attorney General does or does not do. It is that judge who must determine that there is probable cause to believe that a specific crime—not a general crime—a specific crime has been—not is about to—has been committed; that specific people are committing that crime, and that they are doing it at a specific place. The affidavit that the U.S. attorney takes to the court, to the judge, must also satisfy what is called the necessity requirement. The judge must be convinced that other less intrusive investigative procedures have been tried and failed—that is infiltration, that is eavesdropping in a conversation, walking by, any other method—has to be convinced that they have been tried and failed or that they are unlikely to succeed in any reasonable circumstance.

That necessity requirement is meant to ensure that wiretapping is not the normal investigative technique, like physical surveillance or the use of informants. These are very serious protections, Mr. President. I believe that interposing a court between the prosecutor and the wiretap is a citizens' best protection.

But even before we get to the judge who makes his decision, there is a very painstaking, stringent process within the Justice Department for determining when to seek a court authorization for a wiretap.

First, the agent in the field, under the supervision of his or her supervisor, must write an affidavit, a sworn affidavit, that they must sign that sets out all the particular facts relating to

probable cause, because even if an order is granted based on the agent, if he is lying, then that information is gone even if the judge issued the wiretap order.

So, on the front end, you have to have a sworn law enforcement officer swear that the information they are writing down as to why they think a crime has been committed is true. They are liable. An assistant U.S. attorney then must take that affidavit from the FBI agent and draft an application and a proposed order for the court to sign. The package then must be sent from the U.S. attorney in Wilmington, DE, or in Manchester, NH, and sent down to Washington. The U.S. attorney cannot just walk into the courtroom of the Federal judge or to any of the judges, and say, "Judge, I want a wiretap." They must send it down to Washington. Once the package is sent to Washington, the Criminal Division of the Justice Department takes a look and scrutinizes the affidavit and discusses any necessary changes or additions or questions they have with the U.S. attorney that is handling the case back in Manchester, Wilmington, or Salt Lake City.

Then a detailed memorandum summarizing the facts and legal issues and addressing the application's compliance with each statutory requirement is sent to the Assistant Attorney General. All these materials are then sent to the Assistant Attorney General or Deputy Attorney General for final review and final authorization, and then it is sent back to Manchester, sent back to Wilmington, sent back to Salt Lake City. The U.S. attorney then petitions the court and then goes in and sees a judge.

This is painstaking. It is time consuming, as well it should be, for we want to make sure that wiretaps are used in only the most serious cases. We want to make sure that they are used only as a last resort when all other less intrusive techniques have failed, and we want to make sure that the Government is not making unwarranted intrusions into our privacy. But we also need to make sure that law enforcement has the tools, if they meet all these hurdles, to catch the bad guy.

Now, this provision that I have offered, that we already voted on, will provide an important tool. Let me just point out there is currently a very long list of crimes for which a wiretap can be authorized. Let me make this point because a lot of nonlawyers or people who do not practice criminal law are not aware of this as well.

You cannot get a wiretap, even if you do all the things I just said, unless you turn to the Criminal Code, and you have all these crimes listed in the Criminal Code. OK. You may find a crime in one section, and then you have to turn to another section, section 251, of the Criminal Code entitled, "Authorization for Interception of Wire, Oral or Electronic Communications." And then you have to find there in subsection (c) the list of offenses for which you can get a wiretap. Not every crime is entitled to have a wiretap attached to it.

So it is a two-step process. First, you have to prove there is a crime being committed that is a violation of the Federal law. Second, you have to go through all these procedures that I outlined to safeguard that it is not willingly used by the Government to intrude on your privacy. And then, in that process, you have to make sure it is a listed crime for which you can seek a wiretap. OK.

Now, some of those crimes for which you can seek a wiretap are murder, kidnaping, robbery, extortion, bribing public officials, witnesses, or bank officials, obstructing justice, criminal investigations or law enforcement, all manner of fraud and embezzlement, destroying cars, wrecking trains. They are all listed, all listed. And this list goes on.

The provision I am suggesting here does only one minor thing: It would add a very serious and potentially deadly terrorism offense to that list, including new offenses that are added in this legislation. The legislation we are voting on, the conference report is this thing, and in here, to the credit of the chairman and I believe to me and others who worked on this, we add new crimes, new Federal crimes, terrorism crimes for which the Federal Government can go after you if you do these bad things. But we miss one important step. We do not take these new laws and add them to the list of those things for which you can get a wiretap. This would do that, would allow wiretaps with all the procedures for the new crimes of terrorism we have in here.

It is ironic. At first I thought it was an oversight, but obviously it is intended that you not be able to use wiretaps to deal with terrorism as we outlined in the bill.

I assume my time has expired.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BIDEN. I thank the Chair.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized for 15 minutes.

Mr. HATCH. We have been doing this for a year. We are trying to pass a bill here that will make a difference against terrorist crimes. I can say categorically that there is virtually always a way to get wiretaps if the prosecution wants it, if the law enforcement people want it. To just add the word terrorism, that would be efficacious, but it still would not stop anybody—if you do not add it, it still would not stop anybody from getting the necessary wiretaps in the case of suspected terrorists.

We can overdue these technicalities to the end of the doggone Congress. The fact is, this bill contains alien terrorist removal provisions that will make a real difference. It contains designation of terrorist organizations that we do not have right now, neither of these provisions, that will make a real difference today. We have Hamas people in this country who want to murder our Jewish citizens, just to mention a few. We have Abu Nidal people in this country who want to murder our Jewish citizens and others, do anything to disrupt our economy. We have other terrorist organizations in this country. We have at least 1,500 known terrorists and organizations in this country. And we are standing here debating whether or not we should put a word into the bill.

Now, I agree I would love to put it in, but in this year-long set of negotiations and work with the other body, they did not want it put in that way. They are concerned that we are expanding wiretapping too far. It is a legitimate concern.

This world is turned upside down. When I got here 20 years ago, the conservatives wanted the wiretapping because they wanted to stop all crimes. The liberals did not want it because they were concerned about civil liberties. I can remember the battles we had in the Judiciary Committee, and they were heated and intense.

Today, it is the opposite. The conservatives, some conservatives, especially those on the far right—and I might add, the far left liberals still do not want wiretapping, but the far right conservatives are concerned because they feel like justice went awry in Waco and Ruby Ridge, the Good Ol' Boys roundup and other matters. Those are legitimate concerns that they bring.

Let me just say this. I would not mind putting this in the bill if I could at this point, but I cannot and still have a bill. We have a bill that has alien terrorist removal provisions. It would help this country all over the world. It would help other countries all over the world. Designation of terrorist organizations, we start to put a stop to terrorist organizations. It would certainly stop the fundraising. We have language that will stop the raising of funds in the United States of America that are sponsoring terrorism all over this world.

These are big provisions. These are things that can make a difference. We can get around these other technicalities, and we can get wiretaps if we need them. But we cannot get these things without this bill.

Summary exclusion of alien terrorists, we have a right to do it because of this bill. These were provisions we had to fight to get back into the bill that we had written in the Senate, provisions that will make a difference, not

some technicality that is important and I would like to have in, that the Senator from Delaware would like to have in, and rightly so. I do not have any problem with that. We have not been able to get those technicalities in, but there are ways around those technicalities today without having them in. There are no ways around these provisions, none. We cannot do these things without this bill. Without this bill we could not stop many major terrorist problems in this country that could happen in the future.

We have language in here on biological weaponry, something that is critical. Every one of us is concerned about that, and rightly so. We succeeded in getting the House to tighten up and toughen up those provisions dealing with the transportation and sale of human biological agents. That needs to be done. We should not wait a day longer; we should not wait an hour longer to get that done. We have criminal alien removal procedures. When these criminal aliens get convicted, the minute their sentence is over, they are moved. We get them out of this country so they cannot just waltz out of the jail and go and start doing further terrorist activities.

We have $1 billion in authorization money in this bill, to go to work tomorrow, if we pass this bill and as soon as the President signs it, to go to work to fight against this terrorist activity.

We have language in here that goes a long way toward tagging explosives. I could go on and on. I could talk for 4 or 5 hours on what is in this bill and why it is going to make a difference against terrorism.

I have to say my colleague from Delaware deserves his reputation as a very fine lawyer and somebody who is bringing up very good points here. Most of the language he has brought up, I wrote. Naturally, some of it I would like to have in the bill. But we can get around most of those problems with current criminal law. We cannot get around these problems I am discussing with regard to terrorism.

Let me just say on wiretapping alone, just so people understand how serious this is, in 18 United States Code, section 2518, it says:

> Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, [any, by the way] specially designated by the Attorney General, the Deputy Attorney General, the Associate Attorney General or by the principal prosecuting attorney of any State or subdivision thereof acting pursuant to a statute of that State, who reasonably determines that—
>
> (a) an emergency situation exists that involves—
>
> (i) immediate danger of death or serious physical injury to any person,
>
> (ii) conspiratorial activities threatening the national security interest, or
>
> (iii) conspiratorial activities characteristic of organized crime,
>
> that requires a wire, oral, or electronic communication to be intercepted before an order authorizing such interception can, with due diligence, be obtained. . . .

I would like all this clarifying language in. I would not mind having it. We had it in the Senate bill and we have worked for a year to try to get it back in and almost every major, big provision we have gotten back in. Some of this we have not. But we have ways to get around those problems.

I will repeat it. Talking in real terms, realistically, there is always a way to do it if it has to be done, to get a wiretap. But there is not always a way to remove terrorist aliens. There is not a way right now to designate terrorist organizations as terrorists and to start branding them for what they are all over the world and start using the force of American power and law against them. There is no real way to stop fundraising today for terrorist organizations in this country.

I might say there is no summary exclusion of alien terrorists today. We do not have any aspects against biological weapons.

I was the one who held the hearing just a month or so ago, showing where you could get—anybody if they were clever enough, could get human pathogens that could cause major diseases all over this country.

I might add, we do not have any current criminal alien removal procedures. This bill grants all of that.

We do not have habeas corpus reform, death penalty reform in this country. That alone, the people who have suffered, the victims of the Oklahoma City bombing would be enough to justify this bill. But I am giving you bigtime stuff that will make a difference against terrorism. These other matters, we can get around those in most instances.

I am telling you, I will just say one other thing. I am committing right here on the floor today I will do everything in my power, as chairman of the Judiciary Committee and as one of 100 Senators here, to try to correct some of these matters in the future, after we have these studies that help us to know how to correct them and after we can get rid of some of these perceptions that law enforcement is too intrusive and is not protective of the civil rights and liberties of people in this country.

I believe it is. I believe our law enforcement people are the best in the world. We have occasional mistakes, but I think the FBI is the best in the world. I think our Justice Department is the best in the world. I think ATF does a very good job and they are cleaning up a lot of problems that have existed in the past in the eyes of most people who own guns in this country, and they are doing it, I think, in an expeditious and good way. I am proud of the law enforcement in this country. I want to give them the tools and I want to work hard to make sure we have them. But we have to give them these tools now. We have to start fighting terrorism, instead of really babbling, here, on the floor of the U.S. Senate.

The longer we go the more difficult it is to get this through over in the House. If we change one word of this and go back to conference, I can tell you right now we are in danger of losing the bill. So, sure I can improve any bill. Just make me a dictator and let me write whatever I want to and I guarantee you it will be perfect. At least that is the idea of some people in this body. But we have to live in the real world of bringing 100 Senators, 435 Representatives—535 minds together and, by gosh, we have done a pretty good job.

When the Senator read the Internet bomb description, had his idea—and I might add even I would agree with the idea—been the law, he might have been in violation of his own law. The fact of the matter is, there are still ways of getting around that problem. We can go after bomb makers, under this bill. We can make a difference.

I just wanted to mention a few things that we are really fighting for here, major issues, major issues that can help us against crime, against terrorism, that will help to prevent future terrorist activities. Do we have everything in this bill? I said from the beginning, no, we do not, because we have to bring together at least half of the 535 people serving in both Houses of Congress. But we have a lot of things in this bill I never thought we would get there, through 535 people. This is a bipartisan bill. It is a bill that both Republicans and Democrats have fashioned. Frankly, I am proud of it and I would like to get about passing it.

In that regard, then, on behalf of Senator DOLE and myself, I move to table the Senator's motion and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, may I make a suggestion? There are several colleagues who apparently will have difficulty getting here in the next 5 minutes for this vote. Senator KENNEDY is on the floor, ready to proceed with an amendment. Maybe we could just stack the two? I have been opposing stacking them all day.

Mr. HATCH. Mr. President, I ask unanimous consent we stack the next two votes to occur immediately after the time expires on Senator KENNEDY's amendment.

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

The Senator from Delaware.

Mr. BIDEN. Mr. President, I yield myself 60 seconds on the bill. I have two responses.

My distinguished and able colleague has mixed up apples and oranges here. The section he read from the wiretap statute related to emergency wiretaps that do not require a court order at the front end.

What we are talking about are wiretaps where they want to go in and we want to prove they have probable cause to get the wiretap in the first case.

Second, I agree with everything that he says about the good parts of the bill. They were in the same bill I introduced, most of those things. I am for them. But the problem is, he mentioned there are 1,500 terrorists out there, or whatever the number. Under the bill now we create a new crime relating to providing material support for terrorists, if you send money to Hamas and provide material support or an automobile or a train ticket or whatever it is, and it is not a crime. It is a Federal crime now, but one for which you cannot get a wiretap. That seems to make no sense to me and that is why I have introduced this amendment.

I yield the floor to my friend from Massachusetts.

Mr. HATCH. Mr. President, if my friend from Massachusetts will just allow me to respond for 15 seconds, I will just make the statement again. Realistically, in this real world, if law enforcement wants to get a wiretap, whether emergency or otherwise, it is going to be able to get it. That has been my experience and I think it has been the experience of every prosecutor, I think, in this country.

Mr. BIDEN. I yield myself 15 more seconds on the bill. That is the very thing we do not want to happen. We want prosecutors to operate under the law. We do not want to further ignite the imagination of those folks over in the House. We want them to do it by the numbers, not with imagination.

Mr. HATCH. Mr. President, I would just add, they will do it by the law, but realistically they can do it. I have also said that I will work with the distinguished Senator from Delaware to try to resolve these problems in a formal bill in the future, as we examine this more carefully. I think we can do that job. But it is misleading, to think the American people are not going to be protected, from a wiretap standpoint, when I know the law enforcement officials can use wiretaps and can get them, realistically, in almost every situation.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I may speak on the conference report without the time being charged to the remaining 20 minutes of the general debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, it is a year since the tragic bombing of the Federal building in Oklahoma City, and 10 months since the Senate passed a bill to give Federal law enforcement agencies the effective assistance they need to deal with these crimes.

Unfortunately, the conference report before us is a far weaker bill than the measure we passed last year. All that is left now is the hollow shell of a terrorism bill, a mockery of the strong bipartisan legislation passed by the Senate. Most of the meaningful antiterrorism measures passed by the Senate have been stripped out by the House, so that this bill is far less likely to deter terrorist crimes or aid in the apprehension of terrorists.

Using the phony label of antiterrorism, the bill achieves two reprehensible goals: it denies meaningful habeas corpus review to State death row inmates, and it makes it easier to turn away refugees and victims of political persecution from America's shores.

Everyone knows what happened to this bill. It fell victim to the anti-Government assault of the National Rifle Association. After the Senate passed a tough, effective terrorism bill, the NRA stepped in and prevented House action for months. Then the NRA's supporters in the House stripped the bill of key provisions to strengthen Federal law enforcement.

As a result of the NRA's maneuvering, the conference report before us is completely inadequate to meet the needs of law enforcement. The Senate still has a chance to insist on a real terrorism bill, and not a sham bill. We should send this bill back to conference, and insist that the conferees restore the tough Senate provisions.

There are numerous glaring gaps in the conference report:

It does not include the expanded wiretapping authority that the FBI has said is necessary to keep up with current telecommunications technology.

It does not address the dangerous reality that bomb-making information is now freely disseminated on the Internet.

It does not include a Senate-passed provision extending the statute of limitations for serious firearms offenses.

It does not include a necessary exception to the posse comitatus laws so that military experts can provide technical assistance to law enforcement in terrorist attacks involving chemical or biological warfare.

Each of these measures was included in the Senate bill, but has been stripped out of the conference report at the insistence of the NRA.

And while the bill is clearly deficient in these respects, it includes other provisions that are too extreme in limiting the rights and liberties of individuals:

It eviscerates the ancient Writ of Habeas Corpus, denying death row inmates the opportunity to obtain even one meaningful Federal review of the constitutionality of their convictions.

It returns to the discredited cold war guilt-by-association policy of the McCarran-Walter law, excluding individuals from our shores based on mere membership in an organization. Current law already contains authority to exclude members of known terrorist organizations. The far broader sweep of this bill is unnecessary and excessive.

It places excessive restrictions on the ability of refugees to obtain asylum in the United States. This provision was never considered by the full Senate, and it ought to be debated on the immigration bill, not the terrorism legislation.

Mr. President, I point out here what has been happening. Asylum claims decline 57 percent as productivity doubles in 1995. What we have seen is the dramatic reduction in terms of the asylum claims. In 1994, there were 122,000; 60,000 completed.

In 1995, 53,000; 126,000 were completed. The Justice Department has a handle on this issue. It is doing it in a conscientious, fair, and disciplined way, and we ought to retain it and not be caught up with other facts and figures.

Every omnibus bill requires Members of Congress to weigh the good provisions against the bad ones. I voted for the Senate bill even though it included the objectionable limits on habeas corpus. But the balance has changed, now that the Senate bill has been seriously weakened. There is too little to place on the scale against the shameful trashing of the writ of habeas corpus and the Nation's asylum system.

It is unfortunate that the unrelated and controversial subject of habeas corpus was injected into this bill in the first place. Proponents say that habeas corpus is relevant because the suspects in the Oklahoma City bombing are charged with a Federal capital offense. But that fact is no justification for changing the rules with regard to State prisoners.

The habeas corpus proposals do not strike a fair balance. The bill denies death row inmates a full opportunity to raise claims of innocence based on newly discovered evidence. It will therefore increase the likelihood that innocent people will be executed. The proposal to limit inmates to one bite at the apple is sound in principle. But surely the interest in swift executions must yield to new evidence that an innocent person is about to be put to death. As Supreme Court Justice Potter Stewart once wrote, "Swift justice demands more than just swiftness."

Also, the proposal would unwisely require Federal courts to defer to State courts on issues of Federal constitutional law. A Federal court could not grant a writ habeas corpus based on Federal constitutional claims, unless the State court's judgment was "an unreasonable application of Federal law."

It is a serious mistake to require a Federal court to defer to the judgment of a State court on matters of Federal constitutional law. The notion that a Federal court should be prevented from correcting a constitutional error because it was a reasonable error is unacceptable, especially in a capital case. Ever since the days of Chief Justice John Marshall, the Federal courts have served as the great defenders of constitutional protections, and they should remain so.

The asylum provisions in this bill are equally misguided.

The Senate-passed bill did not address this subject, because it is more appropriately dealt with as part of immigration reform. But the conferees adopted House-passed language that drastically limits the ability of refugees to claim asylum if they arrive without proper documents. This provision undermines the fundamental treaty obligations of the United States by subjecting legitimate refugees to persecution and even torture.

It is often impossible for asylum seekers fleeing persecution to obtain a valid passport or travel document before they leave. Even the effort to obtain a travel document from the same government that is the persecutor may result in further danger to the asylum seeker. People may die or may be tortured while waiting for the proper papers. Accepting this reality, the U.N. High Commission on Refugees has recognized that circumstances may compel a refugee to use fraudulent documents to escape persecution.

This fact has long been recognized under international law. The United States has international obligations to protect refugees and asylum seekers who use fraudulent documents to escape persecution abroad. Article 31 of the U.N. Convention Relating to the Status of Refugees imposes an obligation on the United States not to penalize refugees and asylum seekers who are fleeing persecution, and who present fraudulent documents or no documents at all.

Under current practice, when asylum seekers arrive in the United States without valid travel documents or a passport, they are placed in detention. Generally, they are released from detention only if an asylum prescreening officer believes they have a sound case. That is the dramatic change in the way the Justice Department is considering the asylum seekers at the present time and how they were considered a number of months ago. Otherwise, they must pursue their asylum claim while in detention.

The pending bill significantly changes this process. It gives the prescreening officer the authority to deport an asylum seeker who enters with false or no documents. The office can deport the asylum seeker without a full hearing. An immigration judge never sees the case. In addition, the asylum seeker has no access to the assistance of counsel or even an interpreter.

As we consider this unprecedented proposal, we should remind ourselves of Raoul Wallenberg, the hero who saved countless lives during the Holocaust by issuing false travel documents so that Jews could escape Hitler's persecution. If this bill had been law in 1946, those Jews could have been returned to Europe without so much as a hearing.

Finally, the bill is flawed because it excludes foreigners from our shores based on mere membership in a disfavored organization.

In the days of the cold war, distinguished writers, professors, and others were excluded from the United States based on their mere membership in a Communist organization. Finally in 1990, we repealed the notorious McCarran-Walter law and set exclusion criteria based on individual actions, not their words.

This bill is a giant step backward. It explicitly sets excessive exclusion criteria based on membership in an organization, even though it would be grossly unfair to assume that all or even most members of the organization are terrorists.

Current law already gives broad authority to exclude members of terrorist organizations in such cases, and the blunderbuss provision in this bill is unneeded. If applied to American citizens, it would be a violation of the first amendment.

The harm caused by the habeas corpus, asylum, and exclusion provisions of this bill is severe, and the good accomplished by the antiterrorism sections of the bill is minor. I urge the Senate to send this defective bill back to conference with instructions to do the job right—and produce a real antiterrorism bill that gives law enforcement the tools it needs to get the job done.

I thank the chairman and the ranking minority member of the committee for letting me address the Senate on this issue.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have listened to my distinguished colleague and friend, and he would like to restore the Senate bill. We just cannot do that. I was very proud of that Senate bill. I wrote most of it and, frankly, I think our colleagues worked together to come up with a good bill. When it went to the House, the House enacted a bill which really was much less than the Senate bill. We have gone to conference and have brought most all of the Senate bill back.

The distinguished Senator from Massachusetts says that this bill we have today is a hollow shell. Now, come on. Let me just go through some highlights of this bill.

We have most everything back, and the things we do not have back, we can probably, in the real world, solve anyway, under current existing law. I have to say, yes, I would prefer the original Senate bill, but let me give you one illustration.

In the fundraising provisions, I might add that the Antidefamation League, and others of similar mind—and I am of similar mind—believe that our fundraising language is far superior in this bill than it was in the Senate bill. I know it is far superior.

We were able to work that out with our colleagues in the House. That alone is a reason for preferring this bill over the Senate bill, plus the added promise that I have made here that I will try to work out these wiretap and other issues, or at least the wiretap issues, in the Senate Judiciary Committee.

But just look at the highlights of this antiterrorism bill. Capital punishment reform, death penalty reform, something that has been needed for years, decades. It is being abused all over the country. There are better than 3,000 people who have been living on death row for years with the sentences never carried out, the victims going through the pain every time they turn around. This will solve that problem while still protecting their constitutional rights and every right of appeal that they really should have. It is written well.

The international terrorism prohibitions, prohibitions on international terrorist fundraising. As I have said, the Anti-Defamation League, AIPAC, and a whole raft of others that are concerned in this area, like the language in this bill much better than the language in the Senate bill.

This subtitle adds to Federal law prohibitions which provide material support to, or raise funds for, foreign organizations designated by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to be terrorist organizations.

We have the Terrorist and Criminal Alien Removal and Exclusion Act in this bill. We remove alien terrorists, and we provide very good language that was very much the same as the Senate language.

We have the exclusion of members or representatives of terrorist organizations, the alien terrorists exclusion, if you will. This permits, as a new legal basis for alien exclusion, the denial of entry into the United States of any person who is a representative or member of a designated terrorist organization.

We have a whole title on nuclear, biological, and chemical weapons restrictions. These are not picayune provisions. This is big-time stuff. This is something this country has needed for years and the whole world needs. We have it in this bill.

We have the expansion of scope and jurisdictional bases of nuclear materials prohibitions and a report to Congress on thefts of explosive materials from armories. We require the Attorney General, together with the Secretary of Defense, to undertake a study of the number of thefts of firearms, explosives, and other terrorist-type materials from military arsenals. We will make them get on these things.

We have biological weapons restrictions, enhanced penalties, and control of biological agents. We have chemical weapons restrictions, chemical weapons, and biological weapons of mass destruction. We provide for a study of the facility for training and the evaluation of personnel who respond to the use of chemical or biological weapons in urban or suburban areas.

We have the implementation of the Plastic Explosives Convention in here. We have the marking of plastic explosives. We have studies on the marking of other explosives and putting taggants on them.

We have made a whole bunch of modifications in criminal law to counterterrorism, increased penalties for conspiracies involving explosives. All this talk about explosives. We provide language in here that will help to solve those problems.

Acts of terrorism transcending national boundaries, we have language on that. We have criminal procedure changes in here that would make a real difference with regard to certain terrorism offenses overseas, the clarification of maritime violence jurisdiction, increased and alternate conspiracy penalties for terrorism offenses, clarification of Federal jurisdiction over bomb threats. The expansion and modification of weapons of mass destruction statute is in here, the addition of terrorism offenses to the money laundering statute.

We have the protection of Federal employees in here mainly because it is needed now in this day and age with some of the vicious people we have to put up with in our society. We have the protection of current and former officials in here, officers, employees of the United States.

We have the death penalty as an aggravating factor. We solve that and add multiple killings to the list of aggravating factors in the imposition of the death penalty. We have detention hearing language in here and directions to the sentencing commission.

I have to say, we have a whole raft of other things that I do not have time to mention. Look, it is time to pass this terrorism bill. It is time to let the people in Oklahoma City know we mean business here.

Is the time expired on both sides? On behalf of the majority leader and I, I move that we table the Kennedy amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. The question occurs on agreeing to the motion to table.

Mr. HATCH. Mr. President, do we have motions to table on both of these amendments? And will they be back to back?

The PRESIDING OFFICER. There is only one amendment. The Senator from Massachusetts did not offer an amendment.

Mr. HATCH. He did not. I am happy to then proceed with the vote on the Biden amendment.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to table the motion to recommit. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent

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

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—56

Abraham	Faircloth	McCain
Ashcroft	Feingold	McConnell
Baucus	Frist	Murkowski
Bennett	Gorton	Nickles
Bond	Gramm	Pressler
Brown	Grams	Reid
Burns	Grassley	Roth
Campbell	Gregg	Santorum
Chafee	Hatch	Shelby
Coats	Hatfield	Simpson
Cochran	Helms	Smith
Cohen	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner
Exon	Lugar	

NAYS—43

Akaka	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Heflin	Murray
Bradley	Hollings	Nunn
Breaux	Inouye	Pell
Bryan	Johnston	Pryor
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Feinstein	Levin	
Ford	Lieberman	

NOT VOTING—1

Mack

The motion to lay on the table the motion to recommit was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SMITH. Mr. President, I rise to commend Senator HATCH and the other members of the conference committee for incorporating what originated in this Congress as my bill, S. 270, the Alien Terrorist Removal Act of 1995, into the conference report on S. 735, the Anti-Terrorism and Effective Death Penalty Act of 1996.

I also want to thank Senator SPECTER again for the opportunity to testify before his Judiciary Subcommittee on Terrorism last summer regarding my alien terrorist removal bill.

My bill—now the alien terrorist removal section of the conference report on S. 735—essentially embodies the Smith-Simpson amendment that the Senate passed unanimously as part of the crime bill in the last Congress. Unfortunately, certain House members of the conference committee on the 1994 crime bill insisted on the deletion of the Smith-Simpson amendment from that legislation.

After I introduced S. 270 early in the first session of this Congress, the Clinton administration proposed its own substantially identical version of my bill as part of its omnibus antiterrorism legislation. Then, in the wake of the Oklahoma City bombing, Senators DOLE and HATCH introduced S. 735, which incorporated the substance of my bill, S. 270. S. 735, of course, passed the Senate by a vote of 91 to 8 last June.

Unfortunately, when S. 735 reached the House, the alien terrorist removal provisions of the Senate-passed bill were removed from the legislation. Commendably, however, Senator HATCH steadfastly insisted that the conference committee include an alien terrorist removal section in its conference report on S. 735. Fortunately for our Nation, Senator HATCH succeeded in that effort.

Let me summarize briefly for the benefit of my colleagues what the alien terrorist removal section of S. 735 is all about. The alien terrorist removal provisions of the bill would establish a new, special, judicial procedure under which classified information can be used to establish the deportability of alien terrorists.

The new procedures that are established under section 401 of S. 735 are carefully designed to safeguard vitally important national security interests, while at the same time according appropriate protection to the necessarily limited due process rights of aliens.

Under current law, Mr. President, classified information cannot be used to establish the deportability of terrorist aliens. Thus, when there is insufficient unclassified information available to establish the deportability of a terrorist alien, the Government faces two equally unacceptable choices.

First, the Justice Department could declassify enough of its evidence against the alien in question to establish his deportability. Sometimes, however, that simply cannot be done because the classified information in question is so sensitive that its disclosure would endanger the lives of human

sources or compromise highly sensitive methods of intelligence gathering.

The Government's second, and equally untenable, choice would be simply to let the terrorist alien involved remain in the United States.

Sadly, Mr. President, what I have just described is not a hypothetical situation. It happens in real cases. That is why the Department of Justice, under both Republican and Democratic Presidents and Attorneys General, has been asking for the authority granted by my bill—now section 401 of S. 735—since 1988.

Utilizing the existing definitions of terrorism in the Immigration Act of 1990 and of classified information in the Classified Information Procedures Act, section 401 of S. 735 would establish a special alien terrorist removal court comprised of sitting U.S. district judges designated by the Chief Justice of the Supreme Court of the United States. This new alien removal court is modeled on the special court that was created by the Foreign Intelligence Surveillance Act.

Under section 401 of S. 735, the U.S. district judge sitting as the special court would personally review the classified information involved in camera and ex parte.

Where possible, without compromising the classified information involved, the alien in question would be provided with an unclassified summary of the classified information in order to assist him in preparing a defense.

Ultimately, the special court would determine whether, considering the record as a whole, the Justice Department has proven, by a preponderance of the evidence, that the alien is a terrorist who should be removed from the United States.

Finally, Mr. President, any alien who is ordered removed under the provisions of section 401 of S. 735 would have the right to appeal to the U.S. Court of Appeals for the District of Columbia Circuit.

Mr. President, the most serious national security threat that our Nation faces in the post-cold-war world is the scourge of international terrorism. That threat became reality in 1993 with the terrorist attack on the World Trade Center in New York City. Tragically, with the Oklahoma City bombing 1 year ago this week, we learned the bitter lesson that we face the threat of terrorism from domestic extremists as well.

Now, this historic 104th Congress is responding, strongly and effectively, to address the twin terrorist threats that we face. I urge the prompt adoption of the conference report on S. 735 by the Senate and, once again, I commend the conferees for incorporating my alien terrorist removal bill into their landmark legislation.

Mr. LEAHY. Mr. President, I am encouraged that the conference report includes important provisions that I proposed back in June 1995, when the Senate began consideration of antiterrorism legislation. These provisions were adopted by the Senate and then passed as part of the original S.735 and passed a second time last year by the Senate as part of H.R. 665, our version of the mandatory victim restitution legislation. They are now included as sections 231 and 232 of the conference report. It is astonishing that at the time I added these provisions to the bill there were no victims-related measures in any antiterrorism legislation.

When the bomb exploded outside the Murrah Federal Building in Oklahoma City last year, my thoughts and prayers, and I suspect that those of all Americans, turned immediately to the victims of this horrendous act. It is my hope that through this legislation we will proceed to enact a series of improvements in our growing body of law recognizing the rights and needs of victims of crime. We can do more to see that victims of crime, including terrorism, are treated with dignity and assisted.

The conference report incorporates the provisions of the Justice for Victims of Terrorism Act, which will accomplish a number of worthwhile objectives. They include a proposal to increase the availability of assistance to victims of terrorism and mass violence here at home.

We, in this country, have been shielded from much of the terrorism perpetrated abroad. That sense of security has been shaken recently by the bombing in Oklahoma City, the destruction at the World Trade Center in New York, and assaults upon the White House. I, therefore, proposed that we allow additional flexibility in targeting resources to victims of terrorism and mass violence and the trauma and devastation that they cause.

The conference report includes these provisions to make funds available through supplemental grants to the States to assist and compensate our neighbors who are victims of terrorism and mass violence, which incidents might otherwise overwhelm the resources of a State's crime victims compensation program or its victims assistance services. I understand that assistance efforts to aid those who were the victims of the Oklahoma City bombing are now $1 million in debt. These provisions should help.

The substitute will also fill a gap in our law for residents of the United States who are victims of terrorism and mass violence that occur outside the borders of the United States. Those who are not in the military, civil service, or civilians in the service of the United States are not eligible for benefits in accordance with the Omnibus Diplomatic Security and Antiterrorism Act of 1986. One of the continuing tragedies of the downing of Pan Am flight 103 over Lockerbie, Scotland, is that the United States Government had no authority to provide assistance or compensation to the victims of that heinous crime. Likewise, the U.S. victims of the Achille Lauro incident could not be given aid. This was wrong and should be remedied.

In its report to Congress in 1994, the Office for Victims of Crime at the U.S. Department of Justice identified the problem. Both the ABA and the State Department have commented on their concern and their desire that crime victims compensation benefits be provided to U.S. citizens victimized in other countries. This bill takes an important step in that direction. Certainly U.S. victims of terrorism overseas are deserving of our support and assistance.

In addition, I believe that we must allow a greater measure of flexibility to our State and local victims' assistance programs and some greater certainty so that they can know that our commitment to victims programming will not wax and wane with events. Accordingly, the conference report includes an important provision to increase the base amounts for States' victims assistance grants to $500,000 and allows victims assistance grants to be made for a 3-year cycle of programming, rather than the year of award plus one, which is the limit contained in current law. This programming change reflects the recommendation of the Office for Victims of Crime contained in its June 1994 report to Congress.

I am disappointed that some have objected to an important improvement that would have allowed all unspent grant funds to be returned to the crime victims fund from which they came and reallocated to crime victims assistance programs. I believe that we ought to treat the crime victims fund, the violent crime reduction trust fund, and Violence Against Women Act funds with respect and use them for the important purposes for which they were created.

The crime victims fund, we should remember, is not a matter of appropriation and is not funded through tax dollars. Rather, it is funded exclusively through the assessments against those convicted of Federal crimes. The crime victims fund is a mechanism to direct use of those funds to compensate and assist crime victims. That is the express purpose and justification for the assessments.

Accordingly, I believe it is appropriate for those funds to be used for crime victims and, when not expended for purposes of a crime victims program, they ought to be returned to the crime victims fund for reobligation. Instead, because of a technicality in the application of the Budget Act, the conference report includes a change from

the language that I proposed and that was approved by the Judiciary Committee and previously by the Senate. My language would have returned all unspent crime victims grant funds to the crime victims fund. The conference report will require that some of the money that came from the crime victims fund go, instead, to the general Treasury if it remains unobligated more than 2 years after the year of grant award. I am pleased that we have been able to obtain some concession in this regard and note that the unobligated funds must exceed $500,000 in order to revert to the general Treasury.

Fortunately, the Office for Victims of Crime has improved its administration of crime victims funds and that of the States over the past 3 years to a great extent. While more than $1 million a year has in past years remained unobligated from grants made through the States across the country, in 1994 that number was reduced below $125,000. The Director of the Office for Victims of Crime, Aileen Adams, should be commended for this improvement. It is my hope that the administration of crime victims fund grants will continue to improve through the Department of Justice and the States and that the Department of Health and Human Services will, likewise, improve its oversight and grant administration and encourage the States to be more vigilant. If so, the change in the language of the bill from that previously adopted by the Senate and by the Judiciary Committee will not result in a significant diversion of crime victims fund money to other uses.

I also regret that the emergency reserve is not structured as I recommended. I would limit the reserve to the highest level of annual deposits placed in the fund in the past 5 fiscal years. This would allow the emergency reserve to fulfill its purpose as a rainy day fund and smooth the distribution of aberrational deposit pattern. Further, I hope that we will soon reconsider the 40-percent cap of Federal contributions to State victim compensation awards and other suggested improvements to the Victims of Crime Act.

Our State and local communities and community-based nonprofits cannot be kept on a string like a yo-yo if they are to plan and implement victims assistance and compensation programs. They need to be able to plan and have a sense of stability if these measures are to achieve their fullest potential.

I know, for instance, that in Vermont Lori Hayes at the Vermont Center for crime victims Services, Judy Rex at the Vermont Network Against Domestic Violence and Sexual Abuse, and many others provide tremendous service under difficult conditions. I was delighted to be able to arrange a meeting between them and the Attorney General of the United States when Attorney General Reno recently visited Vermont. They will be able to put increased annual assistance grants to good use. Such dedicated individuals and organizations will also be aided by increasing their programming cycle by even 1 year. Three years has been a standard that has worked well in other programming settings. Crime victims' programming deserves no less security.

In 1984, when we established the crime victims fund to provide Federal assistance to State and local victims' compensation and assistance efforts, we funded it with fines and penalties from those convicted of Federal crime. The level of required contribution was set low. Twelve years have passed and it is time to raise that level of assessment in order to fund the needs of crime victims. Accordingly, the conference report includes as section 210 a provision that I worked on with Senator MCCAIN and that the Senate previously passed as an amendment to the antiterrorism bill last summer. It doubles the special assessments levied under the Victims of Crime Act against those convicted of Federal felonies in order to assist all victims of crime.

I do not think that $100 to assist crime victims is too much for those individuals convicted of a Federal felony to contribute to help crime victims. I do not think that $400 is too much to insist that corporations convicted of a Federal felony contribute. Accordingly, the conference report would raise these to be the minimum level of assessment against those convicted of crime.

While we have made progress over the last 15 years in recognizing crime victims' rights and providing much-needed assistance, we still have more to do. I am proud to have played a role in passage of the Victims and Witness Protection Act of 1982, the Victims of Crime Act of 1984, the Victims' Rights and Restitution Act of 1990, and the victims provisions included in such measures as the Violent Crime Control and Law Enforcement Act of 1994. I thank my colleagues for their acceptance of the provisions of the Justice for Victims of Terrorism Act.

I thank the outstanding crime victims advocates from Vermont for their help, advice, and support in connection with the Justice for Victims of Terrorism Act and the improvements it includes to the Victims of Crime Act. I also thank them for the work they are doing by developing and implementing programs for crime victims in Vermont.

In addition, I thank the National Organization for Victim Assistance, the National Association of Crime Victim Compensation Boards, and the National Victim Center for their assistance and support in the development of the Justice for Victims of Terrorism Act. Without their help, we could not make the important progress that its provisions contain. I appreciate the cooperation of all those who have worked to incorporate these improvements to the Victims of Crime Act in this measure.

It is important to me that we do all we can to bring stability to the crime victims fund so that the State programs for compensating and assisting victims of crime can plan and provide services for victims that increase and expand across our States in the coming years. I hope that we can continue to cooperate and refine the Victims of Crime Act's provisions.

Mr. FEINGOLD. Mr. President, it has been nearly 1 year since America was shocked and outraged by the bombing in Oklahoma City.

The anguish and the pain caused by this cowardly act left a marked impression on each of us which remains today.

That which had formerly been reserved for distant parts of the globe—acts of savage terrorism—was now being visited upon the citizens of this Nation.

There can be no debate that we must respond to these acts, as we must all acts of crime, with the singular and unyielding purpose of capturing, prosecuting and punishing the responsible individuals.

Unfortunately, in the 12 months that has passed since Oklahoma City, this legislation has been subject to many varied interests—interests placing certain proposals above the underlying goal of responding to terrorism in the measured and focused manner necessary to protect the citizens of this Nation.

Unfortunately, many of the proposals which have been offered throughout this debate to combat terrorism simply went too far and placed the civil liberties of all Americans in peril.

For this simple reason I opposed language included in the Senate bill which would have expanded the scope of wiretap authority and would have injected the military into areas of law enforcement which are better left to local officials.

I am concerned that these provisions move us toward unwarranted expansion of Federal power. Accordingly, I support the removal of these provisions from the final package.

However, just as some of those proposals overstepped the boundaries of civil liberties, the final conference report remains flawed.

Careful review of this legislation reveals that it contains very few substantive provisions which would have prevented or helped prevent the Oklahoma City tragedy.

As I said when the Senate considered this legislation last summer, it is essential that law enforcement be given the resources and support necessary to investigate and prosecute terrorists.

To truly protect citizens of this Nation, terrorists must be stopped before they strike—before they take innocent lives in some misguided effort to prove the validity of their agenda.

That is why I am so troubled when I hear the suggestion that the single most effective antiterrorism provision in this bill is the alleged reform of habeas corpus.

The link between habeas corpus and keeping the people of this Nation free from acts of terrorism is tenuous at best. The argument that these habeas provisions will prevent another Oklahoma City is one which is manufactured solely to justify inclusion of these unrelated provisions in a bill originally meant to address terrorism.

These so-called habeas reforms will do nothing to rid our communities of dangerous persons who may strike against innocent people.

The only time habeas corpus is even remotely related to terrorism is after the terrorist has committed an act of terrorism, has been apprehended, convicted and is sitting in a prison cell.

Once again political expediency has obscured sound policy making. In the words of the New York Times, "Members of Congress are exploiting public concerns about terrorism to threaten basic civil liberties."

Many of my colleagues want very sincerely to address what they perceive to be abuses in the use of habeas corpus. These efforts, however, should not be hidden behind the unsustainable claim that doing so in anyway makes the people of this Nation less likely to be attacked by terrorists.

Further, the provisions in the conference report go well beyond reform and eviscerate the constitutional underpinnings of habeas corpus. Just as many of the law enforcement provisions went too far, so too do the habeas provisions.

By setting unreasonable limitations and standards of review available on appeal of constitutional violations, this bill greatly enhances the potential that this Nation will execute an innocent person for a crime they did not commit.

I do not disagree with my colleagues who argue that justice must be served. The families of the victims and the American people deserve as much. However, the pursuit of justice does not require us, as these habeas provisions do, to depart from over 200 years of constitutional protections.

Justice is not served by the execution of an innocent human being. The families of the victims and the American public will find no comfort from such an occurrence.

Like so many facets of this bill, the habeas provisions of this bill lack any semblance of reasonable balance.

A recent March 20 editorial from the Milwaukee Journal Sentinel entitled "A needless overreaction to terrorism" criticized these provisions and pointed out the fallacy of the alleged link between habeas reform and terrorism or that these provisions will have any deterrent effect.

In the words of the Journal;

> It's difficult to see how limits on appeals by prison inmates would deter terrorism. Most such prisoners have been convicted of ordinary—not political—crimes. Besides, many terrorists are willing to undergo punishment, even death, for the causes they believe in.

The inclusion of habeas reform in this legislation has very little to do with terrorism and a great deal to do with advancing an agenda which has previously languished in the Congress.

Just as I opposed those law enforcement provisions which raised constitutional concerns, so too do I oppose these proposals.

We should be just as wary of proposals which forsake constitutional protection in the name of habeas reform as we are of those which do so in the name of expanding wiretap authority.

Mr. President, it is very likely that this conference report will become law. This is unfortunate. Not simply because bad provisions of this bill will become bad law, but because this bill represents an opportunity squandered.

This legislation started as an effort to address terrorism—to provide some protection for the citizens of this Nation against acts of terrorism. The American people deserve as much. Sadly Mr. President, for all the fanfare which will likely accompany this legislation, it fails to meet that laudable and important goal.

Mr. HEFLIN. Mr. President, I will support passage of the Terrorism Prevention Act Conference Report. Although the conference report is not as strong as the Senate-passed bill, nor is it as strong as I would like, it is much stronger than the House-passed bill and reflects a compromise between the two houses which is an essential element of our Nation's democratic process.

It is fitting that we enact this legislation around the anniversary of the tragic bombing which occurred in Oklahoma City and resulted in such a massive loss of life and injury to innocent people. We must enhance our Nation's efforts to combat domestic and international terrorism, and the conference report is a step in the right direction.

I am pleased that the conferees were able to restore many provisions which the House-passed bill deleted, such as allowing courts to expeditiously deport alien terrorists, allowing the President to designate foreign terrorist organizations so any assets they have in the United States can be more easily frozen by the Government, and making it a crime to donate or accept funds for foreign terrorist organizations. Further, the House-passed bill contained almost no funding for Federal law enforcement, and the conference report has a funding level of $1 billion for Federal and State law enforcement over a 4-year period.

The conference report contains a provision to require taggants be placed on plastic explosives, which are most commonly used by foreign terrorists, thereby making them more detectable, and it calls for a study on placing taggants on other types of explosives.

I would have preferred that the conference report contained the Senate-passed provisions allowing for multipoint wiretaps and other strong provisions, but this did not occur and motions to recommit the bill to conference with instructions to include those provisions have been unsuccessful. This is the democratic process, and I accept the will of the Senate.

That does not, however, leave this legislation a toothless tiger. It contains strong provisions to reform Federal habeas corpus laws—something that is long overdue. Reform of the habeas corpus process will speed up the imposition of sentences of those criminal convicted of especially brutal crimes. Overall, the conference report is a step in the right direction, and I urge its passage so that it can be signed by the President and allow our Nation to enhance its efforts to combat both domestic and international terrorism.

Mr. BRADLEY. Mr. President, I rise in support of the conference report to S. 735, the Antiterrorism and Effective Death Penalty Act of 1996. Almost 1 year ago today, the Oklahoma City bombing brought into sharp focus the reality and horror of domestic terrorism in America. The death toll of the bombing stands at 167, making it the deadliest mass murder in the history of the United States.

While several strong crime fighting provisions that I supported in the Senate version of the bill were deleted by the conference committee, this legislation contains tools that will enable the United States to respond to the international and domestic terrorist threats and prosecute these despicable criminal acts. On balance, Mr. President, this legislation will enhance the ability of law enforcement to combat both foreign and domestic terrorism.

Mr. President, the provisions in this bill are vitally important to our efforts to respond to international and domestic threats of terrorism. I, therefore, support this bill, and I am confident that because of our actions today, America will be more fortified against the evils of terrorism.

Mr. CHAFEE. Mr. President, for the last day and a half, the Senate has been debating the antiterrorism bill conference report. During debate, a number of motions to recommit the legislation to conference were offered.

I voted against all of them—even those with which I agree on the substance. In this situation sending the

bill back to conference would not be simply a matter of adding back provisions that we in the Senate like. Sending the bill back to conference would reopen the legislation to countless changes that the House might, in turn, demand that the Senate accept.

Obviously this conference report is not perfect. No bill is. Frankly, there are some provisions I wish were still in there, and others I would gladly see dropped. For example, I would have liked to see in the final bill the Boxer amendment on the statute of limitations for firearms violations. But I recognize that the nature of a conference is compromise. And therefore the package before us is the only one on which we can act.

In conclusion, I might add, I do not believe that the door is finally shut on amendments such as the Boxer amendment. We can hopefully revisit that amendment on another bill.

Mr. BROWN. Mr. President, I rise today in support of the conference report on the Terrorism Prevention Act. This bill takes many important steps in the fight against terrorism. In particular, several key provisions will significantly strengthen U.S. efforts to combat international terrorism. In recent years, attacking terrorism has taken a back seat in U.S. foreign policy. Attacks have been waged against innocent people and allies across the world, and yet terrorists are invited to the White House where their violent rhetoric has been conveniently overlooked.

In January 1994, Gerry Adams, the leader of the Irish-national political organization Sinn Fein, was granted a visa on a Presidential foreign policy waiver to travel to the United States. In doing this, the National Security Council overruled a unanimous recommendation from the Department of State, the Department of Justice, and the intelligence community that the waiver should not be granted due to the fact that neither Adams nor the Irish Republican Army have really renounced violence in theory or in practice. This exception represents the current administration's ability to pay lipservice to stopping terrorism while failing to achieve substantive results.

In the past, Adams had been denied a visa eight times by previous administrations because of his affiliation with the terrorist organization. But since obtaining a visa in January 1994, Adams has received seven additional visas from the Clinton administration, was received by State Department officials, introduced to National Security Advisor Anthony Lake, raised money throughout the United States while touring in March 1995, and celebrated St. Patrick's Day in the White House. All of this transpired even though he has yet to renounce the use of violence to achieve political goals or denounce the plague of terrorist bombings in Great Britain.

We cannot continue to project such an inconsistent and unflattering testament of our commitment to fight terrorism. The legislation we now consider addresses many of the shortcomings in our ability to deal strongly and effectively with terrorism. The provisions in S. 735 will significantly strengthen our authority to combat international terrorism, and three sections in particular are worth noting.

Section 221 of this bill amends the Foreign Sovereign Immunities Act to permit jurisdiction of U.S. courts for lawsuits against terrorist states, as designated by the Secretary of State. Under current law, U.S. citizens are barred from suing foreign governments or state-owned foreign enterprises unless the alleged injury is directly related to the commercial activity of the foreign government. In other words, American citizens can be tortured or murdered in a foreign state by agents of that state, and if that state provides no effective legal remedy, the American victims and their families have no enforceable legal remedy either in the United States or anywhere else in the world. The provision in section 221 will now allow victims of terrorism, hostage taking or torture abroad, or their survivors, to seek restitution against a state sponsor of terrorism when they are unable to gain relief in the courts of the country involved.

This provision provides vital remedies for victims. Just last summer a United States district court barred survivors of Pan Am 103 victims from suing Libya even though the United States Government had found Libya to be directly responsible and two Libyans had been indicted in United States court for the crime.

It is important to note that section 221 provides a responsible avenue for victims to seek just compensation. This is a powerful and significant tool that should be used cautiously. Thus the legislation limits the scope of jurisdiction to only those countries who have been identified as state sponsors of terrorism. Sovereign immunity is designed to protect nations from being dragged into another nation's courts for legitimate sovereign acts. The international community, however, does not recognize the right of any state to commit acts of torture, extrajudicial killing, aircraft sabotage, or hostage taking. Sovereign immunity is an act of trust among nations of good faith. When a terrorist state harbors or supports known terrorists, or injures or kills American citizens, it destroys that trust and should not be allowed to avoid the accusations of those it harms.

Beyond ensuring that American citizens have recourse after brutal terrorist acts, this section represents a vital counterterrorism measure. I am confident that the threat of enforceable judgments and levies against assets from U.S. courts will be a significant inducement for countries to get themselves off of the State Department's terrorist list.

Section 323 also provides an important tool in combating international terrorism. As a result of international pressures against states which provide support to international terrorists, some terrorist groups are seeking other means of financing and support, such as raising funds from sympathizers or establishing front companies. During its investigation of the Bank of Credit and Commerce International [BCCI], the Senate Foreign Relations Committee unearthed a significant trail of funding through BCCI that demonstrated the importance of international financial networks in the support of illegal and terrorist activity abroad. The bank hosted many illegal, unsafe, and unsound banking practices, as well as acting as a front for worldwide arms deals, drug deals, and assistance to various groups linked directly or indirectly to terrorist activity. Section 323 will enable U.S. prosecutors to begin to crack down on the use by terrorist groups of international financial institutions and front companies for their material support.

This provision would create a new offense of providing material support or resources, or concealing the nature, location, source, or ownership of material support or resources, for various terrorist-related offenses. Currently, an individual responsible for building a bomb or taking someone hostage can be prosecuted for their activities, but those providing financial or technical support, or harboring terrorists after the crime, can escape punishment of any kind. Section 323 criminalizes a series of offenses by recognizing all forms of meaningful assistance and material support to terrorists.

It amends current law which was originally offered with the same intent as section 323, but was severely weakened in conference, rendering it virtually ineffective. This language strengthens current law by restoring the original intent of punishing all persons involved, to whatever degree, in terrorist activities.

Finally, section 411 which allows the exclusion of alien terrorists from the United States is an extremely important tool in combating international terrorism. Currently we have a loophole in our immigration law that permits the United States to issue visas to know members of terrorist organizations. How can America expect to condemn other nations who support terrorists without first taking action to limit the organizational efforts of known terrorists in the United States? We must slam the door on foreign members of such terrorist organizations who now freely travel to our country.

The case of Sheikh Rashid Ghanoushi's application for a visa to

the United States highlights the far-reaching consequences of our limited exclusionary authority. Ghanoushi is an Islamic extremist whose terrorist organization was responsible for the deaths of many innocent tourists in Tunisia. He was convicted in absentia.

Nonetheless, in 1993, he applied for a visa to travel to the United States to speak to religious and academic audiences. In June 1994, the Government of Tunisia indicated that it would regard a United States decision to admit Ghanoushi as a hostile act. Furthermore, in the past Ghanoushi has urged violence against United States interests and continues to demand Israel's destruction. Yet the United States has still not issued a final decision about whether to grant a visa to him, claiming lack of authority to deny him entry. At present, Ghanoushi's case is under active review by the State Department.

It is well known that many foreign terrorist groups depend on money raised in the United States to fund their activities abroad. Terrorist activity should not be defined by the area in which a bomb explodes.

Our Nation, with its many democratic freedoms, represents fertile ground for terrorist organizations for fundraising, organizational support, and international recognition. Many of these terrorists organizations have already developed networks of support in our country.

The existing loophole in the Immigration Act of 1990 permitting members of terrorist organizations to come to the United States fostered an atmosphere of indecisiveness. It sends the wrong signal to the international community. The provisions in section 411 correct this inconsistency and effectively strengthen our authority to combat terrorism and keep those people who are members of terrorist organizations off of U.S. soil.

In the past decade, Americans have suffered numerous terrorists attacks. Without the authority and support created by S. 735, particularly the three sections I highlighted, we will continue to needlessly hamstring our ability to protect American citizens. Enough is enough. It is time to take bold steps to protect American citizens from the threat posed by terrorism. We know the obstacles currently facing us in the fight against international terrorism. S. 735 provides the tools and the authority necessary to wage an effective defense.

Mr. DODD. Mr. President, this Friday will be the first anniversary of the brutal and cowardly bombing of the Alfred P. Murrah Federal Building in Oklahoma City. One hundred and sixty-nine Americans, including 19 children tragically lost their lives in this terrible act of domestic terrorism.

A year later, that terrorist bombing continues to tear at the Nation's soul. As we continue to mourn the loss of so many innocent lives, our hearts go out to the survivors, the families of the victims and the courageous residents of Oklahoma City who have already begun the difficult healing process.

However, part of the process of healing begins with the pursuit of justice. And for the past year, law enforcement officials have tirelessly labored to see that the full force of the law is brought to bear on the guilty parties. And soon, the trial against the alleged bombers will begin.

But, as we continue the process of providing answers to this terrible tragedy—the deadliest terrorist attack on American soil—we must find new and innovative ways to prevent such acts in the future. That's what this bill is all about.

While no one will argue that this legislation, or for that matter any legislation, will finally and completely end terrorism, we must take the necessary steps to deter terrorists from their deadly actions. We must make it more difficult for them to kill and injure. And we must ensure that they are swiftly brought to justice.

President Clinton deserves praise for moving forcefully in that direction by submitting a comprehensive counter-terrorism proposal to Congress, after the Oklahoma bombing.

Unfortunately, in the year since the President introduced that proposal, Congress has dragged it's feet on this legislation. What's worse, I believe, many of the strongest elements of this bill have been watered down or eliminated by the House of Representatives.

Several provisions that would make it easier for law enforcement agencies to utilize multipoint and emergency wiretaps against suspected terrorists were removed.

The failure to include these wiretap provisions in the final conference report create a situation where it is easier for the FBI to tap the phone of someone they suspect of bribing a bank officer than someone who may be prepared to engage in a terrorist act.

What's more, this conference report prevents the Attorney General from requesting technical and logistical support from the military if our Nation faced an emergency involving biological and chemical weapons.

This provision was deleted even though I think everyone in this body would agree that the military has far more expertise in matters of chemical and biological weapons than our law enforcement agencies.

It's particularly disheartening that while these provisions were overwhelmingly agreed to by the Senate, they were removed from the final conference report because of the intransigence of the other body.

Similarly, while we need to find ways to prevent prisoners from abusing the legal process, by filing meritless appeals, we must ensure that those people who have been unfairly convicted have some legal recourse.

Unfortunately, I believe that the habeus corpus reform measures in this bill are ill-advised. They limit the ability of inmates to raise claims of innocence based on newly discovered evidence and also require Federal courts to defer to State courts on issues of Federal constitutional law raised by these claims.

However, while I feel this legislation could be further strengthened if it were recommitted to the conference, there are enough positive elements in the bill that allow me to vote for it.

This counter-terrorism legislation provides Federal law enforcement officials with the proper means to investigate and prevent terrorism. It establishes new Federal offenses to ensure that terrorists do not elude justice through gaps in the current law.

Similarly, it increases penalties for terrorist actions. And it gives new assistance to victims of terrorist attacks, including provisions that will make it easier to bring lawsuits against nations that sponsor terrorism. Combined, these steps will give law enforcement important new tools to use in the fight against terrorism.

Although it is not perfect, this bill will not only help the Nation prevent terrorist acts but it will also help hold terrorists accountable for their actions.

The bombing in Oklahoma made clear just how vulnerable we all are to these terrible acts of violence. And ultimately, I believe this legislation will make Americans safer from the scourge of international and domestic terrorism.

Mr. WARNER. Mr. President, I rise in support of this conference report which embodies compromise antiterrorism and anticrime legislation. I recognize that many Members would like to see additional provisions added. We have waited too long, however, to allow this opportunity to pass without enacting legislation which will help us avoid additional disasters such as Oklahoma City and the World Trade Center bombings. I thus support this conference report as it stands and will continue to work to pass additional measures which will combat terrorism, whether sponsored by foreign entities or by domestic extremists.

This bill provides $1 billion for enhanced law enforcement efforts, both at the Federal and State levels, to combat terrorism. Plastic explosives will be required to be tagged with materials which can be tracked back to the source in the event of a bombing. Foreign terrorists will be denied the opportunity to raise money inside the United States, and if found here, will be subject to special, but constitutional, deportation proceedings. The bill also includes numerous important

and noncontroversial provisions which will remove legal impediments to combat terrorism.

This bill also contains one of the most important anticrime and judicial reform measures passed in years. Finally, the charade of habeas corpus appeals will be reformed: death row inmates will no longer be allowed to drag out their appeals for several decades. I have faith that our State courts respect our constitutional rights, and in the exceptional case where Federal rights have been violated, defendants retain very reasonable access to Federal courts to prove their innocence.

We have come to a crossroads in this debate almost 1 year after the tragedy in Oklahoma. Either we pass this bill and begin reaping the protections it will provide us in the fight against terrorists, or we throw up our hands and give up. I believe we need this bill now and I commend the efforts of Senator HATCH and others to reach a reasonable consensus which can pass both houses and be signed into law by President Clinton.

Mr. PELL. Mr. President, today, as the Senate considers the conference report to S. 735, the Antiterrorism and Effective Death Penalty Act of 1996, I regret that as I did when this bill was presented for passage in the Senate, I again must oppose the final version of the bill. I do so for two basic reasons.

First, the conference did nothing to change those provisions of the bill which drastically curtail the Federal judicial protections afforded those given the death penalty in State courts. This is a departure from a longstanding tradition in English and American jurisprudence and, as an opponent of the death penalty, I feel I cannot in good conscience support it.

Second, the conference removed several of the most effective antiterrorism measures that were included in the Senate version of the bill. These include giving the FBI the ability to employ court-approved multipoint wiretaps, adding terrorism crimes to the list of those for which wiretaps can be approved, including terrorism crimes under RICO statutes, and permitting the use of military expertise to cope with either chemical or biological weapons of mass destruction. Without these provisions, I believe that the bill has been severely compromised and, in the process, the chance to do something truly meaningful about domestic and international terrorism in this bill has been lost.

Accordingly, I believe that the conference report fails to correct the deficiencies of the legislation that left the Senate last summer and furthermore, has eliminated many of its most effective counterterrorism provisions. Thus, I continue to oppose passage of this legislation.

Mr. LEVIN. Mr. President, I will vote for S. 735, I am distressed that a number of the strongest antiterrorism provisions of the Senate bill were dropped in conference with the House. For example, I am disappointed that the conference report would not—Provide the Attorney General the enhanced tools for fighting domestic and international terrorism that were requested by the administration and included in the Senate bill; permit the Attorney General to utilize the expertise of the military in investigations of crimes involving the use of chemical and biological weapons; or prohibit the dissemination of information on making explosive materials with the knowledge that the information will be used for criminal activities.

On balance, however, I conclude that the antiterrorism provisions in the bill, viewed as a whole, are still worth enacting.

The habeas corpus provisions of the bill are also problematical. Under the conference report, an application for a writ of habeas corpus may be granted if the underlying State court decision was "contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States."

I interpret the new standard to give the Federal courts the final say as to what the U.S. Constitution says. I reach this conclusion for two reasons.

First, several Members have raised the concern that the reference in the bill to an unreasonable application of Federal law could create two different classes of constitutional violations—reasonable and unreasonable. I vote for the bill because I have confidence that the Federal courts will not do this. I believe the courts will conclude, as they should, that a constitutional error cannot be reasonable and that if a State court decision is wrong, it must necessarily be unreasonable.

Second, I note that this provision permits a Federal court to grant a petition for habeas corpus if the State court decision was contrary to Federal law. I interpret this language to mean that a Federal court may grant habeas corpus—on a first petition—any time that a State court incorrectly interprets Federal law and that error is material to the case. In other words, if the State court's interpretation of the U.S. Constitution is wrong, this standard authorizes the Federal courts to overturn that interpretation.

The provision in the bill refers to "clearly established Federal law, as determined by the Supreme Court of the United States." I understand this provision to refer to the whole body of Supreme Court jurisprudence on substantive and procedural rights. If the Supreme Court has adopted a clear rule of law and that rule has been consistently interpreted and applied by the courts of appeals, that rule—and its consistent interpretation and application—would prevail in habeas corpus proceedings.

In sum, Mr. President, I believe that this standard can be interpreted in a manner that is consistent with the fundamental duty of the Federal courts to act as the final interpreters of the meaning of the U.S. Constitution, and to protect the constitutional rights of Americans.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the only remaining motions to recommit in order to the pending conference report be the following: Two additional Biden motions; further, that the motions be limited to the restrictions previously agreed to, and that following the debate on all motions and the conference report, the Senate proceed to vote on or in relation to the pending motions, to be followed by a vote on the adoption of the conference report, all without any intervening action or debate, with the exception of using 6 minutes, equally divided, for debate prior to the final passage vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MOTION TO RECOMMIT

Mr. BIDEN. Mr. President, I am offering a motion to recommit the conference report with instructions to add provisions relating to a third type of wiretap that was deleted, referred to as an emergency wiretap.

I send the motion to recommit the conference report to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] moves to recommit the conference report on the bill S. 735 to the committee of conference with instructions to the managers on the part of the Senate to disagree to the conference substitute recommended by the committee of conference and insist on inserting the following:

SEC. . REVISION TO EXISTING AUTHORITY FOR EMERGENCY WIRETAPS.

(a) Section 2518(7)(a)(iii) of title 18, United States Code, is amended by inserting "or domestic terrorism or international terrorism (as those terms are defined in 18 U.S.C. 2331)" after "organized crime".

(b) Section 2331 of title 18, United States Code is amended by inserting the following words after subsection (4):

"(5) the term 'domestic terrorism' means any activities that involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State and which appear to be intended to intimidate or coerce a civilian population or to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by assassination or kidnapping.".

(c) This section shall be effective one day after enactment of this Act.

Mr. BIDEN. Mr. President, I do not plan on taking the entire allotted time on this side with this motion.

Let me be real clear about this. This provision was not in the Senate bill. It

was offered by Senator LIEBERMAN, and it was strongly supported by many in this body. But it was not in the original Senate bill.

This provision incorporates the President's proposal to expand emergency wiretap authority. Today, emergency wiretap authority is available for organized crime cases. This proposal simply makes it available for terrorism cases. This proposal says that what is fair for the mob is fair for Hamas. What is good for John Gotti is good for any terrorist from abroad. What is good for those involved in organized crime is good for terrorists. If the justification exists for organized crime in and the mob, why does it not exist for crimes of terrorism?

Let me first explain what an emergency wiretap is, because understandably a lot of people—I know many, like the Senator from Utah and the Senator from Pennsylvania, Senator SPECTER, and the Senator from Vermont, Senator LEAHY, all former prosecutors understand these wiretap requirements, but many do not.

An emergency wiretap—I will explain more precisely not only what it is but how it is limited. First of all, in all cases—or in most cases—the Government must go to a judge to get a court order before it can initiate a wiretap. But at the same time, Congress recognized there are emergency situations where time is of the essence and that completing the necessary paperwork and getting the judge's order will simply take longer than the situation allows.

I have gone through today probably a half hour's worth laying out precisely the safeguards built into getting a wiretap for a crime that is listed in the Criminal Code as being able to get a wiretap for, and how long and difficult the process is and should be. But the Congress in the past has recognized that there are situations under current law which allow the Government to initiate a wiretap without a court order. Here are the circumstances: where immediate danger, death, or serious physical injury exists; where conspiratorial activities threaten the national security, or a conspiratorial activity characteristic of organized crime activities exist.

Only the top three Justice Department officials—the Attorney General, the Deputy Attorney General, and the Associate Attorney General—have the authority under the present law to issue or to authorize any emergency wiretap.

If the law stopped there, I would agree with those who object to this amendment. I would agree that it does not go far enough to protect our civil liberties if all it said was one of the three top the Justice Department officials can initiate a wiretap. But the law does not stop there now. It does not allow Federal officials to operate on their own for long. Indeed, it requires that if the Attorney General authorizes an emergency wiretap for any one of those three circumstances I mentioned, they must nonetheless go before a Federal judge within 48 hours and make a case that probable cause exists for this wiretap prior to the authorization of the wiretap, prior to the time the tap started. Prior to that time, they have to prove there is probable cause that the subject was committing a specific crime. The officials also must convince the judge that they could not have completed the necessary application prior to beginning the wiretap.

And, of course, if the judge concludes that either they could have completed the application in the necessary time or that there was no probable cause at the outset, then none of the evidence, no matter how incriminating, that is acquired as a consequence of the emergency tap can be used in court against the target. If the judge does not buy it, enforcement will have blown their case. Not only must the wiretap stop, but none of the evidence obtained by the tap can be used against the target.

This is a powerful check on the Government's power. You can bet that they are not just going to go around willy-nilly exercising—the top three officials of the Justice Department—emergency authority because, if they do, they will lose their evidence if they turn out to be wrong, which means they will lose their case, which means the bad guys go free and all the time investigating up to that point will have been wasted and blown. That is not what law enforcement wants.

I want to repeat. Why, if we give this authority, this very limited and proscribed emergency authority to the Government, to the prosecutors, to the Attorney General of the United States, to deal with organized crime, why does it not make sense to allow them to deal with Hamas or deal with a terrorist organization?

The last time I looked, the Mafia had not blown up a Federal building. The last time I looked, the Mafia had not blown up the World Trade tower. They are real bad guys, and I have spent the bulk of my career as a U.S. Senator on both the Intelligence Committee and the Judiciary Committee passing laws and working to nail the Mafia. But if an emergency wiretap is good enough for John Gotti, why is it not good enough for the Unabomber? If the emergency wiretap is good enough for John Gotti, why is it not good enough for some wacko who blows up or is about to blow up a Federal building in Wilmington, DE, or Washington, DC?

I want to repeat. To give this authority to the Government when it comes to organized crime, why not for terrorists?

Of course, wiretapping is a powerful and intrusive tool. That is why the current wiretap statute contains a number of restrictions to prevent the abuse of emergency wiretaps, none of which would be changed by this amendment.

Let me repeat. Only the top officials at Justice—the top three, those who have the most at stake in an investigation being blown by bad evidence—can authorize such a tap. Even then, they have to go to the court within 48 hours and must adhere to all the strict guidelines for getting a court order in the first instance. If they do not get the court order, none of the evidence is able to be used.

Let me emphasize. This amendment does not in any way weaken what the Government must show to get a wiretap order. Law enforcement still must show that some particular person has or is about to commit some particular crime. And this provision only applies to cases of international domestic terrorism, which is further defined as—let me define what this would apply to and only what it would apply to: activities that involve violent acts, or acts dangerous to human life, and which appear to be intended to intimidate or coerce the civilian population, or to influence the policy of the Government by intimidation or coercion, or to affect the conduct of a Government by assassination or kidnapping.

Why, if in fact they believe that any one of those circumstances exist, should they not, with all the safeguards built in, be able to get an emergency wiretap?

Let me say, although I have no illusions that this will pass, that I hope we will continue to demonstrate by the votes we have heretofore—over 45 and as many as 48 of our 100 colleagues felt strongly about these issues. These are not frivolous undertakings. These are not frivolous motions. All but one of the amendments I have offered, I believe, has gotten over 40 votes. I think they have all gotten over 45 votes, so we are pretty evenly divided on this. I just want to make sure that before final vote on this conference report, that I do everything in my power to make this a much more useful tool in fighting terrorism.

Again, I know my colleague—and I respect him—is going to say if this passes it will kill the bill. I cannot believe that this will kill the bill. If we cannot put 35, or whatever number that is the number quoted by the House, Members of the House in the position where they have to yield on what would be an incredibly strong bill only because they are worried that we now allow terrorists to be treated the same way as John Gotti and the mob, then I think—I doubt whether they will vote that way because I doubt whether many of their constituents will keep them around if they vote that way. And quite frankly, if they vote that way, it is best for all to see. If they vote that way and defeat the conference report, we could come back

with an amended report and pass what we have. So this will not kill the bill, but I am sure that is going to be stated.

I reserve the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Utah.

Mr. HATCH. Mr. President, again, in the real world, in the case of the Unabomber or a terrorist where there is a real threat or an immediate concern, you do not need this provision to get an emergency wiretap. All the Senator's motion does is expand the number of crimes that would trigger the wiretap statute. This amendment was offered during the Senate debate. It was defeated. It was not a part of the Senate bill. It was not a part of the House bill. It is not a part of our conference report, and rightly so. I oppose this provision that could expand emergency wiretap authority to permit the Government to begin a wiretap prior to obtaining court approval in a greater range of cases than the law presently allows. I personally find this proposal troubling. I am concerned that this provision, if enacted, would unnecessarily broaden emergency wiretap authority. Under current law, such authority exists when life is in danger, when the national security is threatened, or when an organized crime conspiracy is involved. In the real world, we do not need this amendment to get emergency wiretap authority, and that is a fact.

Let me also say that this authority is constrained by a requirement that surveillance be approved by the Court within 48 hours, but that authority already exists in those areas I have addressed.

Now, this proposal of the distinguished Senator from Delaware would expand those powers to any conspiratorial activity characteristic of domestic or international terrorism. I do not think that expansion is necessary to effectively battle the threat of terrorism. You can get that emergency authority now. In the Unabomber case, no question; when terrorist acts are threatened, no question. I think that the opinion of many, many experts would agree with this analysis.

Now, it is also very important to note that it is not 35 conservatives over in the House that are against this. The vast majority of people against this amendment happen to be liberals who are very concerned with an unwarranted expansion of wiretap authority and surveillance authority. I have to say now there is an increasing number of libertarian conservatives who are becoming more concerned over law enforcement and some of the approaches that have been taken. I personally believe that those concerns are not justified.

On the other hand, they are legitimate concerns, and they arise primarily out of the Waco and Ruby Ridge and Good Ol' Boys Roundup, and other types of law enforcement mistakes that really were made. I have called them mistakes. Some people have felt that they should be characterized a little stronger than that.

Frankly, I am proud of the law enforcement agencies of this country. I know these people. I know what wonderful people they are. I know how much they risk their lives for you and me. But we do not need this authority in order to do emergency wiretaps in these particular areas.

At this point, I should like to yield 5 minutes to the distinguished Senator from California, who has asked me for some time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I very much thank the distinguished chairman of the Judiciary Committee for this opportunity. I did have an opportunity to speak yesterday, but there is something I omitted to say that I very much felt was part of this discussion.

What happened in Oklahoma City was brought home to us in California last Friday. Early that morning, about 9 o'clock, there was a phone call that came into the Vacaville headquarters of the Labor Department's Mine Safety Administration, and the caller said, using some expletives, "You guys are all dead. Timothy McVeigh lives on."

Later that afternoon, a mine safety inspector by the name of Gene Ainslie, who worked with the Department of Labor, was returning from inspecting a mine in Sierra County and he dropped off his official car. He got into his pickup truck, met his wife, started out on Interstate 80 to return to Sacramento, and the pickup truck exploded. A bomb had been placed on that truck.

Gene and Rita Ainslie are hospitalized today in serious condition—actually, today is their 32d wedding anniversary—Gene, with shrapnel in his legs and severe burns, and his wife with a broken ankle and a dislocated hip, but they survived. I and every Member of this body send them our fondest greetings and let them know that our hearts and thoughts are with them both.

This was not a random act of violence. It was not a deranged individual on a shooting spree. It was a deliberate and, once again, targeted attack on a representative of the U.S. Government, an attack that was aimed at murdering a Federal employee. This is not an isolated incident, and we have all seen them happening. There will be a study that will released very shortly, an annual study of terrorism. And what it will show is that, for the first time, the United States of America is listed among the top 20 nations experiencing the highest level of terrorism and political violence in the world.

I was shocked when I heard this. According to the study, there were 44 incidents reported to the authorities in the United States, an increase of 200 percent since 1988. With this number of incidents, according to this study, we ranked ahead of Lebanon.

I only say this because of the particular pertinence of the legislation before us today. We relate the legislation to the Oklahoma City bombing a year ago, but in fact even last Friday an incident took place in the State of California.

I think we also need to look at what is happening in our society that is fostering so much hatred and disregard for human life, and what can be done to restore the values of justice and respect for the rule of law that really made this the greatest democracy on Earth.

I do not believe this is about restoring faith in our Government. I do not believe right thinking people resort to this kind of violence because they think they pay too much in taxes or because they are angry at Government red tape. I think there really is no justification and no rationale for this kind of behavior.

But what does concern me is that the report I get from California is that there are very disspirited Federal employees, that morale is low, and that some, for example those affected by the bomb last Friday, really do not know that anybody cares about them. And what I want them to know, and I know I am joined by every Member of this Senate, is that, in fact, we do care about them. We do know that Federal employees—every member of the Army and the Navy who went to the Gulf war was a Federal employee, every park official is a Federal employee—these people take the job not for the money, certainly, but because this is the way they want to serve their Nation.

They are entitled to respect, and it is our job to see that they have that respect. So, as we pass this bill, which I hope we will do shortly, as a kind of living memorial to what happened in Oklahoma City, I think we have to do it with a view that these events are taking place in this Nation daily, just as it happened last Friday near Sacramento and Vacaville in the State of California.

I say to Gene Ainslie, 56 years old, celebrating his 32d anniversary today with his wife Rita, and all those who labor as part of the Federal Government, that we Americans do respect them, that we do honor them, and we will do everything in our power to see that this kind of behavior is not inflamed, but rather it is put to an end.

The PRESIDING OFFICER. The Senator from Utah has 5 minutes and 13 seconds.

Mr. HATCH. Is there any other time remaining?

The PRESIDING OFFICER. The Senator from Delaware has 4 minutes and 9 seconds.

Mr. HATCH. I am prepared to yield back the remainder of my time.

Mr. BIDEN. I am prepared to yield back the remainder of my time.

Mr. HATCH. Then we will both yield the remainder of our time.

Can we proceed to the next amendment?

MOTION TO RECOMMIT

Mr. BIDEN. Mr. President, my colleagues will know this is the last motion I have.

I offer a motion to recommit the conference report with instructions to delete the section relating to the study of Federal law enforcement. Senator KOHL of Wisconsin wishes to be added as a cosponsor as does, I believe, although I am not certain, Senator NUNN. I will check that. But Senator KOHL for certain.

I send a motion to recommit the conference report to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware, [Mr. BIDEN], moves to recommit the conference report on the bill S. 735 to the committee of conference with instructions.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the motion be dispensed with.

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

The motion is as follows:

Motion to recommit the conference report on the bill S. 735 to the committee of conference with instructions to the managers on the part of the Senate to disagree to the conference substitute recommended by the committee of conference and insist on deleting the text of section 806 of the conference report.

Mr. BIDEN. Mr. President, just for the sake of discussion, if there were 10 very important provisions in this bill when we passed it out of the Senate, it has come back to us with 4—I am not being literal—with fewer than we sent over. Fewer than 50 percent of the provisions that I think are important in this bill remain in the bill.

In truth, when the Senator and I got to conference, there were probably only 10 percent of the provisions we thought important in the bill. To the credit of the Senator from Utah, he was able to get back additional provisions in the bill. For that I compliment him.

What I have been fighting about all afternoon here is trying to add back provisions that I think were mindlessly removed and removed tools that we could make available to law enforcement to protect my children and me and all of us in this Chamber and around this country.

This is the one portion of the conference report that I am seeking to delete that has made the bill worse than when it went out of here. Up to now I have been arguing that we sent a bill out of here with a lot of good things that the House stripped out and I wanted to put them back in. Not only did the House take out the bulk of the really good things that were invaluable to fight terrorism, but it added some things which I think are counterproductive. One of them is pandering to this concern of some Americans that the bad guys are the cops, the bad guys are the Government, the bad guys are the FBI or the ATF or the Justice Department.

I do not believe we should go forward with an antiterrorism bill that has a study in it only of police and not terrorists. For that reason, I propose to delete the study of the police in this bill. I think it is more of an affront than it is a substantive problem. If we do not delete this, we will be faced with a conference report that studies cops but not terrorists.

Let us remember who has literally laid down their lives in the defense of our Nation and our way of life. It is the Federal law enforcement officers, not the terrorists. This study will provide nothing but a forum for those who believe the Federal law enforcement is the enemy of the American people and not the protectors. We are unwittingly aiding and abetting that notion by deciding that, in a terrorism bill, we are going to study the cops.

The study says, section 806, Commission on the Advancement of Federal Law Enforcement.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Commission on the Advancement of Federal Law Enforcement" (hereinafter in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall review, ascertain, evaluate, report, and recommend action to the Congress on the following matters:

(1) The Federal law enforcement priorities for the 21st century, including Federal law enforcement capability to investigate and deter adequately the threat of terrorism facing the United States.

(2) In general, the manner in which significant Federal criminal law enforcement operations are conceived, planned, coordinated, and executed.

(3) The standards and procedures used by Federal law enforcement to carry out significant Federal criminal law enforcement . . .

(4) The investigation and handling of specific law enforcement cases . . .

(5) The necessity for the present number of Federal law enforcement agencies and units.

Get that? We are going to study the necessity, the necessity of the present number of law enforcement agents and agencies. What is the implication of that? The implication of that is there are some bad law enforcement agencies out there. I assume this is the right's attempt to go after the Alcohol, Tobacco and Firearms. I do not know. That is who we are studying. We are going to study the cops, not the terrorists.

We have to study the location and efficacy of the office or entire entity responsible, aside from the President, for the coordination of interagency bases of operation, programs and activities of all Federal law enforcement agencies.

It goes on, by the way, for another half a dozen sections.

Think about this. Many of us were local officials before we came here. How many times did a very small segment of our community come to tell us that we had to set up commissions and we had to set up outside organizations, we had to set up police review boards, and so on, because they did not like the cops? Sometimes it was necessary. But remember how good cops responded to this.

I spoke with Director Louis Freeh today. He called me—the Director of the FBI. Of every single thing in the bill, this is the thing that most concerns him because of what it says to the American people about what we in the Congress think about our law enforcement agencies, the very people who probably have captured the Unabomber; the very people who have gotten hold of, apparently, the man or men who blew up the World Trade Center, as well as the Federal building in Oklahoma City; the very people who, just a couple of weeks ago, outside of my State in neighboring Pennsylvania, were shot down dead, protecting people in Philadelphia—FBI agents, the very people who, increasingly, are losing their lives fighting crime and terrorism.

These are the people who we are going to investigate. There is not even a parallel study in here to investigate malicious, to investigate organizations that, in fact, raise questions, to investigate—separate issue—terrorist, per se, organizations. We are going to investigate the cops.

I can remember the years during the Reagan era. We talked about how demoralized the military felt and, to Reagan's great credit, in my view, one of the things I agreed with him on is he built up the morale of the military, after years of being beaten about the head after Vietnam.

These guys need our support, Mr. President. These women need our support. They do not need us yielding to the NRA and others insisting on a study—a study of them in a terrorism bill.

That is the study we are going to make. We are fighting terrorism, and every law Federal law enforcement officer in the Nation, guarantee you, knows that we spend an entire page of this bill—that is not true, half a page of this bill—laying out extensively what we are going to study, the people we are going to appoint to study this and, listen to this:

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 5 members appointed—

By whom?

One member appointed by the President pro tempore in the Senate; one by

the minority leader of the Senate; one by the Speaker of the House; one appointed by the minority leader of the House; one member who shall chair the Commission will be appointed by the Chief Justice of the Supreme Court.

(2) DISQUALIFICATION.—A person who is an officer or employee of the United States shall not be appointed a member of the Commission.

How is that? Why cannot someone who is an officer of the U.S. Government—what a field day these wacko Freemen out in Montana are going to have when we pass this. I promise you, they are going to hold this up—some of them, may not be those guys—but other wackos and say, "See, we're right, the U.S. Congress thinks we have to study these people, and they don't even trust them enough to allow any Federal Government employee in any capacity to be on the commission."

I think this is humiliating, absolutely humiliating. Disqualifications: you are disqualified if you are an officer or an employee of the United States of America. That means any military person could not be on the commission; it means the Chairman of the Joint Chiefs of Staff could not be put on the commission.

This is disturbing, and if you doubt what I am saying after this is over or before we vote, pick up the phone, call Louis Freeh, call any of the police officers you know and respect, call the people we count on to protect our lives that we are studying them.

I see my friend from Utah is on his feet, and my friend from Wisconsin who wishes to speak in favor of this motion is here. I will be happy to yield to either one of them. How much time remains under my control, Mr. President?

The PRESIDING OFFICER. Three minutes 50 seconds.

Mr. BIDEN. I yield the remainder of the time to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I thank my friend from Delaware.

Mr. President, I rise to speak in support of this motion to recommit, and I also want to speak generally about the terrorism measure before us. In sum, we should approve this legislation because it is the best we are likely to get and the best we can do for the victims of the Oklahoma City bombing. But I believe the record should be clear that we should have done better.

For many years, we have watched with growing concern as terrorist violence has escalated and reached closer to our homes. We can no longer ignore the fact that post-cold war violence knows no borders, and respects no distinction between soldiers and innocents.

For that reason, Senators BIDEN and SPECTER and myself introduced legislation to fight international terrorism last February. We broadened our legislation to reach domestic terrorism after Oklahoma City. And building on this, the Senate overwhelmingly supported a strong, bipartisan proposal.

That is not the proposal we are debating, however, today. We are now considering a version of that bill which is far more watered down.

Still, if we cannot enact a strong and decisive antiterrorism bill, this measure will do at least some good. For example, it will still provide law enforcement with new weapons to choke off terrorist fundraising, new powers to deport suspected terrorists, and the ability to "tag" plastic explosives. All of these provisions will help reduce the threat of terrorism, all are constitutional, and in their entirety they make this measure worth saving.

Unfortunately, other parts of the conference report are more problematic. The conferees deleted Senate provisions that would prevent new technology from undermining our wiretap laws. The conferees prohibited the military from using its resources to help fight chemical and biological weapons.

And the conference also added some troubling items. For example, our subcommittee held 14 days of hearings on Ruby Ridge and issued a report that was praised across the political spectrum—by Janet Reno and by militia leaders. So why do we need to have a so-called Commission reopen this matter? Similarly, why does a study of cop-killer bullets suddenly appear in this bill? Is this really necessary? Is it really an important part of our fight against terrorism?

I believe the answer is no.

The best arguments against the motions to recommit seem to be this: Don't let the perfect be the enemy of the expedient. Or we have to accept the bad in this bill to finally enact some of the good.

Well, in a certain sense that is true. But America should clearly understand that this is not what we here in the Senate agreed to. America should know that this legislation has been used to forward a political agenda that does not advance the cause of preventing terrorist acts. America should understand that while this bill does something for the memories of the Oklahoma City victims, it could have done much more.

So I will support this conference report—on balance it is better than no bill at all—and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, this Commission will explore issues surrounding the future and mission of Federal law enforcement as we enter the 21st century. Among other things, the Commission will assess our efforts to prevent and investigate future acts of domestic and international terrorism. It will consider the pressing issues facing law enforcement as crime rates rise and as criminals become more sophisticated.

I appreciate the fact that the law enforcement community is sensitive to this sort of review, but this Commission is different in focus, and we made it different in focus in the conference from the House-passed version. What was once a Waco-Ruby Ridge Commission with subpoena power is now a Commission to help Congress set Federal law enforcement priorities for the 21st century. It is a Commission which, in my opinion, will help law enforcement. I must say to my friends in the law enforcement community that I only learned of their concerns after the report was filed. If there are specific areas of the Commission's scope which are truly troublesome, I will work with them to try to address their concerns.

It should be noted that the last time a Commission looked at Federal law enforcement was over 60 years ago in 1931. In that year, the Commission on Law Observance and Enforcement, established by President Hoover, better known as the Wickersham Commission, made public its recommendations to Congress.

In a report signed by its chair, former Attorney General Wickersham, the Commission concluded that the growth of interstate crime, an interstate organized crime network, and interstate property and economic criminal activities, mandated the need for an increased Federal role in law enforcement.

At that time, the findings and recommendations of that Commission were truly a major contribution to the fight against crime in this country.

There is more I have to say on this. At the appropriate time, I will move to table both of the Biden motions, because this Commission is thought to be extremely critical by people in the House. We have bona fide it to make it more palatable to those who object to it, and I believe we bona fide it to a degree that it can be acceptable.

On the other hand, we will continue to look at this language after this bill is passed, and I will continue to listen to law enforcement and others who are concerned and see what we can do to resolve their concerns.

I am pleased to yield 10 minutes to the distinguished Senator from Pennsylvania.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished chairman of the Judiciary Committee for yielding this time.

I support this legislation because I think it makes important improvements in our fight against terrorism and also in our fight against violent crime in the United States.

The additional $1 billion will be an enormous help to the FBI and law enforcement officials to fight terrorism. The Subcommittee on Terrorism, which I chair in the Judiciary Committee, held extensive hearings after the Oklahoma City bombing. There is absolutely no doubt about the need for more resources by the FBI. The FBI Terrorism Center will provide a clearinghouse which will be of enormous aid and assistance.

As is frequently the case, the bill is not entirely to my liking or the liking of anyone. There are a couple of provisions which concern me that I want to comment about because they may be cured at a later date.

On the provision relating to expedited deportation, I am concerned about the absence of a right of confrontation. There is a constitutional right to confront your accuser in a criminal case. A deportation proceeding is not a criminal case. It is defined as a civil case, but the consequences are extreme because a person is ousted from the country. There are very important policy considerations to not allowing the right of confrontation because many of the witnesses are confidential informants and the disclosure of their testimony would be very harmful to ongoing law enforcement efforts.

We do have an unclassified summary, included in an amendment offered by Senator SIMON and myself, and I think that is about as far as we can go. But I believe we have to watch how the act works on this expedited deportation proceeding in the absence of a confrontation right.

The restrictions on fundraising are also important. I have some concern about the limited judicial review, but on balance, this legislation against terrorism is very, very important. I am glad to see that we are finally acting on it.

Attached to this terrorism bill, Mr. President, are provisions relating to modifications of habeas corpus which limit the time for appeals on death penalty cases. This has been a long time in coming to this country. It is something that I have worked on personally for more than a decade, based upon the experience I had as the district attorney of Philadelphia. We currently have the death penalty applied and then there are delays of up to 17 years while the cases languish in the Federal courts. Most of the arguments about these provisions are made by people who are opposed to the death penalty. The lengthy appeals process in the Federal court has, in effect, defeated the deterrent effect of the death penalty.

I am personally convinced, Mr. President, that the death penalty is a deterrent. I saw many cases in my 12-year tenure in the Philadelphia district attorney's office, 4 years as an assistant DA trying murder cases and 8 years as district attorney, arguing appellate cases where the death penalty was imposed, and I am convinced that professional burglars do not carry weapons for fear of the death penalty when it is timely. But the only way a deterrent can be effective is if it is certain and reasonably swift. The time limits established in this bill are very, very important. They break new ground.

I first offered these time limits, Mr. President, in 1990. After a long, tough debate we got these time limits established by a 52-to-46 vote. They were incorporated again in 1991, passed by a narrow vote of 58 to 40. In 1993, habeas corpus was left out of the crime bill, and I offered these provisions. They were defeated on a motion to table. Senator HATCH and I later collaborated on the Specter-Hatch bill. It is not too easy to come ahead of Senator HATCH on a bill, but I did. Senate bill 623 established those time limits and they are incorporated into this final bill. They will require that anyone on death row has to file a habeas corpus proceeding within 6 months if counsel is provided, under State law, or within 1 year if counsel is not provided.

Mr. President, I think that we should have included provisions for counsel. They are not in this bill. I think that is a serious mistake. I hope it is a mistake we can correct at a later time.

When you talk about inmates languishing on death row for up to 17 years, you are talking about a problem for the system, you are talking about a problem for law enforcement, you are talking about a problem for the victims' relatives, and you are also talking about a problem for the defendants themselves on death row.

The European Court on Human Rights decided that it was cruel and barbarous treatment, cruel and inhumane treatment, to keep someone on death row for 6 to 8 years. There was an extradition case which came up where somebody was accused of murder in the first degree in Virginia, which had the death penalty, and extradition was sought from Germany. The Court denied extradition on the ground that it would be cruel, barbarous, and unusual treatment to keep someone in jail for lengthy periods of time, for 6 to 8 years. Obviously, 17 years is an extension of the time which was held to be cruel and barbarous treatment.

This bill provides a limitation on time so that the district court must decide the case within 180 days, 120 days for brief and hearing, and 60 days for decision. I have been involved in these cases in the State court. I have been involved in habeas corpus proceedings as a trial counsel in the Federal court. What the judges do is put these cases on the back shelf. There is no reason they cannot give these cases priority treatment. Now they will have to. The Congress of the United States recognizes judicial independence on what judges decide, but in terms of timetable, we have the authority to establish timetables, and we have done so under the Speedy Trial Act of years ago. Even in the jurisdictions which have a tremendous number of death penalty cases, like Texas, California, and Florida, the judge does not have more than one of these cases every year and a half. So they can put these on the expedited trial list.

This bill also provides that there will not be repetitive decisions, because the court of appeals will be the gatekeeper.

Mr. President, I inquire how much time I have remaining of my 10 minutes.

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. SPECTER. That tells me how brief I have to be.

We have had repetitive petitions filed. They have been a major irritant in the Federal court system. The idea of the Court of Appeals as a gatekeeper came to me from a law school classmate, Judge Jon Newman, chief judge of the Court of Appeals for the Second Circuit.

I am concerned, Mr. President, about a couple of provisions. I think the bill is too restrictive in limiting the ability to present a claim of innocence, requiring that it be proved by clear and convincing evidence. I joined Senator LEVIN in seeking to change that standard. But the reality is that the standard of proof is a very variable thing. I think if it is established innocence, it may not make a whole lot of practical difference, but I think clear and convincing evidence is too high a standard from a theoretical point of view.

Similarly, I do not favor the deference which is allowed to the State court decision, requiring that it has to be unreasonable in order for the Federal court to overturn it. But I think in a Federal habeas corpus proceeding, if the court thinks it is unreasonable, it will be able to overturn the decision, notwithstanding a standard that is really not as precise as it ought to be.

I think the exhaustion requirement is misplaced here. We would be better off without it. But the net effect, Mr. President, is that this legislation is very good legislation taken as a whole. It will help out on terrorism with the additional resources. We have a tremendous problem in this country with the potential for terrorism. We have seen it in the World Trade Center bombing. We have seen it in Oklahoma City. In my capacity as the chairman of the Senate Intelligence Committee, I see a lot of problems which we cannot discuss openly, but we can move for the additional resources.

On law enforcement, the death penalty is the law of the land in 37 jurisdictions in this country. It is favored by more than 70 percent of the American people. If States do not want it, they do not have to have it. But the

States that do have it ought to have it enforced. I think the overwhelming weight of authority is that it is a deterrent. These provisions are fair to the defendant. The European Court on Human Rights held it cruel and unusual punishment to impose a delay of more than 6 to 8 years.

So it is fair to the defendant. Certainly it provides closure for the victims' families, and it will reinvigorate law enforcement by taking out the habeas corpus provisions which really made the death penalty a laughingstock. So in total I think it is a good bill.

I commend all of my colleagues who have worked on it in the House. I think we will see passage of something which will be very, very significant for law enforcement in this country.

Mr. President, violent crime has been one of the worst problems faced by the people of our country for several years. Homicide rates, fueled by illegal drugs, spiraled upward in the 1980's. While the rate of violent crime has recently started to decline, there remains far too much violence in our society. And while the violent crime rates are down, the future is grim: the rate of murder and violent crime committed by children under 17 is soaring, and the number of youth in our society is increasing. Therefore, we may expect another surge in violent crime unless we take action.

There are many avenues to take to curb violent crime. We need a balanced approach that includes law enforcement, drug prevention and treatment, crime prevention programs and other means of steering juveniles away from drugs and crime.

Based on my personal experience as an assistant district attorney and as district attorney of Philadelphia, I am convinced that the death penalty is an effective deterrent to violent crime. Criminal justice experts agree that in order for any penalty to be effective as a deterrent, it must be swift and certain. When years pass between the commission of the crime and the carrying out of the sentence, the link between crime and punishment is broken.

The great writ of habeas corpus is the means by which criminal convictions and sentences in State court are reviewed in Federal court to ensure that the trial satisfied the requirements of the U.S. Constitution. It has been an indispensable safeguard of constitutional rights in this country, especially since the 1930's when the Supreme Court began reviewing State-court convictions in cases like the Scottsboro case. Unfortunately, the Federal courts have gone too far in habeas corpus cases. These cases drag on for years, and there is no end to them, as inmates, especially those on death row with nothing to lose, file endless rounds of petitions.

There is no statute of limitations for filing habeas corpus petitions. This leads inmates who have been sentenced to death to wait until they are facing their imminent execution before filing their habeas corpus petition in Federal court. An example of this abuse is the case of Stephen Duffey in Pennsylvania. Duffey murdered his victim in 1984. His conviction was finally upheld by the Pennsylvania courts in 1988. His death warrant was not signed until 1994, 10 years after the murder. It was only when the death warrant was signed by the Governor that Duffey first sought habeas corpus review in Federal court.

The requirement that all claims raised in Federal habeas corpus petitions be presented and fully adjudicated by State courts has also led to excessive delays and unsound rules as to whether Federal courts can even consider a habeas corpus petition.

The case of Michael Peoples, which I have discussed with my colleagues on numerous occasions, shows graphically how the exhaustion rule leads to excessive formalism and delay. People was convicted of a vicious robbery in 1981, and his conviction was upheld by the intermediate Pennsylvania appellate court in 1983. The Pennsylvania Supreme Court denied review by an order that did not make it clear whether it was based on the merits or on the court's procedural discretion not to hear cases that do not present a substantial legal issue. Peoples then filed a habeas corpus petition in 1986. The district court denied the petition for failure to exhaust his State remedies. The Court of Appeals for the third circuit then reversed on the ground that the exhaustion requirement had been satisfied when the Pennsylvania Supreme Court denied review. Peoples then appealed to the U.S. Supreme Court, which granted review—making the case 1 of just 147 it heard that year out of over 4,550 petitions for Supreme Court review—and reversed the third circuit. On remand, the third circuit issued a complicated ruling finding that Peoples' habeas petition contained both exhausted and unexhausted claims and sent the case back to the district court. Years were spent considering just this initial procedural hurdle of exhaustion. I believe we would have been better served had the courts simply reviewed the substance of Peoples' claims.

Another problem causing the excessive delay in carrying out death sentences has been the ability of inmates to file repeated habeas corpus petitions. Once again, I turn to an example I have often discussed with my colleagues, the case of Robert Alton Harris. After being convicted of a double murder in a California court in 1980, Harris filed over the next 14 years 10 petitions for State post-conviction relief and five Federal petitions for habeas corpus. The Supreme Court of the United States considered 11 different applications relating to the Harris case. Many of the petitions Harris filed contained similar or overlapping claims, although none raised doubts about his guilt. Finally, after 14 years, Harris was executed. I regret to say that the Harris case is far from unique in its multiple habeas corpus filings.

Abuse of the writ of habeas corpus has led to the death penalty being not an effective deterrent, but a mockery. Inmates on death row spend an average of over 9 years awaiting execution. And may wait much longer, with some cases dragging on 18 or more years. During these periods of lengthy delay in carrying out death sentences, the families of the victims are left in a sense of suspension, unable to put the tragedy behind them.

Putting an end to these excessive delays will once again restore vitality to the death penalty as an effective deterrent to violent crime, which I know from personal experience it is. I have told my colleagues on numerous occasions over the past several years about the case of Cater, Rivers, and Williams, three young hoodlums who I prosecuted as an assistant district attorney. These three were planning on robbing a Philadelphia pharmacy. When Cater and Rivers saw that Williams was carrying a revolver, they told him they would not participate in the robbery if he took the weapon because they feared the death penalty. Williams put the gun in a drawer, but as the three were leaving, Williams sneaked it back into his pocket. Williams used the gun in the commission of the robbery to kill Jacob Viner, the pharmacist.

All three men convicted and sentenced to death because, under the law, Cater and Rivers were equally responsible for Viner's murder as Williams. Ultimately, Williams was executed, but Cater and Rivers had their sentences commuted to life imprisonment because they were unaware that Williams had carried the gun. As a prosecutor, this case was just one of many I encountered in which burglars and robbers refused to carry firearms because they feared the death penalty.

In order to make the death penalty once again an effective deterrent, I have actively been attempting to streamline habeas corpus procedures since 1990. When the Senate considered anticrime legislation that year, I offered with Senator THURMOND an amendment to reform habeas corpus procedures to speed up and streamline the process. My amendment was adopted by the Senate, 52 to 46, and included in the final bill. Unfortunately, at the insistence of the House conferees, the provision was dropped from the conference report adopted the last day of the 101st Congress.

In the 102d Congress, I introduced legislation, S. 19, that was substantively identical to the 1990 amendment the Senate had passed. When the

Senate considered anticrime legislation in 1991, however, Senators HATCH and THURMOND offered a slightly different habeas corpus reform amendment that was based on my legislation but included language limiting the scope of Federal review of State convictions. After careful consideration, I spoke at length in favor of that amendment and voted for it. This amendment also passed the Senate, 58 to 40, and included in the final bill that passed the Senate. When the bill went to conference, however, the House insisted on its habeas corpus provisions which, rather than reducing delays and streamlining the process, would have allowed for greater delay and more manipulation of the process. The conference report that contained that provision was filibustered in the Senate because of its habeas corpus provisions and never came to a vote.

Once again in the 103d Congress, I introduced legislation similar to my previous efforts. When the 1993 anticrime bill was debated in the Senate, the managers decided that habeas corpus reform was too tough an issue to resolve and remove the bill's habeas provisions. I strenuously objected and brought before the Senate a bill I introduced to streamline the process. While many of my colleagues wanted to see us take action on the bill, it was tabled in order to keep the habeas issue from interfering with efforts, which I also supported, to secure Federal assistance for police hiring and prison construction.

When Republicans took control of the Senate and House this Congress, I had high hopes that we would finally be able to resolve the issues that had previously derailed efforts to reform habeas corpus. Together with Senator HATCH, I introduced legislation, S. 623, to impose a statute of limitations on the filing of habeas corpus petitions, restrict the ability to file successive petitions, impose time limits on Federal court consideration of habeas petitions in capital cases, and encourage States to provide adequate counsel in capital habeas cases.

In the wake of the Oklahoma City bombing, as the Senate developed antiterrorism legislation, I worked to ensure the inclusion in the bill of my habeas corpus reform legislation. As introduced and passed by the Senate, S. 735 includes in full the provisions of S. 623. When the House ultimately considered its antiterrorism bill, it included my habeas corpus reform language as well.

As I mentioned, there are several aspects of the habeas corpus reform provisions that I would prefer were different. Most glaringly is the restrictive standard of review. The bill continue to require deference to State courts' findings of fact. Federal courts will owe no deference to State courts' determinations of Federal law, which is appropriate in our Federal system. However, under the bill deference will be owed to State courts' decisions on the application of Federal law to the facts. Unless it is unreasonable, a State court's decision applying the law to the facts will be upheld. I am not entirely comfortable with this restriction, but upon reflection I believe that the standard in the bill will allow Federal courts sufficient discretion to ensure that convictions in State court have been obtained in conformity with the Constitution.

I also believe that the formulation in the bill is too restrictive in limiting successive petitions when the inmate raises a claim as to innocence. For this reason, I supported Senator LEVIN's amendment when the bill was initially considered by the Senate. That amendment, however, was tabled.

Finally, I am disappointed by the absence of two provisions from the habeas corpus reform sections. Since 1990, I have been convinced that we can improve the process by eliminating the exhaustion requirement. I have tried repeatedly to do so. Both prosecutors and representatives of the defense bar have strenuously objected to these efforts, albeit for different reasons. Despite my certainty that the bill would be improved had we eliminated the exhaustion requirement, I am willing to move forward without its elimination in the interest of getting habeas corpus reform. I am also concerned that the bill does not establish standards for trial counsel in capital cases. In my previous efforts I had sought to ensure that the States provided adequate counsel in capital cases at both trial and in the post-conviction process. Improving trial counsel in capital cases is a critical step to making the trial rather than the habeas proceedings the central event in death-penalty cases. This bill, while seeking to ensure adequate counsel for habeas proceedings, does nothing to strengthen the minimal constitutional standard for ensuring adequate counsel at trial.

Despite the provisions that concern me and the failure of the habeas reform to include two elements important to a fair and comprehensive scheme of habeas reform, I support the habeas corpus reform provisions of this bill. In politics, one learns that the best is the enemy of the good. Since the restoration of the death penalty in 1976, we have seen its effectiveness as a deterrent sapped by delays attributable to defects in the habeas corpus system. The reforms included in this bill, while not perfect, will go a long way to restoring vitality to the death penalty as an effective deterrent to violent crime. I was therefore willing to sponsor these provisions in conjunction with Senator HATCH and am please to see them enacted. They are the culmination of many years of effort, and I am deeply satisfied by their adoption.

We are, of course, dealing with an antiterrorism bill, and there are several provisions of the bill in addition to habeas corpus reform that I want to address briefly. As chairman of the Judiciary Subcommittee on Terrorism, I have long been interested in combating terrorism and have been very active in the area. In 1986, I introduced legislation that made it a Federal crime to commit a terrorist attack against a U.S. citizen anywhere in the world. I have also been active in seeking to limit diplomatic immunity for terrorist acts and for punishing acts of terrorism before an international criminal court. Earlier this Congress, I joined Senator BIDEN and Senator KOHL in introducing S. 390, the fist omnibus counterterrorism bill introduced this Congress, 2 months before the tragic Oklahoma City bombing that gave the issue such currency,

I am pleased that the conference report retained my amendment to the Senate bill to authorize assistance to U.S. allies to support the purchase of counterterrorism technology if U.S. interests are at stake. My original amendment authorized $3 million for this assistance, but in the wake of the recent terrorist bombings in Israel that have put the peace process at risk, the amount authorized in the conference report has been increased to $20 million.

I also want to express my support for the provision to require the Attorney General to study the availability of bombmaking manuals, evaluate whether current laws are adequate to address the problem, and determine whether anything else can be done constitutionally. My Judiciary Subcommittee on Terrorism and Technology held a hearing on this subject in May 1995. We were deeply troubled by what we heard. I am skeptical that the Government can do anything to restrict such information without violating the first amendment. I am pleased that the Attorney General, whose representative testified at our hearing, will study this matter and make appropriate recommendations.

The conference report adds a provision to make it a crime to misuse human pathogens and other biological agents. The terrorist threat from such agents is very real. My Terrorism Subcommittee is conducting a study on this issue and the threat from chemical agents as well. I know that the Governmental Affairs Committee has also held hearings on this subject. Recently, the full Judiciary Committee held a hearing on the threat posed by the wrongful use of human pathogens. After that hearing, I joined several other members of the committee in writing the President to express our concern over the gaps in Federal regulation over the distribution of human pathogens. I am pleased to see the conference report include this provision.

The conference report deleted the Senate-passed provision to authorize

the broader use of multipoint wiretaps. I opposed the inclusion of this provision in the Senate bill and am pleased to see that the conferees deleted it. Current law strikes the appropriate balance, and I feared the Senate-passed provision went too far in threatening privacy interests.

I want to note that, while the conference report alters the expedited deportation provisions of the Senate bill, adopted as part of an amendment I offered with Senator SIMON and Senator KENNEDY, it preserves the requirement that if classified information is used to deport an alien suspected of terrorist activity, an unclassified summary adequate to permit the alien to mount a defense must be provided to the alien. This requirement is the absolute minimum that due process will permit. Anything less could not have survived constitutional scrutiny, and I am pleased that this aspect of my amendment was retained.

I am also troubled by the restrictions on domestic fundraising for foreign terrorist organizations. The Senate bill had allowed entities designated as terrorist to seek judicial review. That review would have accorded no deference to the administration's designation and allowed full and searching judicial review. The conference report, while retaining judicial review, establishes a deferential standard for that review. I am far less satisfied with this level of scrutiny. I am also concerned about the first amendment implications of this provision, restricting the ability of U.S. citizens to support favored causes. I acknowledge that the United States is a fertile ground of financial support for foreign terrorist organizations, but am nonetheless concerned about these infringements on U.S. citizens.

Finally, I want to express my strong disappointment over the limited scope of the provision allowing U.S. citizens injured by foreign terrorist attacks to sue foreign nations who supported the attack in which they were injured. In 1993, I introduced the first bill in the Senate to allow U.S. victims of foreign terrorism to sue foreign countries they suspected of supporting the terrorists who injured them. My bill was favorably reported by the Judiciary Committee.

When the Senate considered this bill, it included a provision similar to but narrower than my bill as reported by the Judiciary Committee in 1994, allowing suits against foreign nations for supporting terrorism only if the State Department had previously listed the defendant nation as a sponsor of terrorism. The House bill contained a broader provision allowing suit in the U.S. against any foreign country that did not provide due process in its own courts to remedy the injury to an American citizen.

As the conference on this bill began, I wrote to each of the Senate conferees urging them to accept the House-passed provision. As the conference proceeded, I had thought that an acceptable compromise would be reached. I deeply regret that the conference report rejected any compromise and adhered to the Senate's provision, which allows the State Department to manipulate those foreign nations that are subject to suit in U.S. courts for injuring U.S. citizens. Giving the State Department this role is contrary to the rationale of the Foreign Sovereign Immunities Act and will allow impermissible foreign policy consideration to affect the ability of Americans to seek redress for their injuries caused by foreign governments. I will continue to work on this issue to remove this unfair limitation.

This conference report is not all that could be hoped for. It does, however, represent a significant advance in our Nation's ability to fight terrorism without unduly compromising the rights and liberties of our citizens. As a result, I support the conference report and urge my colleagues to do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah has 2 additional minutes.

Mr. HATCH. I yield back my 2 minutes. I understand the time of the minority is also expired.

The PRESIDING OFFICER. That is correct.

Mr. HATCH. On behalf of Senator DOLE and myself, I move to table both of the Biden amendments, with the understanding that these votes are stacked.

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

Mr. HATCH. Could I also ask unanimous consent that the first vote be 15 minutes in length, but the last two votes be 10 minutes each?

Mr. FORD. Reserving the right to object, Mr. President, I am not sure. Could you give me just a second?

Mr. HATCH. I will withhold that unanimous-consent request.

Mr. DOLE. Were the yeas and nays ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. DOLE. 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. DOLE. The first rollcall will be 15 minutes, and the next will be 10 minutes.

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

Mr. FORD. The third will be 10 minutes. The first vote is 15 minutes, the next two votes will be 10 minutes each.

Mr. DOLE. Mr. President, just short of a year ago, this country was rocked by an attack on the Alfred Murrah Federal Building in Oklahoma City, OK. In the wake of that horrible incident, in only a matter of weeks, the Senate responded by passing the Dole-Hatch comprehensive antiterrorism legislation by a vote of 91 to 8 on June 7, 1995. Most of its provisions were drawn from earlier Republican crime packages. Over the past month, we have worked in a bipartisan manner to craft what would surely be the toughest antiterrorism bill ever to become law.

This week, to honor the memory of those who suffered in Oklahoma, the Congress will send to President Clinton this landmark bipartisan antiterrorism bill. It has the support of the Republican Governor of Oklahoma, Frank Keating, and Oklahoma's Democratic attorney general, Drew Edmondson.

Under the leadership of Senator HATCH, we have a measure which would give us the strong, upper hand in the battle to prevent and punish domestic and international terrorism.

On March 27, 1996, I wrote to each of the conferees urging in particular that the three important provisions in the Senate bill be retained. The first facilitates a speedy removal of suspected foreign terrorists from U.S. soil. The second keeps foreign terrorists from raising money for their activities in the United States. The third makes membership in a terrorist organization the basis for exclusion from the United States.

Each of these is a commonsense protection for all Americans. Each of these reforms is long overdue. I am pleased that Senator HATCH and the conferees insisted on keeping these important reforms in the bill.

Most importantly, the bill contains comprehensive, effective habeas corpus reform, which has just been discussed by the distinguished Senator from Pennsylvania, Senator SPECTER, who, as he outlined, has been active in this area for many, many years.

I did visit the San Quentin State Prison in California about 6 or 8 weeks ago. There I met a father whose son had been murdered, a pretty clear-cut case, and it took 15 years—15 years—appeal after appeal after appeal before justice was meted out and the person who committed the murder was executed. There have been more people die of natural causes in that prison than of the death penalty, because of the frivolous appeals, appeal after appeal, costing the State millions and millions of dollars. Obviously, we need to protect the rights of the defendant, particularly in capital cases, but in my view, it is a sad commentary that on death row in San Quentin, where there are about 400-some inmates on death row, more will probably die of natural causes than because of the death penalty.

Maybe that will be changed because of this big, big step forward. I want to

commend Senator HATCH, Senator SPECTER, and others who have worked on this a long time. It has been more than a decade of efforts. We are about to curb these endless, frivolous appeals of death sentences by those convicted of murder. Habeas corpus reform is the only substantive provision in this bill that will directly affect the Oklahoma City bombing case. It is the heart and soul of the bill.

I sent a letter Monday to President Clinton. In that letter, I reiterated that we simply cannot continue allowing convicted murderers to appeal their sentences year after year. President Clinton has already vetoed a similar reform of the death penalty appeals process. The White House continued right up to the end, to argue for changes in habeas corpus that would essentially gut this reform. I called on President Clinton to support us in this important effort and sign this bill when it is sent to his desk. America will not tolerate a second veto of habeas corpus reform.

I am very pleased, moreover, that the conference report provides victims of terrorism the ability to sue foreign governments responsible for terrorist acts in U.S. courts for the first time. On December 21, 1988, 270 people were killed in the terrorist bombing of Pan Am flight 103. This brutal act of terrorism killed more Americans than died in Desert Storm.

The Libyan Government was clearly responsible for this brutal crime. Yet, Libya refuses to extradite the Libyan intelligence officials responsible. I do not know anyone who believes there is a realistic chance that Qaddaffi will cooperate to bring killers he ordered to justice in a legitimate court.

For too long, the survivors of the victims have had no recourse to seek compensation from Libya. That's why the Dole-Hatch bill last year contained authority for victims of international terrorism to sue terrorist states in U.S. courts. For 10 months the Clinton administration fought this provision. For 3 years the Clinton administration has had meetings with family members and had tough rhetoric—but there has been no real action to redress the tragedy of Pan AM flight 103.

This week the Congress will enact this important reform. This is not rhetoric, this is action. This is historic and will, at long last, allow American victims of terrorism to use U.S. courts to try to seek compensation for the vicious acts of terrorist states.

I am proud to have worked closely with the families of the Pan AM 103 victims for many years, especially in the 1990 Aviation Security Act. Nothing we do can possibly replace their loss, but we can give them a avenue for partial justice.

Mr. President, yesterday I received a letter from Victoria Cummock, president of the families of Pan-Am 103/Lockerbie. On behalf of those families, she urged support of this bill. She focuses on two provisions: habeas corpus reform; and opening up our courts to allow victims their day in court against governments that sponsor terrorism. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the materials was ordered to be printed in the Record, as follows:

FAMILIES OF PAN-AM 103 LOCKERBIE,
April 15, 1996.

Hon. BOB DOLE,
Senate Majority Leader,
Washington, DC.

DEAR SENATOR DOLE: On behalf of the victims' families of Pan Am 103, I want to express our gratitude for your leadership in the Anti-Terrorism bill (S-735), currently pending in the Congressional Conference Committee. Your support of two key provisions will enable American victims of terrorism obtain justice in U.S. courts.

More Americans have died at the hands of terrorists than in Desert Storm, or in any other American war over the past 20 years. The bombing of Pan Am 103 was the single worst act of terrorism against civilians in this country's history, killing 270 people. For more than seven year, we—the families—have waited for our country's help and support. During that time terrorists blew up the World Trade Center '93, injuring 1,000 and killing eight, and last year bombed the federal building in Oklahoma City, killing 168.

On March 7, dozens of Americans victimized by terrorism gathered in Washington, D.C. They included parents, widows, and children from the families of Pan Am 103; 21 next of kin from the Oklahoma City bombing; a daughter of Leon Klinghoffer killed in the hijacking of the Achille Lauro; Joseph Ciccipio and David Jacobson held hostage in Lebanon; Scott Nelson tortured in Saudi Arabia, families of the victims of the World Trade Center bombing, and Hans Ephraimson-Abt, the 74-year old father of one of the victims of KAL 007 shot down over the Soviet Union.

At great personal and emotional expense, they gathered to support provisions of the anti-terrorism bill that would enable us to achieve justice: limit immunity granted foreign states that sponsor terrorism, and reform Habeas corpus.

Our motives are not political. Our lives and families have been unraveled by terrorism, and justice is our only consolation. Without justice and accountability there is no deterrence. We want to live in peace knowing that other Americans will be spared.

Countries that hide behind their sovereign immunity to avoid U.S. courts will continue to encourage and sponsor terrorist acts. For example, Libya, which is accused of ordering the bombing of Pan Am 103, is also accused of the 1989 bombing of a French UTA plane of Chad. It killed 171.

Allowing convicted murderers to delay their execution for 17-24 years with their seemingly endless appeals is also plainly wrong. It makes a mockery of our judicial system and gives criminals more rights than their victims.

Dead Americans have no voice, their families must speak for them. Four weeks ago the President made a request to Congress to provide aid to the families of four Cuban Americans shot down by Cuba. Has the President forgotten the hundreds of other Americans murdered by terrorists? The promise that he made to us before his election?

This nation cannot continue to allow countries to kidnap, torture, and murder Americans and escape accountability. The United States allow corporations to seek restitution in U.S. civil court. U.S. law permits restitution for sabotaging a plane full of chickens—but not people. This is an outrage. The message sent to countries sponsoring terrorism is that it is safe to target and kill Americans.

I want to be able to tell my three small children that America stands with us and that their father's constitutional right to justice (and that of other victims) will no longer take a back seat to the rights of terrorists. By maintaining the FSAI and Habeas Corpus provisions in the final language of the anti-terrorism bill, Congress will give us the opportunity to help ourselves. The changes we advocate are right for all Americans; this reform is overdue.

Thank you for your commitment in helping American victims of terrorism. Our hopes and prayers will be with all the Congressional Committee members during their final deliberations.

Sincerely,

M. VICTORIA CUMMOCK,
Widow of John B. Cummock;
President.

Mr. DOLE. Mr. President, in a few moments we will pass this bill. The Congress will put the national interest ahead of partisan interests. Those who have delayed passage of this historic bill argue that this is a weak bill. This is wrong. It is unfair to those who have suffered or may suffer in the future from the evil handiwork of terrorists and other criminals.

My colleagues have opposed these efforts. We will pass this bill today. As Diane Leonard, whose husband Don was killed in the Oklahoma City bombing, said yesterday: "It is the right thing to do." Then I hope President Clinton will do the right thing and sign the bill.

I yield the floor.

Mr. HATCH. Mr. President, what is the status of the bill?

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the motion to table the motion to recommit offered by the Senator from Delaware.

Mr. HATCH. Mr. President, I was under the mistaken belief that we would have some extra time, but I would like to give some time before final passage, equally divided. I would like to be able to give 3 minutes to the two distinguished Senators from Oklahoma. That would mean 6 minutes to the minority.

I ask unanimous consent that we have 12 minutes, equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, as I understand, prior to the final vote?

Mr. HATCH. Prior to the final vote.

Mr. FORD. Six minutes.

Mr. HATCH. Divided between Senator BIDEN and myself, and I make sure the——

Mr. FORD. Six minutes on each side?

Mr. HATCH. Right.

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

The question is on agreeing to the motion to table the motion to recommit offered by the Senator from Delaware [Mr. BIDEN] relative to revising existing authority for wiretaps.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—56

Abraham	Feingold	McConnell
Ashcroft	Frist	Moseley-Braun
Baucus	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Pressler
Brown	Grassley	Reid
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	McCain	

NAYS—43

Akaka	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Johnston	Robb
Byrd	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Wellstone
Dorgan	Lautenberg	Wyden
Exon	Leahy	
Feinstein	Levin	

NOT VOTING—1

Mack

The motion to lay on the table the motion to recommit was agreed to.

The PRESIDING OFFICER (Mr. SANTORUM). The question occurs on agreeing to the motion to table the motion to recommit with instructions relative to deleting section 806 of the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—53

Abraham	Cochran	Frist
Ashcroft	Cohen	Gorton
Bennett	Coverdell	Gramm
Bond	Craig	Grams
Brown	D'Amato	Grassley
Burns	DeWine	Gregg
Campbell	Dole	Hatch
Chafee	Domenici	Hatfield
Coats	Faircloth	Heflin
Helms	McCain	Smith
Hutchison	McConnell	Snowe
Inhofe	Murkowski	Specter
Jeffords	Nickles	Stevens
Kassebaum	Pressler	Thomas
Kempthorne	Roth	Thompson
Kyl	Santorum	Thurmond
Lott	Shelby	Warner
Lugar	Simpson	

NAYS—46

Akaka	Feinstein	Mikulski
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Exon	Levin	
Feingold	Lieberman	

NOT VOTING—1

Mack

So the motion to lay on the table the motion to recommit was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I understand before the final vote there are 6 minutes allotted to each side.

The PRESIDING OFFICER. The Senator will suspend. Senators to the left of the Chair will please take your conversations to the cloakroom. The Senate will please come to order.

The Senator from Delaware.

Mr. BIDEN. Mr. President, I appreciate the indulgence of my colleagues today in voting on these motions to recommit and the strong support of 40 to 48 Senators we have gotten on each of these votes. I appreciate that.

In the 6 minutes that I have to close, let me just suggest two things. There is a good deal of change that has been made in the habeas corpus provisions of the law, which, in my view—a broken record—will do nothing to prevent terrorism. The habeas provision in this bill deals primarily with State crimes, and the terrorism crimes we are concerned about—Oklahoma City, the World Trade Center bombing, et cetera—are Federal crimes. It will not affect it at all.

But there is a provision in the bill that I would like to say something about. There's a section that says:

> An application for writ of habeas corpus on behalf of a person in custody, pursuant to the judgment of a State court, shall be granted with respect to any claim that was adjudicated on the merits in State court proceedings, unless the adjudication of the claim, one, resulted in a decision that was contrary to or involved in unreasonable application of a clearly established Federal law as determined by the Supreme Court, or resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented.

I would like to make this brief observation.

As things now stand, Federal courts take State court decisions very seriously. They are not writing on a blank page and ignoring State court decisions right and left. In fact, court watchers who pay close attention to the cases tell me that Federal courts grant relief only when it is pretty clear that someone's constitutional rights have been violated. So it seems to me that even under this provision of the law we are now changing, which I think is inadvisable to change, but even under this provision, if Federal courts think that State courts are right on the Constitution, they will uphold it. And if they are wrong, they will not.

So if a State court makes an unconstitutional determination, the Federal courts will, and should, continue to say so. Therefore, I think this is much less onerous—unnecessary but much less onerous—than, in fact, it may appear on its face.

If a Federal court concludes the State court violated the Federal Constitution, that, to me, is by definition—by definition—an unreasonable application of the Federal law, and, therefore, Federal habeas corpus would be able to be granted.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am truly gratified at the action that I believe the Senate is about to take. Passage of this legislation is urgently needed. This bill, passing at this time, will be a memorial to the victims of terrorism. I was so moved the other day, when survivors of terrorism came here to Washington to plead again for enactment of this legislation.

Since the Senate first acted last June, we have been working to reach this point. The result of that effort is a conference report that, in my view, deserves the support of every Member here. This legislation represents a landmark effort to address an issue of grave national importance—the prevention and punishment of acts of terrorism. This bill includes long-needed reforms to Federal habeas corpus procedures and provides vital provisions for victims of terrorism and other Federal crimes. It also adds important tools to the Government's fight against terrorism, and does so in a temperate manner that is protective of civil liberties.

I have insisted from the beginning that this bill address the needs of the victims of terrorist acts, so I am particularly pleased about the provisions we have included for them. Our commitment to the victims of terrorism is evident from the first two titles of the conference report. These provisions are

the heart and soul of this bill, and are the only provisions which can provide solace to the victims of past acts of terrorism, such as Oklahoma City and Lockerbie:

Habeas corpus reform: This legislation includes tough, fair, and effective reform of Federal habeas corpus procedures. I have been fighting, along with crime victims across our Nation, for the enactment of this legislation for nearly 20 years. Finally, heinous criminals will no longer be able to thwart justice and avoid just punishment by filing frivolous appeals for years on end. Finally, crime and terrorism victims will know that our justice system means what it says.

Mandatory victim restitution: The mandatory victim restitution section of this bill is the Hatch-Biden measure, and will ensure for the first time that Federal courts must order violent criminals and terrorists to pay restitution to their victims. We all know that a price can never be placed on the terrible costs these crimes inflict. We also know that in far too many cases, repayment will fall far short of the cost we can calculate. However, with this bill, victims will finally have the solace of knowing that the justice system recognizes their loss, and that the perpetrators of evil are held accountable.

Terrorism by foreign countries: This bill takes the important step of ensuring that Americans who are harmed by foreign governments committing or directing terrorists acts can sue those governments in American courts. Lawless nations will no longer be able to hide their terrorist acts behind the rules of international law that they otherwise flaunt.

Oklahoma City trial: Finally, by providing for closed circuit viewing of the Oklahoma City trial by the bombing's victims and survivors, this bill also will ensure that these courageous people can observe justice being done, while still ensuring a fair and just trial for the accused.

The terrorism bill we are about to finalize also is a tough, effective measure. With its enactment, we will be better able to prevent and deter future terrorist acts. Moreover, we will be better equipped to respond to and punish these heinous acts should they occur.

First, for the first time since the tragic bombing of Pan Am flight 103, it will be required that all plastic explosives manufactured, sold, imported into, or exported from the United States include chemicals to make them detectable by airport security. This provision will help protect airline passengers from terrorist attacks and fulfill our obligations under international agreements.

Second, this legislation include important new measures to ensure that access to dangerous human pathogens—like the agent that causes bubonic plague—is properly limited. This will help ensure that the American people are not victimized by terrorists engaging in such tactics, such as the Japanese cult Aum Shinri Kyo that released cyanide gas in a crowded Tokyo subway.

Third, the bill we will send to the President provides law enforcement with the tools necessary to combat the threat of nuclear contamination and proliferation that may result from illegal possession of nuclear materials.

Fourth, this antiterrorism bill will prohibit, in a constitutional manner, fundraising in this country by specific, designated foreign terrorist groups. Once designated, these groups will no longer be permitted to use American-raised funds to spread terror here and abroad.

Fifth, this bill provides the Federal Government with the tools it needs to exclude representatives and members of foreign terrorist groups from the United States, and provides the Government with the ability, within the bounds of due process, to deport alien terrorists without compromising national security.

This bill also: Increases the penalties for crimes committed with explosives, as well as conspiracies to commit such crimes; curtails the use of domestic and foreign use of weapons of mass destruction; addresses the increasingly global nature of terrorism, increasing penalties for terrorist acts that transcend national boundaries; imposes strict penalties for retaliatory assaults or murders of Federal officers or employees; provides emergency response training to State and local law enforcement; and harmonizes security measures to provide Americans flying to and from the United States on foreign airlines with the same level of protection they receive for domestic flights.

In short, this bill reflects the unity of purpose and clarity of resolve with which we must meet the terrorist threat.

I am proud of the bill we have crafted. It is time for us to finish the job, and pass this conference report. In doing so, it is my hope that we recall the Americans who died at the hands of terrorists, not only last month, but over the last 15 years or more. In Beirut, in Lockerbie, in New York, and in Oklahoma City, victims of terrorism have had their lives stolen by evil persons pursuing selfish and twisted agendas. We can honor these victims by completing the task at hand.

Mr. HATCH. Mr. President, I yield 3 minutes to the distinguished junior Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 3 minutes.

Mr. INHOFE. Mr. President, I think anything that is said further tonight on this bill will be redundant, but I think some things are worthy of redundancy. I think it is virtually impossible for anyone in this Chamber who was not in Oklahoma City when the tragedy happened—the bombing of the Murrah Federal Office Building—to really appreciate the significance of the trauma, the disaster, the emotions at the time.

I think it was well said in a magazine called Oklahoma Today, talking about the first wave of the super-hot gas moved at 7,000 miles an hour, fast enough for someone 10 feet away to be hit with a force equal to 37 tons, and in about half a second the gas dissipated only to be replaced by an equally violent vacuum. The resulting pressure waved outward, lifting the building up and causing beams, floor slabs, and connections to weaken and collapse.

When the pressure wave passed, gravity took over. Nine stories of the north side of the building pancaked, creating a crater 30 feet deep. People who had been on the ninth floor ended up in the basement.

I think one of the most memorable experiences I had was the very first night. The firefighters had arrived. They were all volunteers. They were taking turns 1 hour at a time crawling on their bellies through there to pull out parts of bodies. I actually saw on the first floor human hair and one hand that was stuck to a wall. As they pulled the bodies out—some alive, some dead—they did not know at that time whether or not it would come crashing down and kill them. When one group came out after an hour, there was blood all over the individuals. Then you could hear the cadence, almost like you heard in World War II, of the firefighters marching down the streets to take their turn, and this is what we experienced there.

The majority leader a few minutes ago said the habeas provision is the heart and the soul of this bill. It may be that some of you do not agree with that, but I can assure you the families of the 168 victims who died in the Murrah Federal Office Building, they believe that, because they came up here 2 months after the explosion and sat across the table from many of the Senators in here and said, "The one thing we want in legislation is habeas reform. We do not want the same thing to happen as happened when Roger Dale Stafford in Oklahoma murdered nine Oklahomans and sat on death row for 20 years."

So I guess all I can say is, on behalf of the families of the 168 victims, those who lost their lives in the Murrah Federal Office Building, I appeal to you to pass this bill tonight.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, so that the majority gets to go last, I have 2 minutes remaining.

What the Senator from Oklahoma just read was moving and significant. I

am going to vote for this bill, but I am dumbfounded why, after reading what he just read and us knowing that, that we all voted in this Chamber to allow someone to teach somebody how to build another fertilizer bomb, even if the person teaching knew or had reason to believe it would be used for a purpose like that.

Hear what I just said? "Intended." If a person teaches someone how to build a fertilizer bomb intending that that be able to be done, a crime to be able to be committed with it, we just voted not to put that prohibition into the law.

And now that you all are here and did not have a chance to listen to this before, I hope you know, after we pass this bill, you will join me tomorrow, or the next day, to pass a law that says you cannot do that, because you inadvertently voted, when I tried to put it back in the law, to let someone now, legally, over the Internet or any other way, teach someone how to build a fertilizer bomb, give them the details and intend that it be used that way, and it is not prohibited.

So I hope tomorrow when I am here, or the next day, listening to what the Senator from Oklahoma accurately stated and believes deeply that we should never let this happen again; we will correct the mistake that we made here today.

Mr. HATCH. Mr. President, I yield the last 3 minutes to the distinguished senior Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I wish to thank the majority leader for setting aside the immigration bill to take up this bill. I informed the majority leader and the Speaker some months ago of my earnest desire to pass this before this Friday.

This Friday is the 1-year anniversary of the worst civil disaster that we have had in U.S. history: 168 innocent men, women, and children were murdered in the Murrah Building bombing.

The majority leader responded to that request, and I appreciate it.

I also want to compliment Senator HATCH and Senator BIDEN and their staffs, and also Chairman HYDE, for their willingness over the last 2 weeks when we were in recess to work out the differences, because the bills between the House and the Senate had a lot to offer, but there are significant differences in the bills.

But there were significant differences. They worked out those differences. They came up with compromises. That was not easy during the break. That is not often done. But they did it so we can meet this deadline. I very much appreciate their cooperation.

Mr. President, this is vitally important legislation. As my colleague from my State, Senator Inhofe, mentioned, this is very important legislation to the families of the victims. There are hundreds of people involved. Yes, there are 168 individuals who lost their lives, but they have hundreds of family members, and actually I think it is in the thousands, the relatives that are directly impacted, that lost a cousin, lost a dad, lost a son, lost a daughter.

We met with those individuals. They want this bill passed. This bill may not be perfect. I know Chairman HATCH said that some of the other provisions that were alluded to today, that he is happy to introduce those and work on those in separate legislation. I compliment him for that. But if we recommitted this bill, we would not have this bill. It would not pass.

So I want to thank my colleagues on this side that voted against the motions to recommit. This is a conference report. If we are going to get it passed, we are not going to be able to recommit it. So I will be happy to work to make future improvements. But this is a good bill. It does have habeas corpus reform. It ends the abusive appeals. That is certainly good for taxpayers and victims.

It does allow closed-circuit TV for families in the Oklahoma City bombing. Right now the trial, regrettably, is going to be in Denver. That is over 500 miles from Oklahoma City. They want to be able to view the trial and not have to move their families to Denver. We requested assistance from Justice, but they did not make it happen. We make it happen in this legislation. That is good news for their families. Several of us will be with several thousand people. That will be good news for Oklahomans.

Finally, I thank my colleagues for their bipartisan support. We put mandatory victim restitution in this legislation, something that the Senate has supported countless times. That is very significant and important and one of the crime reform packages we have had. We passed it in the Senate. Unfortunately, it has not come out of conference with the House. It is in this bill. Again, I want to thank my colleagues, Senator HATCH and Senator BIDEN, because they supported that provision.

Finally, Mr. President, I want to urge my colleagues to vote for this bill. I will be very disappointed if this bill only has 60 or 65 votes. I hope it has 100 votes. This bill may not be perfect, but it is good legislation. Also, I would like to urge the President of the United States to sign it.

Mr. President, I ask unanimous consent that a letter from the Governor of the State of Oklahoma to the President of the United States urging that the President sign this bill be printed in the RECORD.

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

STATE OF OKLAHOMA,
OFFICE OF THE GOVERNOR,
Oklahoma City, OK, April 16, 1996.

Hon. BILL CLINTON,
United States of America, The White House, Pennsylvania Avenue, Washington, DC.

DEAR PRESIDENT CLINTON: Congress will soon pass legislation which will effectively combat terrorism. Having dealt with the tragedy and aftermath of the Oklahoma City bombing, I believe it is imperative that you sign this legislation into law.

In addition to the tough law enforcement provisions aimed at terrorists and their organizations, it includes provisions of particular interest to those of us in Oklahoma.

First and foremost is effective death penalty reform, which will end the delays and frivolous appeals by convicted death row inmates. The importance of this provision has been made clear by the families of the victims of the Oklahoma City bombing, who have worked tirelessly to see this reform become law so that justice may be swift and sure.

Second is a provision allowing for the closed circuit viewing of the trial by families and victims who cannot be accommodated by the courtroom in Denver. The viewing would take place in Oklahoma and would allow these families and victims to fully benefit from our victims' rights laws which stipulate they be entitled to monitor the trial proceedings.

Mr. President, this bill deserves to be signed into law. For the families and victims of the Oklahoma City bombing, it represents a significant step in bringing closure to this terrible tragedy. I urge you to approve this vital change in our nation's laws to combat terrorism. It is the right thing to do.

Very truly yours,

FRANK KEATING.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. 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.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—91

Abraham	Coats	Frist
Akaka	Cochran	Glenn
Ashcroft	Cohen	Gorton
Baucus	Conrad	Graham
Bennett	Coverdell	Gramm
Biden	Craig	Grams
Bingaman	D'Amato	Grassley
Bond	Daschle	Gregg
Boxer	DeWine	Harkin
Bradley	Dodd	Hatch
Breaux	Dole	Heflin
Brown	Domenici	Helms
Bryan	Dorgan	Hollings
Bumpers	Exon	Hutchison
Burns	Faircloth	Inhofe
Campbell	Feinstein	Inouye
Chafee	Ford	Jeffords

Johnston	McConnell	Shelby
Kassebaum	Mikulski	Simpson
Kempthorne	Murkowski	Smith
Kerrey	Murray	Snowe
Kerry	Nickles	Specter
Kohl	Nunn	Stevens
Kyl	Pressler	Thomas
Lautenberg	Pryor	Thompson
Leahy	Reid	Thurmond
Levin	Robb	Warner
Lieberman	Rockefeller	Wellstone
Lott	Roth	Wyden
Lugar	Santorum	
McCain	Sarbanes	

NAYS—8

Byrd	Kennedy	Pell
Feingold	Moseley-Braun	Simon
Hatfield	Moynihan	

NOT VOTING—1

Mack

The conference report was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I think this is a big victory for all of America, but most of all for those folks who suffered in Oklahoma City, OK, and other terrorist incidents in the world.

I want to acknowledge the work of some people who were critical to the passage of this bill—in particular, the majority leader. The majority leader, BOB DOLE, is to be commended for his leadership. Once again, Senator DOLE has delivered for the American people. I personally express my gratitude to our distinguished majority leader.

I also want to acknowledge the work of Chairman HENRY HYDE over in the House, and my fellow conferees, Senators THURMOND, SIMPSON, BIDEN, and KENNEDY. Senators NICKLES and INHOFE deserve mention, too, because they never let this institution forget who this bill was for. All of the survivors from the Oklahoma tragedy and the Pan Am disaster were critical to this bill's passage. So they all deserve our thanks.

I want to mention a few of the other people who worked on this bill, as well—in particular, the staffers who worked long hours out of deep commitment to public service. Jeanne Lapatto, Christina Rios, Nick Altree, Mike Ashburn, John Gibbons, and Ed Richards were invaluable. Ashley Disque—a young woman who came to the committee as an L.C. and has not looked back—epitomized initiative. Mike Kennedy, an attorney who is going to go places, in my opinion, worked around the clock. Finally, I want to commend Mike O'Neill, our crime counsel. Mike is going to be leaving here in a few weeks to clerk for Justice Thomas over at the Supreme Court. Our loss is the Supreme Court's gain. Quite simply, Mike O'Neill, more than any other staffer, made this bill happen. Manus Cooney, our committee staff director and senior counsel is also to be commended.

Some of Senator BIDEN's staff should be mentioned as well—Demetra Lambros and Chris Putala are true professionals. Also, I would like to thank Valerie Flappan of the legislative counsel's office.

I also want to compliment the other House conferees and, in particular, Congressmen HYDE, MCCOLLUM, SCHIFF, BUYER, and especially BOB BARR from Georgia, who worked very hard on this bill and has provided an awful lot of input on this bill. Another staffer who should be mentioned here is Pat Murray, HENRY HYDE's able and dedicated counsel who, in working with our staff, helped craft a true terrorism bill. Paul McNulty also deserves credit. There are so many others I would like to commend at this point. But I will end at this point and thank all of these good people for the good work they have done.

I pay respect to my distinguished colleague, the minority leader on the Judiciary Committee. He is a tough, tough opponent. He is a very good advocate. It is one of the privileges in my life to be able to work with him on the Judiciary Committee and to be able to have this type of a relationship, and still to occasionally fight each other on the floor and, hopefully, walk away still friends.

In particular, I want to make all those congratulations.

I yield the floor.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 77-770, appoints the Senator from Louisiana, [Mr. BREAUX], to the Migratory Bird Conservation Commission, vice the Senator from Arkansas, [Mr. PRYOR].

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

MORNING BUSINESS

Mr. SPECTER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

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

HISTORIC 70 WINS FOR THE CHICAGO BULLS

Mr. SIMON. Mr. President, Senators often make statements on the floor to inform the Senate and the Nation about the accomplishments of their constituents, and today I wish to acknowledge some folks back in Illinois who have achieved a historic feat unequaled by their peers. My colleagues may be familiar with this group of Chicagoans. I am speaking of the Chicago Bulls, who last night defeated the Milwaukee Bucks in a hard-fought, 86 to 80 game, to become the first National Basketball Association [NBA] team to win 70 games in a season.

In the nearly 50-year history of the NBA, 70 wins has been a mythical, seemingly unattainable goal. The 1971-72 Los Angeles Lakers came close with 69 wins, but now the Bulls have secured their place in the history books with 70, and with 3 games left in the season, that record could be higher.

Of course this achievement would not have been possible without the return of Michael Jordan, unarguably the game's greatest player ever. But we cannot overlook the efforts of his star teammates, from Scottie Pippen, Toni Kukoc, and Dennis Rodman, to the less publicized but invaluable players like Ron Harper, Luc Longley, Steve Kerr, and Bill Wennington, to name just a few. The talent of individuals however can only take you so far. A true champion needs a great leader, and coach Phil Jackson has fulfilled that role throughout his career, having guided the Bulls to three previous championships.

Should the Bulls go on to win the championship in June—their fourth of the decade—there is little doubt that they would be considered the greatest team in the history of professional basketball. I am proud to represent this group of individuals and congratulate them on their unprecedented accomplishment. I wish them the best of luck as they head into the playoffs.

CHICAGO BULLS WIN 70 GAMES

Ms. MOSELEY-BRAUN. Mr. President, I want to take this opportunity to commemorate a historic moment for the city of Chicago and the State of Illinois. Over the years, the members of this greatest deliberative body have engaged in some of the most compelling debates the world has ever heard: issues of States' rights, war and peace, and individual liberty. But as of last evening, one debate need no longer be considered: which is the greatest NBA team of all time, at least through the regular season. By recording their unprecedented 70th win of the regular season, the 1995-96 Chicago Bulls are one of the best teams of all time, and when they go on to secure an NBA championship, they will be without question, the greatest team in the history of professional basketball.

In the 49-year history of the National Basketball Association, no team has won 70 games in one season until the Chicago Bulls accomplished that remarkable feat—I am sad to say to my dear friend and colleague from Wisconsin, Senator KOHL—by defeating the Milwaukee Bucks last night 86 to 80. By winning their 70th game in 79 tries, the Bulls eclipsed a 24-year-old record set by the Los Angeles Lakers and now stand alone on the other side of what once was considered an impregnable barrier.

This year's Bulls team has elevated itself to an elite level in the history of sports. This team deserves to be ranked on the same level as the 1927 New York Yankees, the 1972 Miami Dolphins, and the 1977 Montreal Canadiens—all teams that embodied perfection in sports. It might also be noted that with this 70th win, Chicago now holds the distinguished honor of having or sharing three of the four major sports records for most wins in a regular season—the 1906 Cubs in baseball, 116 wins, the 1985 Bears in football, 15 wins and now, the Chicago Bulls. I know I speak for Bulls fans across the country in saying that we are energized and excited by the zealous pursuit of victory exhibited by our team this year.

It is no coincidence that the greatest team of all time is being propelled by the greatest player of all time—Michael Jordan. Michael Jordan has a combination of power and panache unmatched in the history of the NBA. He refuses to lose and his competitive nature, floor leadership, and will to win lifts the playing level of all those around him.

Mr. President, we all know that in team sports, true greatness cannot be achieved alone. Michael Jordan is surrounded by outstanding players in their own right—Scottie Pippen, Dennis Rodman, Toni Kukoc, and the rest of the lineup. Coach Phil Jackson has been able to skillfully mesh all the personalities of this team into an extraordinary combination of teamwork and individual achievement. The result is the 70-win accomplishment that has eluded basketball's best players and teams for decades.

On behalf of the city of Chicago and the State of Illinois, I want to offer my State's hearty congratulations to Coach Jackson and the entire Bulls organization for winning 70 games in the 1995–96 regular season, a record that may never be equaled.

CONGRATULATING NATIONAL PEOPLE'S ACTION ON 25 YEARS OF ACCOMPLISHMENT AND THEIR 25TH NATIONAL NEIGHBORHOODS CONFERENCE

Ms. MOSELEY-BRAUN. Mr. President, on Saturday, April 27, National People's Action (NPA), a national network of more than 300 community organizations, churches, and senior citizen groups from 38 States across the country, will open its 25th national neighborhoods conference here in Washington, DC.

I want to call the Senate's attention to this conference, because National People's Action represents America at its best—people from neighborhoods working together to improve their neighborhoods. The hundreds of organizations and the thousands of people from all walks of life who make up National People's Action are committed to their communities. They know that neighborhoods are critically important. They know that neighborhoods with good housing, neighborhoods that are safe, and neighborhoods with access to good jobs are places where families can achieve their own piece of the American dream. And perhaps most importantly, they know that by putting fundamental American values to work—by working hard to make those values an everyday part of life in their neighborhoods—they are making a real difference in their communities and in our country.

National People's Action is known as the first voice of our Nation's neighborhoods. This people's organization has, from its inception, spoken out for investing in neighborhoods, ending redlining by financial institutions, expanding the stock of good, affordable housing, implementing community-based approaches to crime prevention and policing, and expanding economic opportunity and the access to good jobs at good wages that are so essential to healthy communities.

NPA is a grass roots movement with an enviable record of accomplishment. I would like to take just a moment to highlight a few of those many successes. First, NPA played a key role in making the Community Reinvestment Act, the primary Federal tool for expanding access to capital, a reality, and NPA has used that tool to obtain over $25 billion worth of CRA lending agreements. These agreements mean access to mortgage money, home rehabilitation money, and economic development money for hard-working people living in hard-pressed neighborhoods that have all too often been cut off from capital in the past.

NPA created the lease-to-purchase mortgage product, the first of its kind in the United States. This innovative approach allows people who may not have the money to make a downpayment on a home to have a real opportunity to achieve perhaps the single most important element of the American dream—owning their own home.

And NPA, working with Freddie Mac, created an ingenious new type of mortgage for buildings with two-to-four units, thereby helping to revitalize this kind of housing, which is so important to so many cities and neighborhoods, and making it possible for neighborhood residents to become homeowners and landlords. The result of this resourceful approach are more homeowners in neighborhoods, and a better stock of rental housing.

While NPA's successes are varied, however, they all have the same theme. They are all about people, about making it possible for people in the neighborhoods and communities around our Nation to build a better life for themselves. NPA is a quintessentially American organization. It accomplishes a huge amount with very little money. It is nonbureaucratic. And it works right at the neighborhood level. It doesn't tell people what to do. Rather, it brings people together so that, by working together, they can make their neighborhoods better places to live for themselves and for their families.

National People's Action, and its national chairperson Gale Cincotta, deserve the Senate's commendation. As I stated at the beginning of my remarks, this organization embodies the essence of American values. NPA puts the values on which this Nation was founded to work for all of its people. I am therefore glad to have the opportunity to bring NPA's 25th annual neighborhoods conference to the Senate's attention, and I hope every Member of the Senate will attend this important event.

Mr. President, I ask unanimous consent that a complete list of NPA's major proneighborhood accomplishments be printed in the RECORD.

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

NPA'S MAJOR ACCOMPLISHMENTS

REINVESTMENT

Spearheaded enactment of the Home Mortgage Disclosure Act (HMDA) and the Community Reinvestment Act (CRA) which protect urban areas and minorities from loan discrimination.

Provided technical assistance to community groups which directly led to over $25 billion in NPA assisted CRA lending agreements.

Developed 10 city pilot affordable housing programs with the secondary market and private mortgage insurers which led to a nationwide low-downpayment program called the Community Homebuyers Program. The development of the CHBP has resulted in industry-wide changes in the standards for conventional lending and millions of home loans to low income families.

Coordinated the Chicago Reinvestment Alliance, which in 1984 developed a $363 million Neighborhood Lending Program. The program has been renewed twice, and to date, over $500 million have been lent and over 14,000 units of affordable housing and businesses have been created or rehabilitated in Chicago.

Coordinated the NPA/Aetna Neighborhood Investment Program, which provided over $100 million in loans for rehabilitation or construction of over 10,000 affordable housing units in 14 urban neighborhoods throughout the country.

Brought the Neighborhood Housing Services (NHS) to Chicago and has continued to support its expansion by developing new loan programs and funding sources.

Successfully advocated for increases in Community Development Block Grant (CDBG) funding and for increases in the targeting of CDBG funds to low and moderate income neighborhoods.

Created the Lease-to-Purchase mortgage product, the first-of-its-kind in the nation. This product allows individuals to enter the home as tenants and after a 2–3 year lease period become the homeowner, having accumulated a 10–15% downpayment to purchase. Lease-to-Purchase has become a standard affordable housing option.

Successfully advocated for performance oriented goals for Government Sponsored

Enterprises (GSEs) requiring 30% of mortgages to be purchased in underserved markets and from low and moderate income families.

Created a unique low downpayment mortgage product for 2–4 unit buildings with Freddie Mac that allows for 75% of rental income to be used to qualify the applicant, thus creating an opportunity for homeownership for low income people.

Developed in conjunction with the Mortgage Guaranty Insurance Corporation (MGIC) the first ever purchase and default counseling training for community based counselors.

FEDERL HOUSING ADMINISTRATION

Through a national advocacy campaign, stopped abusive lending practices that resulted in catastrophic FHA foreclosures in the 1970s.

Secured 518(b) and (d) Payback Programs for buyers of defective FHA homes which provided funds for repair of major systems and structural defects.

Developed Repair and Sell Programs that rehabilitated vacant FHA homes in blighted neighborhoods.

Spearheaded the development of the FHA Assignment Program which provides assistance to those behind in their mortgage in order to prevent foreclosure.

Continued to research FHA lending practices and uncover abuses, such as illegal minimum loan amounts imposed by some FHA lenders.

Negotiated a HUD demonstration program that allows not-for-profit developers to obtain vacant, foreclosed properties at a 30% discount. Over 600 homes have been rehabilitated for low income families. This pilot program has become a permanent HUD program.

Successfully advocated for public disclosure by HUD of FHA lending activity and loan failure rates by mortgage company and census tract. Analysis of data has uncovered high default rates far exceeding HUD's definition of trouble areas.

CRIME AND DRUG PREVENTION

Developed 1976 community anti-crime program with the law Enforcement Assistance Administration which redirected LEAA funds to local community groups for local anti-crime programs.

Changed Illinois policy regarding the distribution of Asset Forfeiture funds to allow $500,000 to be returned to communities for crime prevention programs.

Coordinated along with the Chicago Police Department a Nuisance Abatement Program in four police districts that resulted in closing 1,000 drug houses during the first year of operation.

Provided 387 community groups, 42 police departments, and state and local government agencies with technical assistance to develop community based anti-crime and drug strategies.

Coordinated a national day of Reclaiming Our Neighborhoods in which 38 cities participated February 14, 1994.

Won change in Asset Forfeiture Regulations nationally, allowing communities to receive 15% of seized drug money and real property.

Was awarded $1.2 million cooperative agreement from the Bureau of Justice Assistance, U.S. Department of Justice to coordinate a demonstration program (1992–1995) in 13 cities across the country, Communities in Action to Prevent Drug Abuse.

Was awarded cooperative agreement from the Bureau of Justice Assistance—Department of Justice and the Department of Labor to coordinate Communities in Action to Prevent Drug Abuse II—Reclaiming Our Communities (1995–1997) in 10 cities across the country.

TRAINING

Was awarded a three year national VISTA grant in 1978 which resulted in training of almost 100 community staff in 48 community organizations.

Provided technical assistance and seed funding to 131 community groups since 1980 through the Mott Foundation's Strengthening Citizen Initiatives at the Local Level Program.

Provided training on financial management to community groups in 8 cities through a program developed with Allstate.

Offered week-long training courses since 1974 that have trained over 3,000 participants in community advocacy skills.

Provided on-site consultations that have resulted in development of dozens of new community organizations across the country.

Provided on-site training for at least 40 organizations a year.

Have coordinated national conferences on Housing, CRA, Jobs, Insurance and Drugs providing an area for all the players to come together to discuss their concerns. Each conference attracted over 500 participants.

ENERGY

Provided training and consulting for 147 community groups on natural gas deregulation in the late 1970s and early 1980s.

In the mid 1980s, founded the Affordable Budget Coalition to address the rash of utility shut-offs plaguing Illinois. The ABC became independent in 1987.

Assisted community groups to intervene in utility rate cases before the Illinois Commerce Commission, resulting in almost $2 billion in refunds.

Has been an expert witness in telephone and electric utility cases and performed an analysis of Currency Exchange rates charged to cash government benefit checks for use in rate investigation of the Illinois Department of Financial Institutions.

Currently working with community groups and participating in policy forums on the deregulation of the electrical utility industry in Illinois.

Working with community groups, government agencies and electric and natural gas utility companies to establish a long-term solution to the low income residential energy crisis and the decline of federal energy assistance funding.

Providing training for Community Action Agency's low income board members across the country in cooperation with the Illinois Community Action Agency under a contract from the U.S. Department of Health and Human Services.

INSURANCE

Developed new urban property insurance products and increased urban investments with leading companies, including Allstate and State Farm as a response to NPA advocacy against insurance redlining.

THE HEALTH INSURANCE REFORM ACT OF 1995

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the following items with regard to S. 1028 be included in the RECORD.

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

COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 22, 1995.

Hon. NANCY LANDON KASSEBAUM,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office [CBO] has reviewed S. 1028, the Health Insurance Reform Act of 1995, as ordered reported by the Senate Committee on Labor and Human Resources on August 2, 1995. CBO estimates that enactment of S. 1028 would not significantly affect the federal budget. (Each state's insurance commissioner would ensure that the requirements of this legislation are carried out by health insurance carriers in their state; CBO has not attempted to estimate the amount by which state government spending could be changed.) Pay-as-you-go procedures would apply because the bill could affect direct spending and receipts. the estimated change in direct spending and receipts, however, is not significant.

This bill would create uniform national standards intended to improve the portability of private health insurance policies. for example, these standards would allow workers with employment-based policies to continue their coverage more easily when changing or leaving jobs. Because most private insurance plans require a waiting period before new enrollees become eligible for coverage, especially for preexisting medical conditions, workers with chronic conditions or other health risks may face gaps in their coverage when they change jobs. Alternatively, such workers may be hesitant to change jobs because they fear the temporary loss of coverage, a situation known as "job-lock."

S. 1028 would reduce the effective length of exclusions for preexisting conditions by crediting enrollees for continuous coverage by a previous insurer. Insurance companies would be prohibited from denying certain coverage based on the medical status or experience of individuals or groups and would be required to renew coverage in most cases. Insurers could not deny coverage to individuals who have exhausted their continuing coverage from a previous employer. This bill would allow individuals to change their enrollment status without being subject to penalties for late enrollment if their family or employment status changes during the year. To the extent that states have not already implemented similar rules, these changes would clarify the insurance situation and possibly reduce gaps in coverage for many people.[1]

Because the bill would not regulate the premiums that plans could charge, the net number of people covered by health insurance and the premiums that they pay would continue to be influenced primarily by current market forces. In other words, although insurance would become more portable for some people under this bill, it would not become any more or less available in general.

S. 1028 could affect the federal budget in two primary ways. First, if the bill changed the amount of employer-paid health premiums, total federal tax revenues could change. For example, if the amount employers paid for premiums rose, cash wages would probably fall, thereby reducing income and payroll tax revenues. If individuals paid more for individually-purchased insurance, they could increase their itemized deductions for health expenses. Second, if the bill

Footnotes at end of letter.

caused people insured by Medicaid or government health programs to purchase private coverage, then federal outlays for those programs could change.

According to the General Accounting Office [GAO], 38 states have enacted legislation to improve the portability and renewability of health plans among small employers.[2] The state laws do not apply to employees of larger firms with self-funded insurance plans, however, and the GAO report finds that state laws generally do not apply to the market for individually-purchased insurance.

Because many insurance reforms have already been implemented by the states, GAO assumes that the new national standards created by S. 1028 would not significantly change the insurance market for most people. Although the national standards created by S. 1028 would improve the portability of health insurance for some additional groups or individuals, GAO assumes that the incremental change in the insurance marketplace would be minor. Any changes to overall insurance coverage or premiums caused by the bill would probably be small, and the direction of the change is uncertain. Most people subject to the new insurance rules would have had coverage under the old rules, so their total health spending would probably not be noticeably different. Therefore federal revenues would be unlikely to change.[3]

CBO estimates that federal outlays for Medicaid would not change because any persons eligible for free coverage from Medicaid under current law would also seek out Medicaid coverage if S. 1028 was enacted. CBO also estimates that the bill would cause no appreciable changes to federal outlays for Medicare, Federal Employees Health Benefits, or other federal programs.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff Lemieux.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

FOOTNOTES

[1] For additional discussion, see GAO testimony "Health Insurance Regulations, National Portability Standards Would Facilitate Changing Health Plans," July 18, 1995, before the Senate Committee on Labor and Human Resources.

[2] Health Insurance Regulation: Variation in Recent State Small Employer Health Insurance Reforms (GSO/HEHS-95-161FS, June 12, 1995).

[3] CBO cooperates with the Joint Committee on Taxation to produce estimates of revenue changes under proposals that would change the private health insurance market. Following CBO's estimate that S. 1028 would not significantly change spending for private health insurance, the Joint Committee assumes that federal revenues would not change.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 22, 1996.

Hon. NANCY L. KASSEBAUM,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed mandate cost statements for S. 1028, the Health Insurance Reform Act of 1995, as reported by the Senate Committee on Labor and Human Resources on October 12, 1995.

Enactment of S. 1028 would impose both intergovernmental and private sector mandates. The cost of the intergovernmental mandates would not exceed the applicable $50 million threshold, but the costs of the private sector mandates would exceed the applicable $100 million threshold.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE ESTIMATED COST OF INTERGOVERNMENTAL MANDATES

1. Bill number: S. 1028.

2. Bill title: The Health Insurance Reform Act of 1995.

3. Bill status: As reported by the Senate Committee on Labor and Human Resources on October 12, 1995.

4. Bill purpose: S. 1028 would make it easier for people who change jobs to maintain adequate coverage by requiring issuers of group health plans and sponsors of health plans for employees to: Limit exclusions for preexisting conditions to 12 months (18 months for late enrollees) with a one-for-one offset against the exclusion for continuous coverage; not impose eligibility requirements based on health status or other medical information; and offer special enrollment periods when an employee experiences a change in family composition (e.g., the birth of a child) or a family member of an employee loses health coverage under another health plan because of a change in employment status.

In addition, the bill would require health plans sponsored by employers to: extend COBRA coverage an additional 11 months if an employee becomes disabled during the 18 months of the original COBRA coverage or has disabled dependents, and provide immediate coverage to newborns or adopted children under a parent's COBRA policy.

Furthermore, S. 1028 would increase the portability of health insurance from group coverage to individual coverage by requiring issuers of individual health insurance to provide coverage if an individual has had 18 months of continuous coverage. In addition, the bill would assist employers and individuals in establishing voluntary coalitions for purchasing group health insurance and preempt some state laws dealing with purchasing cooperatives. Finally, if the bill is enacted, states would have the option of enforcing the bill's requirements regarding group and individual health insurance. If a state chooses not to enforce the requirements, the federal government would enforce them.

5. Intergovernmental mandates contained in bill: S. 1028 contains several intergovernmental mandates as defined in Public Law 104-4, primarily the new requirements that would be imposed on health plans sponsored by employers. State and local governments who offer their employees health insurance would have to abide by these requirements.

6. Estimated direct costs to State, local, and tribal governments:

(a) *Is the $50 Million a Year Threshold Exceeded?* No.

(b) *Total Direct Costs of Mandates:* S. 1028 would increase the cost of health insurance for covered employees of state and local governments, but this cost would primarily be borne by the employees themselves and not by state or local taxpayers. Although CBO cannot provide a precise estimate, any increase in the cost of health insurance for employees of state and local governments would amount to less than $50 million annually. As a result of higher health care costs, state and local governments would reduce other elements of their employees' compensation packages by a corresponding amount. The amount of total compensation paid by the state and local governments would thus remain unchanged in the long run. Except for an initial transition period, during which state and local governments may not be able to change other elements of their employees' compensation packages, state and local governments would not be required to spend additional funds to comply with these mandates.

(c) *Estimate of Necessary Budget Authority:* None.

7. Basis of estimate: Based on a limited survey of State and local governments, CBO found that the health insurance plans currently offered by State and local governments are generally in compliance with S. 1028. However, some State and local governments would have to make minor adjustments to their plans. Almost all plans already limit to 1 year, or do not include, exclusions for preexisting conditions, but only a few of the plans that have exclusions allow an offset against the exclusion for continuous coverage. In addition, some plans do not offer special enrollment periods when a family member of a participant loses his or her health insurance under another plan because of a change in employment. Finally, the expansion of COBRA coverage would affect all plans.

CBO estimates that the cost of S. 1028 to the private sector for the group health insurance reforms would total about $300 million. A simple calculation, based on the number of employees involved, would indicate that the cost of S. 1028 for employees of State and local governments would be $60 million. CBO believes that the cost would actually be significantly less than this, however, because health plans sponsored by State and local governments are generally more liberal than plans sponsored by private sector employers. State and local governments therefore would be confronted with fewer changes as a result of S. 1028. The cost of the mandates imposed on State and local government would clearly be less than $50 million, a change of about 0.1 percent in the approximately $40 billion that is now spent on health insurance for employees of State and local governments.

Economists generally believe, and CBO's cost estimates have long assumed, that workers as a group bear most of the cost of employers' health insurance premiums. The primary reason for this conclusion is that the supply of labor is relatively insensitive to changes in take-home wages. Because most workers continue to work even if their take-home pay declines, employers have little trouble shifting most of the cost of additional health insurance to workers' wages or other fringe benefits.

8. Appropriation or other Federal financial assistance provided in bill to cover mandate costs: None.

9. Other impacts on State, local and tribal governments: States would have the option of enforcing the requirements of S. 1028 on issuers of health insurance in the group and individual markets. If a State decides not to enforce the new requirements, the Federal Government would do so. Because enforcement would be voluntary, this provision would not impose an intergovernmental mandate as defined in Public Law 104-4. However, the enforcement provisions would have a budgetary impact on State governments. States currently regulate the group and individual markets, and CBO does not expect any State to give up this authority and responsibility. States thus would incur additional costs as they enforce the new requirements. In 1995, according to the National Association of Insurance Commissioners, States spent $650 million regulating all forms of insurance (health and others). CBO expects that S. 1028 would increase these costs only marginally.

10. Previous CBO estimate: None.

11. Estimate prepared by: John Patterson.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE ESTIMATE OF COSTS OF PRIVATE SECTOR MANDATES

1. Bill number: S. 1028.

2. Bill title: Health Insurance Reform Act of 1995.

3. Bill status: As reported by the Senate Committee on Labor and Human Resources on October 12, 1995.

4. Bill purpose: The purpose of S. 1028 is to increase access to health care benefits for workers and their families both while the workers are employed and after they leave employment. It would also increase the portability of health insurance when workers change jobs, and make other changes affecting health care benefits.

5. Private sector mandates contained in the bill: S. 1028 contains several private sector mandates as defined in P.L. 104–4 that would affect the private health insurance industry. Three general areas of coverage would be affected: (1) the group and employer-sponsored health insurance market, (2) the extensions of health insurance required under the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, and (3) the market for individual health insurance.

Mandates on group insurers and employee health benefit plans

The bill would require sellers of group health insurance to cover any group purchaser who applies. Group insurers could stop selling coverage only under certain conditions, such as ceasing to offer coverage to any additional group purchasers. Under those circumstances, they could resume offering coverage only after a 6 month cessation and would be required to resume on a first-come-first-served basis. Those availability provisions would apply separately to the "large group" and "small group" markets—that is, an issuer would be allowed to serve only one of those markets. Group insurers would also be required to renew coverage at the option of the group purchaser, except in certain circumstances including nonpayment of premiums, or fraud or misrepresentation on the part of the group purchaser. Network plans would not be required to renew coverage to people living outside the geographic area covered by the plan as long as this action is done on a uniform basis, without regard to the health status of particular individuals.

Several provisions of the bill would apply both to sellers of group insurance and to employee health benefit plans that are "self-insured" by firms. Eligibility, enrollment, and requirements relating to premium contributions could not be based on the employee's health status, claims experience, or medical history.

In addition, the bill would limit the use of pre-existing condition exclusions—clauses that exempt the plan from paying for expenses related to a medical condition that already existed when an enrollee first joined the plan. Under the bill, twelve months would be the maximum allowable duration of a pre-existing condition exclusion (eighteen months for employees who did not join the plan at their first enrollment opportunity). Furthermore, month-for-month credit against that exclusion would have to be given to enrollees for continuous coverage that they had prior to joining a new plan. (Insurers and health benefit plans would be required to keep records to document the previous coverage.) In addition, pregnancy could not be excluded by a pre-existing condition clause, and children who were signed up with a plan within thirty days of birth could not have any existing conditions excluded from coverage. (A similar provision applies for adopted children.)

Affiliation periods, in which new enrollees pay no premium but receive no benefits, could be used if pre-existing condition exclusions were not part of the plan. However, such periods would be limited to sixty days (ninety days for late enrollees).

Finally, the bill would require that health plans offer special enrollment periods for participants or family members for various changes in family or employment status.

Mandates extending COBRA continuation coverage

Under certain circumstances, the bill would compel firms to extend so-called "COBRA" coverage to former employees or their family members for a longer period of time than is currently required. Under current law, firms that offer health insurance as part of their employee benefits package and employ 20 or more people must allow employees (and family members) to continue coverage for 18 months after leaving employment (or for certain other reasons), at a cost that cannot exceed 102 percent of the premium for regular employees. Under certain circumstances, such as if a worker is disabled when he or she first qualifies for COBRA coverage, an additional 11-month extension of coverage also must be made available.

The bill would extend COBRA coverage by specifying an additional condition that would qualify former employees (or their insured family members) for the 11-month extension period after the initial 18-month period. In particular, if a former employee were to become disabled during the first 18 months of extended coverage, then they would qualify for the additional 11-month period. Disability of an insured family member also would be a qualifying condition for continuation of CORBA coverage. Under the current law COBRA provisions, a premium of 150 percent of the premium for regular employees could be charged to former employees in the additional 11-month period.

Mandates affecting the individual insurance market

Under S. 1028, sellers of individual health insurance policies would be required to cover individuals who wanted to enroll in an individual health plan, regardless of their medical history or claims experience, if they had at least 18 months of continuous prior coverage by one or more group health plans or employee health benefit plans. To be eligible for such group-to-individual market "portability," the individual applicant also would have to be ineligible for coverage by another group health plan, employee health benefit plan, or COBRA continuation coverage. The bill would leave the determination of premiums to the applicable state laws or regulations.

Issuers of individual plans also would be required to renew policies at the option of the insured individuals, except for certain circumstances including nonpayment of premiums or fraud.

To the extent that state laws or regulations were a suitable substitute for the provisions of the bill, the federal rules would not apply. Examples of such substitutes could include laws providing for state-sponsored high-risk pools that provide coverage to those who could not otherwise obtain private coverage, open enrollment by one or more health plan issuers to facilitate coverage in the individual market, and guaranteed issue of insurance to all individuals regardless of their health status.

6. Estimated direct cost to the private sector: CBO estimates that the direct cost of the main private sector mandates in S. 1028 would be approximately $350 million in the first year the provisions were effective, rising to about $500 million annually in the fifth year. Those mandate costs represent about one-quarter of one percent of total private sector health insurance expenditures, although their distribution among health insurance plans would be uneven. (Plans that cover public sector employees are not included in this analysis.) These estimates are subject to considerable uncertainty because a number of underlying assumptions rely on limited data or judgments about future changes in health insurance markets.

The specific mandates examined in this estimate are: Limiting the length of time employer-sponsored and group insurance plans could withhold coverage for pre-existing conditions; requiring that periods of continuous prior health plan coverage be credited against pre-existing condition exclusions of a new plan; extending the conditions under which an employer would have to offer 11 additional months of COBRA coverage for disabled people; and requiring issuers of individual health insurance policies to offer coverage to all individuals who meet specific requirements, including 18 months of prior continuous group of employer-sponsored coverage.

Basis of the estimate: The direct costs of those mandates consist of the additional health expenses that would be covered by insurance as a direct result of their implementation. Expenses for pre-existing conditions that would have to be paid by insurers under the bill but would not have been insured under current law, for example, are included in aggregate direct costs. In contrast, insured expenses that would be transferred among different insurers because of the bill are not included in aggregate direct costs.

In making this estimate, CBO did not attempt to value any social benefits that might result from expansions in insurance coverage. That is, the estimate accounts only for the additional insurance costs of the mandates, not the value of additional insurance coverage to beneficiaries. Nor was there an attempt to quantify any indirect costs or benefits. Such indirect effects could include, for example, loss of coverage if an employer ceases to offer group coverage when premiums rise, or increases in worker mobility (or reduced "job lock") with greater portability of benefits. It would be important to weigh all such factors in considering the bill, but only estimates of the direct costs of the mandates in the bill are required by P.L. 104–4, the Unfunded Mandates Reform Act.

Direct costs of mandates on group insurers and employee health benefit plans

Two of the principal mandates in S. 1028 affect group and employee health benefit plans: (1) limiting the maximum length of pre-existing condition exclusions, and (2) requiring that health plans reduce the length of pre-existing condition exclusions for people with prior continuous coverage under other health plans. CBO estimates that the direct cost of those two mandates would total about $300 million in each of the first five years the provisions would be effective. This cost is approximately 0.2 percent of the total premium payments in the group and employer-sponsored market.

Limiting the Maximum Length of an Exclusion. The mandate to limit exclusions for

pre-existing conditions to 12 months (18 months for late enrollees) is estimated to have a direct private-sector cost of about $200 million per year. This estimate is based on two components: (1) the number of people who would have more of their medical expenses covered by insurance if exclusions were limited to one year or less, and (2) the average cost to insurers of that newly insured medical care.

CBO used data from the Survey of Employee Benefits in the April 1993 Current Population Survey (CPS) to estimate the number of people with conditions that are not now covered because of a pre-existing condition exclusion of more than one year. The survey asks respondents whether they or a family member have a medical condition that their employment-based plan is not covering because of a pre-existing condition exclusion. It also asks respondents how long they have been with their present firm. For people with medical conditions excluded by a pre-existing condition clause, responses to the second question are used to estimate whether the exclusion period exceeds one year.

A number of adjustments were made to the data. In particular, CBO's estimate of the number of people affected by S. 1028 excluded people who said they were limited by a pre-existing restriction but who also had other health insurance coverage, because the other insurance plan might have covered their pre-existing conditions. Under those circumstances, the limitation imposed on employment-based plans by S. 1028 would not raise their aggregate costs.

The second modification to the CPS data adjusted for changes in the insurance market that have occurred since the survey date of 1993. In particular, since that time, about 40 states have implemented laws affecting the small group insurance market that would limit pre-existing condition exclusions to one year or less and require that previous coverage be credited against those exclusions. Those laws generally apply to groups of 50 or fewer employees and do not include self-funded health benefit plans. Because plans covered by such state laws would not have to change their provisions as a result of S. 1028, CBO lowered its initial estimate of the number of people affected by the bill.

CBO's analysis led to the conclusion that approximately 300,000 people would gain coverage under S. 1028 for some condition that would otherwise be excluded by a long (more than one year) pre-existing condition clause. This estimate represents less than 0.3 percent of people with private employment-based coverage.

The other component of the estimated private-sector cost is the average cost of the coverage that would become available under S. 1028. A recent monograph from the American Academy of Actuaries (referred to as the Academy) indicated a surge in claims costs of 40 to 60 percent when a pre-existing condition exclusion period expired for a sample of people with high expected medical costs.[1] That range is consistent with information from Spencer and Associates indicating that the costs of policies for former employees who have chosen to take extended COBRA coverage are 55 percent higher than those of active employees.[2] Applying those percentages to the average premium cost in the employer-sponsored market yields a potential range of additional costs of $600 to $900 a year per person who would gain coverage under S. 1028.

Crediting Prior Coverage Against Current Exclusions. Another provision in S. 1028 would require insurers under certain circumstances to credit previous continuous health insurance coverage against pre-existing condition periods. That provision is estimated to have a private sector cost of about $100 million per year. The key components of this estimate are: (1) the number of people who would receive some added coverage, and (2) the additional full-year cost of coverage, adjusted to reflect the estimated number of months of that coverage.

CPS data were used to estimate the number of people who would receive some added coverage under this mandate. These are people who would otherwise face some denial of coverage under a pre-existing condition exclusion period of one year or less, and who would qualify for a shortened exclusion period based on prior continuous coverage. CBO estimates that about 100,000 people would receive some added coverage under this provision of the bill. The relatively small size of this estimate is due largely to the difficulty of meeting the restrictive eligibility criteria for the reduction in the exclusion period—particularly the requirement that at most a 30-day gap separate prior periods of insurance coverage from enrollment in the new plan.

The average number of months of coverage these people would gain is constrained by the one-year limit on the exclusion period that would be required under the bill. Based on information from a 1995 study by KPMG Peat Marwick, CBO estimates that people who would qualify would gain coverage for an average of 10 months.[3] CBO's estimate of the additional insured costs per person is based on evidence from the Academy, which suggested that people with pre-existing condition exclusions may not seek treatment during the exclusion period but have rapid increases in expenses when that period expires. That behavior would reduce the effectiveness of exclusion periods in protecting insurers from treatment costs. The shorter the exclusion period, the less effective the pre-existing exclusion is at reducing the insurer's costs. CBO consequently assumed that full-year insured costs of people getting coverage for pre-existing conditions under this provision would rise by less than 40 percent.

Other Considerations. The estimated direct cost of the mandate to limit the length of pre-existing condition exclusions is about $200 million annually, and the cost of the mandate to credit previous coverage against pre-existing condition exclusions is about $100 million. Together, those mandate costs amount to about 0.2 percent of total premium payments in the group and employer-sponsored market.

Those estimates are subject to considerable uncertainty for several reasons. First, they are based on individuals' responses to surveys, which should be treated with caution. In addition, unforeseen changes in health insurance markets could result in the estimates being too low or too high. Larger than expected increases in medical costs would result in higher direct costs than estimated. On the other hand, the growth of managed care plans would lower the direct costs of the bill. The magnitude of this effect would depend on the relative growth of HMOs, which generally do not use preexisting condition exclusions, as compared to PPO and POS plans, many of which do use preexisting condition exclusions.

The distribution of the direct costs of the mandates would be uneven across health plans. Only plans that currently use pre-existing condition exclusions of more than 12 months would face the $200 million direct cost of the first mandate. Data from the Peat Marwick survey indicate that 2.5 percent of employees are in such health plans. Consequently, the costs to health plans that use long pre-existing condition exclusions would be about 4.5 percent of their premium costs. Likewise, only health plans that use pre-existing condition exclusions would face the direct cost of the mandate to credit previous coverage against the pre-existing exclusion. The data indicate that almost half of employees are in such plans—implying that the plans directly affected by this mandate would have direct costs equal to about one-tenth of one percent of their premiums under current law.

Employers could respond in a number of ways to the additional insured costs that would arise under these provisions of the bill. They could reduce other insurance benefits, increase employees' premium contributions, or reduce other components of employee compensation. Employers would be likely to respond in different ways, and these changes could take time. Some employers that currently offer health insurance to their employees might drop that coverage if the costs became too large, although the magnitude of such a reaction would probably be modest. These employer responses, which would offset the costs of the mandates, are indirect effects and do not enter into our estimates of the direct costs to the private sector of the insurance mandates.

Direct costs of mandates extending COBRA continuation coverage for the disabled

CBO estimates that the aggregate direct costs of the COBRA extension for disabled people would be negligible. Although individuals qualifying for the extension would be expected to have covered health expenses about three times greater than their premium payments, very few people would actually participate.

CBO used two approaches to estimate the number of people who would take advantage of the new COBRA extension. The first method used evidence on the number of employees electing COBRA coverage under current law who are disabled. A study by Flynn found that only 0.09 percent of COBRA elections are by disabled people.[4] Even under the assumption that the number of disabled people having COBRA coverage would double as a result of the new extension, fewer than 5,000 people a year would be covered by that extension.

In the second approach, CBO used data from the 1992 Survey of Income and Program Participation (SIPP) to examine the prior insurance status of people who became covered under Medicare disability coverage. That analysis also suggested that the number of people qualifying for the additional COBRA coverage under S. 1028 would be extremely small.

The costs of coverage for disabled people were estimated using information from the 1987 National Medical Expenditure Survey, which indicated that non-elderly disabled people had medical expenditures four to five times greater than non-disabled people. Those higher costs would be partly offset by additional premiums that would be collected from persons using the COBRA extension. COBRA allows insurers to charge those people up to 150 percent of the premium for regular employees. Consequently, assuming the full COBRA premium was assessed, the insured costs of disabled people taking the new extension would be about three times higher than the premiums they would pay.

Footnotes at end of article.

Direct costs of mandates affecting the individual insurance market

S. 1028 would require issuers of individual health insurance policies to offer coverage to all people who have had group or employer-sponsored coverage continuously for at least 18 months immediately prior to enrolling, but who are not eligible for additional COBRA or other group coverage. CBO estimates that this group-to-individual portability provision would impose aggregate direct costs on the private sector of less than $50 million in the first year the law was effective. Those aggregate direct costs would rise to about $200 million annually in the fifth year.

The mandate costs are added insurance costs of people who would gain coverage minus premium payments that the newly covered individuals themselves would make to insurers. Premium payments are subtracted because they would directly offset part of the cost of the mandate imposed on insurers.

A key element of this estimate is the calculation of the number of people who would both qualify for and desire to purchase individual market insurance under the provisions in S. 1028, but who would not be extended insurance coverage under current law. CBO analyzed data from the 1992 SIPP to determine the number of people who: (1) had 18 months of prior continuous group coverage, and (2) would purchase an individual policy if insurers were not permitted to exclude them on the basis of health. We assumed that uninsured survey respondents who indicated that they were too sick to obtain insurance would fulfill the latter condition. The data suggest, however, that only about 25 percent of such people would meet S. 1028's requirement of 18 months of continuous prior group coverage.

Because the SIPP survey used in this analysis ended in late 1993, we made two additional adjustments to our estimate. First, we corrected for changes in the number of uninsured since 1993. Second, we reduced our estimate to account for state legislation that supersedes the S. 1028 provision. Many states undertook reforms of their individual insurance markets prior to the time of the survey, and a few additional states have implemented such laws since then. We assumed that all states with comparable laws would get waivers from the S. 1028 provisions affecting the individual market. Accordingly, the estimate assumes that the mandate would only be effective in states accounting for about 5.4 million of the estimated 13.4 million people currently having individual coverage.[5] (Note that estimates of the number of people insured through the individual market vary considerably. CBO's assumption is consistent with that of the Academy.)

CBO concludes that approximately 40,000 people would become covered by the end of the first year the bill would be effective because of the group-to-individual portability provision. The number of covered people would grow gradually over time as more people who, in the absence of S. 1028, would have been denied coverage because of poor health would meet the 18-month continuous group coverage requirement and choose to purchase individual insurance. In about four years, the number of people covered because of those portability provisions would plateau at around 150,000 people. Those estimates refer only to the number of people who gain insurance coverage as a result of S. 1028. The estimates do not include people who might decide to move into individual insurance coverage under S. 1028 but would have had insurance coverage from elsewhere in the absence of the bill. It would not be appropriate to count such people toward the aggregate direct costs of the bill because their medical expenses would have been insured anyway.

In order to complete the estimate, we calculated the direct mandate costs per person who would obtain individual coverage because of this bill. Those costs equal the difference between the added insurance costs of the people who would gain coverage and the premium payments that those newly covered people would make to insurers. Neither the additional insurance costs, nor the additional premium revenue, can be estimated with a high degree of confidence.

S. 1028 would prohibit the denial of coverage because of health status or claims experience. Consequently, people gaining coverage through the portability provisions of S. 1028 would cost more, on average, than the typical person who currently purchases an individual policy. But, because of the multiple eligibility criteria required by S. 1028, surveys of health expenditures do not provide an adequate basis for a specific estimate of those higher costs.

Likewise, the premiums that insurers might charge newly covered people are highly uncertain because they depend on the unknown responses of state insurance regulators that are likely to vary among the states. At one extreme, state regulators might not allow insurers to charge higher premiums for people qualifying under the S. 1028 portability provisions. The loss on those people would then be relatively large. At the other extreme, state regulators might allow insurers to charge them their full expected costs. In that case, there would be no loss to insurers, and consequently no aggregate costs from that mandate.

Previous studies offer divergent views on these issues. The Academy assumed that people obtaining individual coverage through the portability provisions would have costs two to three times as high as standard risks.[6] They also assumed that the premiums those people would pay would range from 125 to 167 percent of the average individual premium. That is, the Academy assumed that states would limit what insurers could charge to less than the full cost of the benefit.

The Health Insurance Association of America (HIAA) assumed that newly covered people who exhausted their COBRA coverage would have costs between two and three times the average, while the cost of those not eligible for COBRA coverage would be 1.5 to two times the average[7] HIAA made no specific assumptions about the rating rules that states would impose on health plans in the individual market.

Although neither the costs nor the insurance premiums associated with the newly covered individuals are known, it is not unreasonable to assume that state insurance commissioners would take the additional costs, and their potential effects, into account in regulating the individual market. If, for example, the expected costs of the newly insured people were high relative to others in the individual market, insurance regulators might allow insurers to charge such people relatively high premiums. Conversely, if the expected costs of the newly insured people were not much higher than others in the individual market, state regulators might not allow their premiums to deviate much from the market average.

This relationship can be viewed in terms of a target "loss" percentage that regulators might seek. That percentage would be the difference between the cost of coverage and the premium, expressed as a share of the average premium in the individual market. Based on a wide range of possible cost and premium factors, CBO assumed that the insurers' loss percentage associated with the newly covered individuals would be about 70 percent. That is, the difference between premium income and insurance costs for the newly insured people is expected to be about 70 percent of the average premium paid by others in the individual market.

Multiplying the loss percentage by the average individual market premium under current law and by the number of newly covered people yields the estimated aggregate direct costs of the group-to-individual portability provision. Those costs are expected to be less than $50 million in the first effective year of the legislation and to rise to about $200 million annually by the fifth year.

Other Considerations. For those states in which the individual market mandates are expected to apply, premiums are estimated to be around 0.5 percent higher than otherwise by the end of the first year of implementation and to be approximately 2 percent higher than otherwise by the end of the fifth year. Those premium increases represent the excess costs that presumably would be passed on to people who would have acquired individual policies in the absence of this bill. The estimates of premium increases are limited to those costs attributable to people who obtain insurance in the individual market who would have been uninsured in the absence of S. 1028.

If individual insurance premiums rose sufficiently as a consequence of S. 1028, some people with individual coverage would probably drop their insurance. Those most likely to do so would be lower-income people who were not in poor health. CBO used an analysis by Marquis and Long to estimate the number of people who would drop out of the individual insurance market in response to higher premiums.[8] By the fifth year after S. 1028 became effective, about 35,000 people who would have purchased individual policies in the absence of this legislation would not do so. Overall, however, the number of people with insurance in the individual market would probably rise as a result of S. 1028.

CBO's estimate assumes that states that already meet the individual market standards in S. 1028 would be granted waivers of those requirements. Initiatives such as guaranteed issue laws and state-sponsored risk pools to provide insurance for high-risk people may qualify states for waivers. The Academy has suggested, however, that states may not seek those waivers even when they are eligible. States might see the provisions of S. 1028 as a mechanism to transfer some individuals out of partially state-subsidized high-risk insurance pools into the private market, where their additional costs would be picked up entirely by the private sector.

7. Appropriations or other Federal financial assistance: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: James Baumgardner.

10. Estimate approved by: Joseph Antos, Assistant Director for Health and Human Resources.

[1] See American Academy of Actuaries, "Providing Universal Access in a Voluntary Private-Sector Market," February 1996.

[2] Charles D. Spencer and Associates, Inc., "1995 COBRA Survey: Almost One in Five Elect Coverage, Cost is 155% of Actives' Cost," Spencer's Research Reports (August 25, 1995).

[3] Based on unpublished tabulations from KPMG Peat Marwick, LLP, Survey of Employer-Sponsored Benefits, 1995.

[4]Patrice Flynn, "COBRA Qualifying Events and Elections, 1987–1991," Inquiry, vol. 31, no. 2 (Summer 1994), pp. 215–220.

[5]Calculations based on consultations with the Congressional Research Service/Hay Group concerning state individual insurance market laws.

[6]American Academy of Actuaries, "Comments on the Effect of S. 1028 on Premiums in the Individual Health Insurance Market," February 20, 1996.

[7]Health Insurance Association of America, "The Cost of Ending 'Job Lock' or How Much Would Health Insurance Costs Go Up if 'Portability' of Health Insurance Were Guaranteed: Preliminary Estimates," July 26, 1995.

[8]M. Susan Marquis and Stephen H. Long, "Worker Demand for Health Insurance in the Non-Group Market," Journal of Health Economics, vol. 14, no. 1 (May 1995), pp. 47–63.

SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996

Mrs. HUTCHISON. Mr. President, in response to the number of repeat crimes that are committed by convicted sex offenders, Senator GRAMM and I are offering legislation to require all such individuals to register with the FBI.

Society needs to know where these predators are at all times. Individual States are creating registries of convicted sex offenders and devising other measures to address the problem—my home state of Texas has moved forward aggressively on this front.

Unfortunately, for my State and others, there is a continuing worry despite such progress: individuals convicted of 1,000 cases of child molestation scheduled to be released in Texas this year alone.

Currently, 47 States have registry laws which apply to sex offenders, but these track such felons only within the individual State. There is no national registry. There is no formal network for law enforcement agencies to communicate with each other about know sexual predators. As a result, a convicted rapist or child molester released in Texas can move to, say, Vermont—which has no registry law—and disappear from law enforcement records. This ability to move from one State to the next unmonitored has provided tens of thousands of sex offenders with the opportunity to commit yet more deviant acts.

The legislation Senator GRAMM and I are introducing would close this immense loophole by creating a national computer registry to track convicted sex offenders. Our bill would:

Require all sex offenders to register with the FBI for 10 years following their release from prison, drawing on State registries.

Authorize the FBI to register and track offenders living in States with no registry program.

Require the FBI to ensure that local authorities are notified every time a sex offender moves into or out of their jurisdiction.

Allow private and community organizations access to the sex offender files through their local law enforcement agencies;

Preserve State authority in determining whether (or how) the public at large will be notified of the presence of sex offenders in a community.

Provide penalties for those who fail to register.

This will provide a tracking program nationwide. It is an appropriate function of the Federal Government to keep tabs on such offenders—and help to arm communities with information that might well prevent future, similar, horrifying crimes. We know that 40 percent of convicted sex offenders will repeat their crimes. We must begin acting on that information.

Mr. President, Senator GRAMM and I are not asking that any money be appropriated for this purpose—the FBI can create such a tracking system with existing resources. And this is how Federal agencies should be spending the taxpayers' money: on protecting them and their children, and making their communities safer, less threatening places to live.

One of the ultimate responsibilities of Government is the protection of its citizens—especially its youngest and most vulnerable. This measure does not seek to impose additional punishment on sex offenders—but it is aimed at providing society at large with an element of self-defense that it does not enjoy now.

TAX DAY

Mr. PELL. Mr. President, Tax Day has come and gone, and I would wager that few outside of Washington, DC, marked its passing because they were so absorbed in the last minute preparation and filing of income tax returns. Most paid scant heed to this congressionally created day of moment, which, in my view, panders irresponsibly to popular aversion to taxation.

It is far more responsible, in my view, to emphasize the positive aspects of public finance. Most Federal taxes flow right back to Americans in benefits and services. Federal taxes here includes both Federal income taxes and Federal payroll or Social Security taxes. Payroll taxes are used to pay Social Security and Medicare benefits to our elderly and disabled. Income taxes are used to fund the operations of our Government which include the provision of student loans for education, maintenance of our national parks and museums, low-interest mortgage loans for first-time home buyers, veterans benefits, unemployment compensation, and our military defense, among other things.

I am advised that Federal entitlements—benefits citizens are entitled to collect if they meet certain demographic or income definition—reach 49 percent of U.S. households, including 39 percent of families with children and 98 percent of the elderly.

Moreover, in my view, Americans are not overtaxes in comparison with other nations. The highest statutory marginal individual income tax rate in the United States, 39.6 percent, is relatively low by international standards. France, Germany, Italy, and Japan have tax rates that are substantially higher, reaching 56.8 percent. By another measure, using total tax receipts as a percent of gross domestic product [GDP], the United States has an average tax rate of 31.5 percent. The United Kingdom, Italy, Germany, Canada, and France are all significantly higher, with several having average tax rates in excess of 40 percent of GDP.

Of course, constant restraint and diligence must be exercised to make sure that waste, fraud, and abuse are avoided at all times. But overall, I believe that our Federal Government has had, and continues to have, a positive impact on the lives of most Americans. In the words of Justice Holmes, "taxes are what we pay for civilized society." In the end, we get what we pay for.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR CALENDAR YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 138

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I am pleased to present to you the 1995 Annual Report of the National Endowment for the Humanities (NEH). For 30 years, this Federal agency has given Americans great opportunities to explore and share with each other our country's vibrant and diverse cultural heritage. Its work supports an impressive array of humanities projects.

These projects have mined every corner of our tradition, unearthing all the distinct and different voices, emotions, and ideas that together make up what is a uniquely American culture. In 1995, they ranged from an award-winning television documentary on President Franklin Delano Roosevelt, the radio production Wade in the Water, to preservation projects that will rescue

750,000 important books from obscurity and archive small community newspapers from every State in the Union. Pandora's Box, a traveling museum exhibit of women and myth in classical Greece, drew thousands of people.

The humanities have long helped Americans bridge differences, learn to appreciate one another, shore up the foundations of our democracy, and build strong and vital institutions across our country. At a time when our society faces new and profound challenges, when so many Americans feel insecure in the face of change, the presence and accessibility of the humanities in all our lives can be a powerful source of our renewal and our unity as we move forward into the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 17, 1996.*

REPORT ON ALASKA'S MINERAL RESOURCES FOR CALENDAR YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 139

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 Energy and Natural Resources.

To the Congress of the United States:

I transmit herewith the 1995 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 17, 1996.*

MESSAGES FROM THE HOUSE

At 1:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2337. An act to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections.

H.R. 2501. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky, and for other purposes.

H.R. 2630. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

H.R. 2695. An act to extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania.

H.R. 2773. An act to extend the deadline under the Federal Power Act applicable to the construction of 2 hydroelectric projects in North Carolina, and for other purposes.

H.R. 2816. An act to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes.

H.R. 2869. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Kentucky.

H.R. 3034. An act to amend the Indian Self-Determination and Education Assistance Act to extend for two months the authority for promulgating regulations under the Act.

H.R. 3074. An act to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone.

H.R. 3121. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for the purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 3074. An act to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone; to the Committee on Finance.

H.R. 3121. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following measures were read the first and second times by unanimous consent and placed on the calendar:

H.R. 2501. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky, and for other purposes.

H.R. 2630. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

H.R. 2695. An act to extend the deadline under the Federal Power Act applicable to the construction of certain hydroelectric projects in the State of Pennsylvania.

H.R. 2773. An act to extend the deadline under the Federal Power Act applicable to the construction of 2 hydroelectric projects in North Carolina, and for other purposes.

H.R. 2816. An act to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes.

H.R. 2869. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Kentucky.

The following bill was ordered placed on the calendar:

H.R. 2337. An act to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2219. A communication from the Secretary of Energy transmitting, pursuant to law, the annual report for the Strategic Petroleum Reserve for 1995; to the Committee on Energy and Natural Resources.

EC–2220. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–2221. A communication from the Deputy Chief (Programs and Legislation Division), Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a notice relative to the Range Mobile Target Support function; to the Committee on Armed Services.

EC–2222. A communication from the Deputy Chief (Programs and Legislation Division), Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a notice relative to depot maintenance activities; to the Committee on Armed Services.

EC–2223. A communication from the Secretary of the Navy transmitting, pursuant to law, a report relative to a major defense acquisition program; to the Committee on Armed Services.

EC–2224. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, the notice of an intention to offer a transfer by sale; to the Committee on Armed Services.

EC–2225. A communication from the Assistant Secretary of the Navy (Installations and Environment) transmitting, pursuant to law, the report of a study relative to outsourcing; to the Committee on Armed Services.

EC–2226. A communication from the Secretary of the Army transmitting, pursuant to law, a report relative to the average unit procurement cost for a program; to the Committee on Armed Services.

EC–2227. A communication from the Assistant Secretary of the Army (Installations, Logistics and Environment) transmitting, pursuant to law, a notice relative to Fort Polk, LA; to the Committee on Armed Services.

EC–2228. A communication from the Secretary of Energy transmitting, pursuant to law, the report of DOE activities relating to the Defense Nuclear Facilities Safety Board for calendar year 1995; to the Committee on Armed Services.

EC–2229. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, a report relative to outsourcing; to the Committee on Armed Services.

EC–2230. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Armed Services.

EC–2231. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "The National Defense Authorization Act for Fiscal Year 1997"; to the Committee on Armed Services.

EC–2232. A communication from the Administrator of the Environmental Protection

Agency, transmitting, pursuant to law, the (entire) National Water Quality Inventory Report for calendar year 1994; to the Committee on Environment and Public Works.

EC-2233. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Office of Small and Disadvantaged Business Utilization (OSDBU) and women and minority business enterprises; to the Committee on Environment and Public Works.

EC-2234. A communication from the Secretary of the Nuclear Regulatory Commission, transmitting, pursuant to law, a major rule to establish license and annual fees under the Omnibus Budget Reconciliation Act of 1990; to the Committee on Environment and Public Works.

EC-2235. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the financial statements for fiscal years 1994 and 1995; to the Committee on Armed Services.

EC-2236. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on nonlethal weapons; to the Committee on Armed Services.

EC-2237. A communication from the Assistant General Counsel of the U.S. Information Agency, transmitting, pursuant to law, a report relative to an exchange visitor's program duration; to the Committee on Foreign Relations.

EC-2238. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, a draft of proposed legislation entitled "The Overseas Private Investment Corporation Amendments Act of 1996"; to the Committee on Foreign Relations.

EC-2239. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to international financial institutions; to the Committee on Foreign Relations.

EC-2240. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the United Nations Civilian Police operation in Eastern Slavonia; to the Committee on Foreign Relations.

EC-2241. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of contributions to international organizations for fiscal year 1995; to the Committee on Foreign Relations.

EC-2242. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-2243. A communication from the Attorney General, transmitting, pursuant to law, the annual report of the Federal Prison Industries for calendar year 1995; to the Committee on the Judiciary.

EC-2244. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on the Judiciary.

EC-2245. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2246. A communication from the Postmaster General, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2247. A communication from the Director of the Judicial Conference of the United States, transmitting, a draft of proposed legislation to provide for the conversion of existing temporary U.S. District Judgeships to permanent status, and for other purposes; to the Committee on the Judiciary.

EC-2248. A communication from the Director of the Office of Governmental Ethics, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2249. A communication from the Executive Director of Government Affairs of the Non Commissioned Officers Association of the U.S.A., transmitting, pursuant to law, the report of financial statements for calendar years 1994 and 1995; to the Committee on the Judiciary.

EC-2250. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2251. A communication from the Director of Operations, Department of the Interior, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2252. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2253. A communication from the Assistant Secretary of Education (Civil Rights), transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Labor and Human Resources.

EC-2254. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Public Housing Primary Care program; to the Committee on Labor and Human Resources.

EC-2255. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the fiscal year 1995 report relative to the Arts and Artifacts Indemnity Program; to the Committee on Labor and Human Resources.

EC-2256. A communication from the President of the U.S. Institute of Peace, transmitting, pursuant to law, the report of financial statements for fiscal year 1995; to the Committee on Labor and Human Resources.

EC-2257. A communication from the Director of the Executive Office of the President, Office of Management and Budget, transmitting, a draft of proposed legislation entitled "The Electronic Depository Library Act of 1996"; to the Committee on Rules and Administration.

EC-2258. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a proposed form; to the Committee on Rules and Administration.

EC-2259. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of legislative recommendations for calendar year 1996; to the Committee on Rules and Administration.

EC-2260. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, a report relative to an evaluation of health status; to the Committee on Veterans' Affairs.

EC-2261. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, a report relative to equitable relief for calendar year 1995; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

C.E. Abramson, of Montana, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2000.

Robert B. Rogers, of Missouri, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of three years. (New Position)

Elmer B. Staats, of the District of Columbia, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 2001. (Reappointment)

David A. Ucko, of Missouri, to be a Member of the National Museum Services Board for a term expiring December 6, 1999.

Alberta Sebolt George, of Massachusetts, to be a Member of the National Museum Services Board for a term expiring December 6, 1998.

Ronnie Feuerstein Heyman, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Terry Evans, of Kansas, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Audrey Tayse Haynes, of Kentucky, to be a Member of the National Institute for Literacy Advisory Board for a term expiring October 13, 1998.

Mary Dodd Greene, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term expiring October 12, 1998.

Mark Edwin Emblidge, of Virginia, to be a Member of the National Institute for Literacy Advisory Board for a term expiring September 22, 1998.

Toni G. Fay, of New Jersey, to be a Member of the National Institute Literacy Advisory Board for a term expiring October 12, 1998.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' 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. LEVIN:

S. 1679. A bill to clarify the application of Federal preemption of State and local laws, and for other purposes; to the Committee on Governmental Affairs.

By Mr. COVERDELL:

S. 1680. A bill to amend title 18 of the United States Code to permit the judicial deportation of criminal aliens; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mrs. FEINSTEIN):

S. 1681. A bill to establish a commission to improve the policies and programs of the Federal Government for combatting the proliferation of weapons of mass destruction, and for other purposes; to the Select Committee on Intelligence.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 246. A resolution to authorize the use of additional funds for salaries and expenses of the Special Committee to Investigate Whitewater Development Corporation and Related Matters, and for other purposes; considered and agreed to.

By Mr. SPECTER (for himself and Ms. MIKULSKI):

S. Res. 247. A resolution expressing the sense of the Senate regarding a resolution of the dispute between Greece and Turkey over sovereignty to the islet in the Aegean Sea called Imia by Greece and Kardak by Turkey; to the Committee on Foreign Relations.

By Ms. MIKULSKI (for herself, Mr. AKAKA, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BUMPERS, Mr. BYRD, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. DODD, Mr. DOLE, Mr. DORGAN, Mrs. FEINSTEIN, Mr. GLENN, Mr. GRAHAM, Mr. HARKIN, Mr. HATFIELD, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mr. KENNEDY, Mr. KERREY, Mr. LEVIN, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SIMON, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S. Con. Res. 52. A concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress; to the Committee on Labor and Human Resources.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. LEVIN:

S. 1679. A bill to clarify the application of Federal preemption of State and local laws, and for other purposes; to the Committee on Governmental Affairs.

THE PREEMPTION CLARIFICATION AND INFORMATION ACT OF 1996

• Mr. LEVIN. Mr. President, today I am introducing the Preemption and Clarification Act of 1996. It would require an explicit statement of Federal preemption in Federal legislation in order for such preemption to occur unless there exists a direct conflict between the Federal law and a State or local law which cannot be reconciled. Enactment of this bill would close the back door of implied Federal preemption and put the responsibility for determining whether or not State or local governments should be preempted back in Congress where it belongs.

State and local officials have become increasingly concerned with the number of instances in which State and local laws have been preempted by Federal law—not because Congress has done so explicitly, but because the courts have implied such preemption. Since 1789, Congress has enacted approximately 350 laws specifically preempting State and local authority. Half of these laws have been enacted in the last 20 years. These figures, however, do not touch upon the extensive Federal preemption of State and local authority which has occurred as a result of judicial interpretation of congressional intent, when Congress' intention to preempt has not been explicitly stated in law. When Congress is unclear about its intent to preempt, the courts must then decide whether or not preemption was intended and, if so, to what extent.

Article VI of the Constitution, the supremacy clause, states that Federal laws made pursuant to the Constitution "shall be the supreme law of the land." In its most basic sense, this clause means that a State law is negated or preempted when it is in conflict with a constitutionally enacted Federal law. A significant body of case law has been developed to arrive at standards by which to judge whether or not Congress intended to preempt State or local authority—standards which are subjective and have not resulted in a consistent and predictable doctrine in resolving preemption questions.

If we in Congress want Federal law to prevail, we should be clear about that. If we want the States to have discretion to go beyond Federal requirements, we should be clear about that. If, for example, we set a floor in a Federal statute, but are silent on actions which meet but then go beyond the Federal requirement, State and local governments should be able to act as they deem appropriate. State and local governments should not have to wait to see what they can and cannot do. Our bill would allow tougher State and local laws given congressional silence.

Our legislation also requires the Congressional Research Service, at the end of each Congress, to compile a report on the number of statutory and judicially interpreted preemptions. This will constitute the first time such a complete report has been done, and the information will be valuable to the debate regarding the appropriate use of preemption to reach Federal goals.

I introduced this bill in the 102d Congress with Senator David Durenburger. A form of the bill was included in the unfunded mandates law we passed in the spring of last year. That provision, now law, requires that when a committee of the Senate or House reports a bill, the report accompanying the bill is required to contain an explicit statement of the extent to which the bill is intended to preempt any State, local or tribal law and if so, an explanation of the effect of such preemption. That provision of the unfunded mandates law is an attempt to get congressional committees to address the issue of preemption before legislation is reported to the floor of the House or Senate. In reviewing several bills that are now on the Senate Calendar awaiting Senate action, I was disappointed to find that none of the ones I reviewed met the requirements of this provision. We can and should do better.

This bill, unlike the provision in the unfunded mandates law where silence in the report leaves the issue unresolved, this bill establishes a principle for the courts to follow in determining a preemption case where the bill is silent on the matter. This bill tells the court that if the statement of intent to preempt is not in the legislation then the court is not authorized to read it into the statute—unless there is a direct conflict between Federal and State law. If legislation is silent, there is no preemption.

Earlier this year the Governmental Affairs Committee held a hearing on a bill entitled the "Tenth Amendment Enforcement Act of 1996." It contains a section on judicial construction which is virtually the same as that contained in this bill and the bill I introduced in the 102d Congress. The tenth amendment bill, however, has other provisions that are troublesome. I am introducing my bill today in the hope that we can enact this provision into law, this year, and leave the more troublesome features of the Tenth Amendment Enforcement Act of 1996 for another day.

Mr. President, preemption clarification legislation has been endorsed by the National Conference of State Legislators, the Intergovernmental Affairs Committee of the Council of State Governments, the U.S. Conference of Mayors, and the Appellate Judges Conference of the American Bar Association.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1679

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 "Preemption Clarification and Information Act of 1996".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the United States Constitution created a strong Federal system, reserving to the States all powers not expressly delegated to the Federal Government;

(2) on numerous occasions, the Congress has enacted statutes that explicitly preempt State and local government powers and describe the scope of the preemption;

(3) in addition to statutes that explicitly preempt State and local government powers,

many other statutes that lack an explicit statement by Congress of its intent to preempt and a clear description of the scope of the preemption have been construed by the courts and Federal agencies to preempt State and local government powers; and

(4) without an explicit statement of Congress' intent to preempt State and local government powers and a clear description of the scope of preemption, preemptive statutes—

(A) provide too little guidance and leave too much discretion to Federal agencies which are required to promulgate and enforce regulations pursuant to statutes;

(B) create too great an uncertainty for State and local governments; and

(C) leave the presence or scope of preemption to be litigated and determined by the Federal judiciary, producing results sometimes contrary to or beyond the intent of Congress.

SEC. 3. PURPOSE.

The purposes of this Act are to—

(1) promote and preserve the integrity and effectiveness of the Federal system;

(2) set forth principles governing the interpretation of congressional intent regarding preemption of State and local government powers by Federal laws and regulations; and

(3) establish an information collection system designed to monitor the incidence of Federal statutory and regulatory preemption.

Sec. 4. DEFINITIONS.

As used in this Act, the term—

(1) "local government" means a county, city, town, borough, township, village, school district, special district, or other political subdivision of a State;

(2) "State" means a State of the United States and an agency or instrumentality of a State, but does not include a local government of a State; and

(3) "State and local government powers" means powers reserved under the ninth and tenth amendments of the United States Constitution to States or delegated to local governments by States.

SEC. 5. RULE OF CONSTRUCTION.

No statute, or rule promulgated under such statute, shall preempt, in whole or in part, any State or local government law, ordinance, or regulation, unless the statute explicitly states that such preemption is intended or unless there is a direct conflict between such statute and a State or local law, ordinance, or regulation so the two cannot be reconciled or consistently stand together.

SEC. 6. ANNUAL REPORT ON STATUTORY PREEMPTION.

(a) REPORT.—Within 90 days after each Congress adjourns sine die, the Congressional Research Service shall prepare and make available to the public a report on the extent of Federal statutory preemption of State and local government powers enacted into law during the preceding Congress or adopted through judicial interpretation of Federal statutes.

(b) CONTENTS.—The report shall contain—

(1) a cumulative list of the Federal statutes preempting, in whole or in part, State and local government powers;

(2) a summary of Federal legislation enacted during the previous Congress preempting, in whole or in part, State and local government powers;

(3) an overview of recent court cases addressing Federal preemption issues; and

(4) other information the Director of the Congressional Research Service determines appropriate.

(c) TRANSMITTAL.—Copies of the report shall be sent to the President and the chairman of the appropriate committees in the Senate and House of Representatives.

SEC. 7. EFFECTIVE DATE.

This Act shall take effect on January 1, 1997. The requirements of section 5 shall apply only to statutes enacted or final regulations which become effective on or after January 1, 1997.●

By Mr. SPECTER (for himself and Mrs. FEINSTEIN):

S. 1681. A bill to establish a commission to improve the policies and programs of the Federal Government for combating the proliferation of weapons of mass destruction, and for other purposes; to the Select Committee on Intelligence.

COMBATING PROLIFERATION OF WEAPONS OF MASS DESTRUCTION ACT OF 1996

Mr. SPECTER. Mr. President, it is well known that there is an enormous international threat posed by weapons of mass destruction.

Testimony which was recently heard by the Senate Intelligence Committee, which I chair, disclosed that some 25 nations have weapons of mass destruction including nuclear weapons, biological weapons, and chemical weapons.

In testimony offered by John Deutch in 1994, when he was Deputy Secretary of Defense, he pointed out that "If North Koreans build the Taepo Dong II missile, Alaska and parts of Hawaii would be potentially at risk." I think it is not well known that parts of the United States are potentially at risk from long-range missiles.

We have seen the development of biological weapons by Saddam Hussein which was confirmed last August by his son-in-law following his defection. We see the building of chemical weapons by Qadhafi noted recently by Secretary of Defense Perry with his statement that we could not tolerate the completion of those weapons of mass destruction. We have seen China sell missiles to Pakistan. We have seen the tremendous tension building up on the subcontinent with both Pakistan and India engaging in a missile race.

In the United States, Mr. President, while we have noted the enormous problems on weapons of mass destruction, we have seen a governmental structure which is extraordinarily complicated and really unable to deal in a coordinated method with this tremendous problem.

This chart depicts the problems in the United States of the numerous agencies which have jurisdiction in one way or another over weapons of mass destruction. This chart contains boxes depicting 96 different entities which have authority of one sort or another over this field.

We have some authority vested in the National Security Council. We have some authority vested in the Department of Defense, some authority vested in the Department of State, some in the Department of Justice, some in the Department of Energy, some with the Director of Central Intelligence, others even with the Secretary of Health and Human Services, still further authority in the Secretary of the Treasury and authority in the Secretary of Commerce.

This is on its face an enormously unwieldy Federal bureaucracy, and that is our response to the problem of weapons of mass destruction. And as shown by this chart it is obviously a bureaucracy which cannot function efficiently.

In 1993, when I studied the Clinton health program, I asked an assistant to make a listing of all the agencies, boards and commissions, and my assistant made a chart instead which depicted an enormous bureaucracy, which was influential in helping to defeat that health care program. If a picture is worth 1,000 words, a chart may be worth 1,000 pictures, Mr. President, and I think that this chart shows the urgency of some reorganization of the Federal Government to deal with this enormous problem.

The study of the congressionally mandated Commission on Roles and Missions of the Armed Forces pointed out that "Despite the declared national emergency, there is no evidence that combating proliferation receives continuous high level attention." The study's conclusion is worth noting and emphasizing:

Mechanisms for effectively integrating the combating proliferation activities of all departments and agencies are lacking. Given the complexity of the tasks involved, the need for marshaling resources from many agencies, and the necessarily protracted nature of these efforts, the failure to assign clear and empowered leadership has impeded the United States effort.

That conclusion is obvious in taking a look at the enormous complicated bureaucracy in the United States assigned to deal with this problem.

In looking at the solution, I have considered a number of alternatives. One option is the creation of "czar," such as the drug czar empowered to coordinate activities against drugs in United States. I have considered the creation of a high-level position on the National Security Council staff. I have considered the option of having a second Deputy Secretary of Defense. I have also considered the option of a new Assistant Secretary of Defense [ASD], like the ASD for special operations and low-intensity conflict created in the late 1980's as a result of legislation introduced by Senator COHEN and Senator NUNN.

I have decided instead that this matter ought to be studied by a high level special commission like the Aspin-Brown Commission, which recently filed a comprehensive report to reorganize the U.S. intelligence community. This is a matter which can be most effectively dealt with by experts on a

commission. Rather than the introduction of legislation and the holding of hearings, the commission would have a much broader purview and that is the legislation which I am introducing today.

Mr. President, I ask unanimous consent that my legislation, together with a chart depicting this complicated bureaucracy which now seeks to deal with this problem of great national and international importance, be printed in the RECORD.

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

S. 1681

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 "Combatting Proliferation of Weapons of Mass Destruction Act of 1996".

TITLE I—ASSESSMENT OF PROGRAMS AND POLICIES FOR COMBATTING PROLIFERATION

SEC. 101. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Programs and Policies for Combatting the Proliferation of Weapons of Mass Destruction (hereafter in this Act referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall be composed of 12 members of whom—

(1) 6 shall be appointed by the President;

(2) 3 shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate; and

(3) 3 shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

(g) MEETINGS.—The Commission shall meet at the call of the Chairman.

SEC. 102. DUTIES OF COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall carry out a thorough study of the organization, policies, and programs of the U.S. Government related to combatting the proliferation of weapons of mass destruction.

(2) SPECIFIC REQUIREMENTS.—In carrying out the study, the Commission shall—

(A) assess the effectiveness of the policies and programs of all departments and agencies of the Federal Government including the intelligence community meeting the national security interests of the United States with respect to the proliferation of such weapons; and

(B) assess the current structure and organization of all Federal agencies and the cooperation between elements of the intelligence community and the intelligence-gathering services of foreign governments in addressing issues relating to the proliferation of such weapons.

(b) RECOMMENDATIONS.—In conducting the study, the Commission shall develop recommendations on means of improving the effectiveness of the organization, policies, programs of the intelligence community, and the programs and policies of the other departments and agencies of the Federal Government, in meeting the national security interests of the United States with respect to the proliferation of weapons of mass destruction.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report containing a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

SEC. 103. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 104. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 105. TERMINATION OF COMMISSION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 102(c).

SEC. 106. DEFINITION.

For purposes of this title, the term "intelligence community" shall have the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for the Commission for fiscal year 1996 such sums as may be necessary for the Commission to carry out its duties under this title.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until the termination of the Commission under section 105.

TITLE II—OTHER MATTERS

SEC. 201. REPORTS ON ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.

(a) REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Director of Central Intelligence shall submit to Congress a report on—

(1) the acquisition by foreign countries during the preceding 6 months of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) and advanced conventional munitions; and

(2) trends in the acquisition of such technology by such countries.

(b) FORM OF REPORTS.—The reports submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

[The chart referred to by Senator SPECTER was not reproducible in the RECORD.]

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. HEFLIN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 358, a bill to amend the Internal Revenue Code of 1986 to provide for an excise tax exemption for certain emergency medical transportation by air ambulance.

S. 704

At the request of Mr. SIMON, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 968

At the request of Mr. MCCONNELL, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 968, a bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 990

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 990, a bill to expand the availability of qualified organizations for frail elderly community projects (Program of All-inclusive Care for the Elderly (PACE)), to allow such organizations, following a trial period, to become eligible to be providers under applicable titles of the Social Security Act, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1150

At the request of Mr. SANTORUM, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall plan and George Catlett Marshall.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Missouri [Mr. BOND], the Senator from New Hampshire [Mr. SMITH], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1613

At the request of Mr. COCHRAN, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1613, a bill to amend the National School Lunch Act to provide greater flexibility to schools to meet the Dietary Guidelines for Americans under the school lunch and school breakfast programs, and for other purposes.

S. 1624

At the request of Mr. HATCH, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1624, a bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

S. 1635

At the request of Mr. DOLE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1635, a bill to establish a United States policy for the deployment of a national missile defense system, and for other purposes.

S. 1641

At the request of Mr. GRAMS, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1641, a bill to repeal the consent of Congress to the Northeast Interstate Dairy Compact, and for other purposes.

S. 1674

At the request of Mr. GRASSLEY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1674, a bill to amend the Internal Revenue Code of 1986 to expand the applicability of the first-time farmer exception.

S. 1675

At the request of Mr. GRAMM, the names of the Senator from Arizona [Mr. KYL] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 1675, a bill to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. DOLE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Concurrent Resolution 50, a concurrent resolution concerning human and political rights and in support of a resolution of the crisis in Kosova.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

SENATE CONCURRENT RESOLUTION 52—TO RECOGNIZE AND ENCOURAGE THE CONVENING OF A NATIONAL SILVER-HAIRED CONGRESS

Ms. MIKULSKI (for herself, Mr. AKAKA, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BUMPERS, Mr. BYRD, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. DODD, Mr. DOLE, Mr. DORGAN, Mrs. FEINSTEIN, Mr. GLENN, Mr. GRAHAM, Mr. HARKIN, Mr. HATFIELD, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mr. KENNEDY, Mr. KERREY, Mr. LEVIN, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SIMON, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 52

Whereas many States have encouraged and facilitated the creation of senior citizen legislative and advocacy bodies;

Whereas in creating such bodies such States have provided to many older Americans the opportunity to express concerns, promote appropriate interests, and advance the common good by influencing the legislation and actions of State government; and

Whereas a National Silver-Haired Congress, with representatives from each State, would provide a national forum for a nonpartisan evaluation of grassroots solutions to concerns shared by an increasing number of older Americans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the congress hereby recognizes and encourages the convening of an annual National Silver-Haired Congress in the District of Columbia.

• Ms. MIKULSKI. Mr. President, I submit a concurrent resolution to recognize and encourage the convening of a national silver-haired congress. This concurrent resolution passed the Senate and the House of Representatives in 1994. Unfortunately, since each concurrent resolution was not voted on by the other Chamber, neither was technically adopted.

That is why I am resubmitting this legislation—I think it is important, and I want both Houses to formally endorse this plan. As ranking member of the Aging Subcommittee, I am joined by Senators COHEN and PRYOR, chair and ranking member of the Special Subcommittee on Aging, and many more of my colleagues on both sides of the aisle in sponsoring this important piece of legislation.

What is a national silver-haired congress? Well, it is the vision of a truly inspirational group of seniors. Beginning back in 1973, a group of Missouri seniors got together and decided to get involved. They formed a silver-haired legislature. They modeled their legislature after the State's and took up pieces of legislation that affected seniors.

That was 1973. Today, almost half the States have silver-haired legislatures. These mock legislatures take bills through the entire legislative process and present their bills that they pass to their State legislators. These recommendations are taken very seriously. The silver-haired legislatures have helped in the passage of many programs: from consumer protections and crime prevention to health care, housing, and long-term care.

I am submitting today a concurrent resolution to create the first national silver-haired congress. Based on the experience of the silver-haired legislatures in the States, this silver-haired congress would provide a national forum for aging issues—a forum patterned after the U.S. Congress. It will be completely staffed by older Americans, and serve to address the broad range of seniors issues. Like us, this silver-haired congress would be comprised of 100 senators and 435 representatives. But unlike us, all the members will serve without pay.

The population of older Americans is growing at a faster rate than any other age group. As this elderly population grows, it is more important than ever to encourage the input of seniors in our political process. At no cost whatsoever to the American public, a national silver-haired congress will provide a national forum for issues of concern to older Americans. The input and counsel that a forum like this will provide to the U.S. Congress is invaluable.

It is with great enthusiasm and excitement that I submit this concurrent resolution and ask my colleagues to support this wonderful proposal for a national silver-haired congress.●

SENATE RESOLUTION 246—RELATIVE TO THE SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT CORPORATION AND RELATED MATTERS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 246

SECTION 1. FUNDS FOR SALARIES AND EXPENSES OF SPECIAL COMMITTEE.

There shall be made available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations, for use not later than June 17, 1996, by the Special Committee to Investigate Whitewater Development Corporation and Related Matters (hereafter in this Resolution referred to as the "special committee"), established by Senate Resolution 120, 104th Congress, agreed to May 17, 1995 (as amended by Senate Resolution 153, 104th Congress, agreed to July 17, 1995) to carry out the investigation, study and hearings authorized by that Senate Resolution—

(1) a sum equal to not more than $450,000.

(A) for payment of salaries and other expenses of the special committee; and

(B) not more than $350,000 of which may be used by the special committee for the procurement of the services of individual consultants or organizations thereof; and

(2) such additional sums as may be necessary for agency contributions related to the compensation of employees of the special committee.

SEC. 2. TERMINATION OF THE SPECIAL COMMITTEE.

(a) HEARINGS.—Not later than June 14, 1996, the special committee shall complete the investigation, study, and hearings authorized by Senate Resolution 120, 104th Congress, agreed to May 17, 1995 (as amended by Senate Resolution 153, 104th Congress, agreed to July 17, 1995).

(b) REPORT.—Not later than June 17, 1996, the special committee shall submit to the Senate the final public report required by section 9(b) of Senate Resolution 120, 104th Congress, agreed to May 17, 1995 (as amended by Senate Resolution 153, 104th Congress, agreed to July 17, 1995) on the results of the investigation, study, and hearings conducted pursuant to that Resolution.

SENATE RESOLUTION 247—RELATIVE TO IMIA ISLET

Mr. SPECTER (for himself and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 247

Whereas Greece and Turkey are engaged in a dispute over sovereignty to an islet in the Aegean Sea called Imia by Greece and Kardak by Turkey:

Whereas the islet is a dependent of the Island of Calimnos, an island in the Dodecanese region of the Aegean Sea:

Whereas in Article 15 of the Treaty of Peace with Turkey, and other Instruments, signed at Lausanne on July 24, 1923, Turkey renounced in favor of Italy all right and title of Turkey over 12 islands in the Dodecanese region that were occupied at the time of the Treaty by Italy, including the Island of Calimnos, and the islets dependent on such islands;

Whereas the Convention Between Italy and Turkey for the Delimitation of the Territorial Waters Between the Coasts of Anatolia and the Island of Castellorizio, signed at Ankara on January 4, 1932, established the rights of Italy and Turkey in coastal islands, waters, and rocks in the Aegean Sea and delimited a maritime frontier between the two countries:

Whereas a Protocol to that Convention established a border between Italy and Turkey which placed the islet under the control of Italy;

Whereas in Article 14 of the 1947 Treaty of Peace with Italy, Italy ceded to Greece the Island of Calimnos and adjacent islets;

Whereas the Eastern Mediterranean region, in which the Aegean Sea is located, is a region of vital strategic importance to the United States;

Whereas both Greece and Turkey are members of the North Atlantic Treaty Organization and allies of the United States;

Whereas it is in the interest of the United States and other nations to have the dispute resolved peacefully; and

Whereas the International Court of Justice in The Hague was established to promote the peaceful resolution of international disputes in conformity with international law: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Government of Greece and the Government of Turkey should—

(1) submit to the International Court of Justice in The Hague the dispute of such governments over sovereignty to the islet in the Aegean Sea called Imia by Greece and Kardak by Turkey; and

(2) agree to be bound by the decision of the Court with respect to the dispute.

Mr. SPECTER. Mr. President, for thousands of years, the Aegean Sea, and the Eastern Mediterranean as a whole, has been a critical geopolitical region. I believe it is in the national interest of the United States to have the countries in this region resolve their disputes peacefully. As former Assistant Secretary of State Richard Holbrook recently noted, "you cannot have the southern flank of NATO in constant tension without having strategic instability, which will ultimately wreck NATO."

Unfortunately, Greece and Turkey—both members of NATO, and both allies of the United States—have been locked in bitter conflict for many hundreds of years. The case of Cyprus is a tragic recent example. I am concerned that in such a climate of hostility, relatively minor disputes could erupt into major conflict. It could be a war which would spread to that area.

The most recent manifestation of tension between Greece and Turkey centers on Imia and other islets in the Aegean. The sovereignty questions are quite complex, and involve treaties and other agreements signed after World War I and World War II, including the Paris Peace Treaty of 1947, the Italo-Turkish Agreement of 1932, and the 1923 Lausanne Peace Treaty. Simply put, each nation claims the islet of Imia, called Kardak by Turkey, as part of its national territory.

However, I believe that this dispute should be resolved in the International Court of Justice [ICJ] at The Hague. The ICJ was established to promote the peaceful resolution of international disputes in conformity with international law. The dispute over the islet of Imia is, in my judgment, an ideal candidate for adjudication by The Hague.

It is for that reason I am submitting this sense of the Senate resolution, which calls upon Greece and Turkey to submit their dispute to the ICJ, and agree to be bound by the decision of the court. The Eastern Mediterranean is a region of critical importance. I believe that it is essential to resolve conflict peacefully, and to work with the countries of the region to resolve key issues in a way that is consistent with the rule of law. This resolution, in my judgment, is a critical first step in ensuring that relatively minor conflicts do not escalate into major ones.

Mr. President, I will read the resolve clause of the resolution:

That it is the sense of the Senate that the Government of Greece and the Government of Turkey should—

(1) submit to the International Court of Justice in The Hague the dispute of such

governments over sovereignty to the islet in the Aegean Sea called Imia by Greece and Kardak by Turkey; and

(2) agree to be bound by the decision of the Court with respect to that dispute.

AMENDMENTS SUBMITTED

THE HEALTH INSURANCE REFORM ACT OF 1996

THOMAS AMENDMENT NO. 3673

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill (S. 1028) to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes; as follows:

At the end of the bill, insert the following new section:

SEC. . PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS.

(a) IN GENERAL.—Section 1876(a) of the Social Security Act (42 U.S.C. 1395mm(a)) is amended to read as follows:

"(a)(1)(A) The Secretary shall annually determine, and shall announce (in a manner intended to provide notice to interested parties) not later than August 1 before the calendar year concerned—

"(i) a per capita rate of payment for individuals who are enrolled under this section with an eligible organization which has entered into a risk-sharing contract and who are entitled to benefits under part A and enrolled under part B, and

"(ii) a per capita rate of payment for individuals who are so enrolled with such an organization and who are enrolled under part B only.

For purposes of this section, the term 'risk-sharing contract' means a contract entered into under subsection (g) and the term 'reasonable cost reimbursement contract' means a contract entered into under subsection (h).

"(B) The annual per capita rate of payment for each medicare payment area (as defined in paragraph (5)) shall be equal to the adjusted capitation rate (as defined in paragraph (4)), adjusted by the Secretary for—

"(i) individuals who are enrolled under this section with an eligible organization which has entered into a risk-sharing contract and who are enrolled under part B only; and

"(ii) such risk factors as age, disability status, gender, institutional status, and such other factors as the Secretary determines to be appropriate so as to ensure actuarial equivalence. The Secretary may add to, modify, or substitute for such factors, if such changes will improve the determination of actuarial equivalence.

"(C) In the case of an eligible organization with a risk-sharing contract, the Secretary shall make monthly payments in advance and in accordance with the rate determined under subparagraph (B) and except as provided in subsection (g)(2), to the organization for each individual enrolled with the organization under this section.

"(D) The Secretary shall establish a separate rate of payment to an eligible organization with respect to any individual determined to have end-stage renal disease and enrolled with the organization. Such rate of payment shall be actuarially equivalent to rates paid to other enrollees in the payment area (or such other area as specified by the Secretary).

"(E)(i) The amount of payment under this paragraph may be retroactively adjusted to take into account any difference between the actual number of individuals enrolled in the plan under this section and the number of such individuals estimated to be so enrolled in determining the amount of the advance payment.

"(ii)(I) Subject to subclause (II), the Secretary may make retroactive adjustments under clause (i) to take into account individuals enrolled during the period beginning on the date on which the individual enrolls with an eligible organization (which has a risk-sharing contract under this section) under a health benefit plan operated, sponsored, or contributed to by the individual's employer or former employer (or the employer or former employer of the individual's spouse) and ending on the date on which the individual is enrolled in the plan under this section, except that for purposes of making such retroactive adjustments under this clause, such period may not exceed 90 days.

"(II) No adjustment may be made under subclause (I) with respect to any individual who does not certify that the organization provided the individual with the explanation described in subsection (c)(3)(E) at the time the individual enrolled with the organization.

"(F)(i) At least 45 days before making the announcement under subparagraph (A) for the year, the Secretary shall provide for notice to eligible organizations of proposed changes to be made in the methodology or benefit coverage assumptions from the methodology and assumptions used in the previous announcement and shall provide such organizations an opportunity to comment on such proposed changes.

"(ii) In each announcement made under subparagraph (A) for a year, the Secretary shall include an explanation of the assumptions (including any benefit coverage assumptions) and changes in methodology used in the announcement in sufficient detail so that eligible organizations can compute per capita rates of payment for individuals located in each county (or equivalent medicare payment area) which is in whole or in part within the service area of such an organization.

"(2) With respect to any eligible organization which has entered into a reasonable cost reimbursement contract, payments shall be made to such plan in accordance with subsection (h)(2) rather than paragraph (1).

"(3) Subject to subsections (c)(2)(B)(ii) and (c)(7), payments under a contract to an eligible organization under paragraph (1) or (2) shall be instead of the amounts which (in the absence of the contract) would be otherwise payable, pursuant to sections 1814(b) and 1833(a), for services furnished by or through the organization to individuals enrolled with the organization under this section.

"(4)(A) For purposes of this section, the 'adjusted capitation rate' for a medicare payment area (as defined in paragraph (5)) is equal to the greatest of the following:

"(i) The sum of—

"(I) the area-specific percentage for the year (as specified under subparagraph (B) for the year) of the area-specific adjusted capitation rate for the year for the medicare payment area, as determined under subparagraph (C), and

"(II) the national percentage (as specified under subparagraph (B) for the year) of the input-price-adjusted national adjusted capitation rate for the year, as determined under subparagraph (D),

multiplied by a budget neutrality adjustment factor determined under subparagraph (E).

"(ii) An amount equal to—

"(I) in the case of 1997, 80 percent of the input-price-adjusted national adjusted capitation rate for the year, as determined under subparagraph (D); and

"(II) in the case of a succeeding year, the amount specified in this clause for the preceding year increased by the national average per capita growth percentage specified under subparagraph (F) for that succeeding year.

"(iii) An amount equal to—

"(I) in the case of 1997, 102 percent of the annual per capita rate of payment for 1996 for the medicare payment area (determined under this subsection, as in effect on the day before the date of enactment of the Health Insurance Reform Act of 1995; and

"(II) in the case of a subsequent year, 102 percent of the adjusted capitation rate under this subsection for the area for the previous year.

"(B) For purposes of subparagraph (A)(i)—

"(i) for 1997, the 'area-specific percentage' is 90 percent and the 'national percentage' is 10 percent,

"(ii) for 1998, the 'area-specific percentage' is 85 percent and the 'national percentage' is 15 percent,

"(iii) for 1999, the 'area-specific percentage' is 80 percent and the 'national percentage' is 20 percent,

"(iv) for 2000, the 'area-specific percentage' is 75 percent and the 'national percentage' is 25 percent, and

"(v) for a year after 2000, the 'area-specific percentage' is 70 percent and the 'national percentage' is 30 percent.

"(C) For purposes of subparagraph (A)(i), the area-specific adjusted capitation rate for a medicare payment area—

"(i) for 1997, is the average of the annual per capita rates of payment for the area for 1994 through 1996, after adjusting the 1994 and 1995 rates of payment to 1996 dollars, increased by the national average per capita growth percentage for 1997 (as defined in subparagraph (F)); or

"(ii) for a subsequent year, is the area-specific adjusted capitation rate for the previous year determined under this subparagraph for the area, increased by the national average per capita growth percentage for such subsequent year.

"(D)(i) For purposes of subparagraph (A)(i) and subparagraph (A)(ii), the input-price-adjusted national adjusted capitation rate for a medicare payment area for a year is equal to the sum, for all the types of medicare services (as classified by the Secretary), of the product (for each such type of service) of—

"(I) the national standardized adjusted capitation rate (determined under clause (ii)) for the year,

"(II) the proportion of such rate for the year which is attributable to such type of services, and

"(III) an index that reflects (for that year and that type of services) the relative input price of such services in the area compared to the national average input price of such services.

In applying subclause (III), the Secretary shall, subject to clause (iii), apply those indices under this title that are used in applying (or updating) national payment rates for specific areas and localities.

"(ii) In clause (i)(I), the 'national standardized adjusted capitation rate' for a year is equal to—

"(I) the sum (for all medicare payment areas) of the product of (aa) the area-specific adjusted capitation rate for that year for the area under subparagraph (C), and (bb) the average number of standardized medicare beneficiaries residing in that area in the year; divided by

"(II) the total average number of standardized medicare beneficiaries residing in all the medicare payment areas for that year.

"(iii) In applying this subparagraph for 1997—

"(I) medicare services shall be divided into 2 types of services: part A services and part B services;

"(II) the proportions described in clause (i)(II) for such types of services shall be—

"(aa) for part A services, the ratio (expressed as a percentage) of the national average annual per capita rate of payment for part A for 1996 to the total average annual per capita rate of payment for parts A and B for 1996, and

"(bb) for part B services, 100 percent minus the ratio described in item (aa);

"(III) for part A services, 70 percent of payments attributable to such services shall be adjusted by the index used under section 1886(d)(3)(E) to adjust payment rates for relative hospital wage levels for hospitals located in the payment area involved; and

"(IV) for part B services—

"(aa) 66 percent of payments attributable to such services shall be adjusted by the index of the geographic area factors under section 1848(e) used to adjust payment rates for physicians' services furnished in the payment area, and

"(bb) of the remaining 34 percent of the amount of such payments, 70 percent shall be adjusted by the index described in subclause (III).

The Secretary may continue to apply the rules described in this clause (or similar rules) for 1998.

"(E) For each year, the Secretary shall compute a budget neutrality adjustment factor so that the aggregate of the payments under this section shall be equal to the aggregate payments that would have been made under this section if the area-specific percentage for the year had been 100 percent and the national percentage had been 0 percent.

"(F) In this section, the 'national average per capita growth percentage' is equal to the percentage growth in medicare fee-for-service per capita expenditures, which the Secretary shall project for each year.

"(5)(A) In this section, except as provided in subparagraph (C), the term 'medicare payment area' means a county, or equivalent area specified by the Secretary.

"(B) In the case of individuals who are determined to have end stage renal disease, the medicare payment area shall be specified by the Secretary.

"(C)(i) Upon written request of the Chief Executive Officer of a State for a contract year (beginning after 1997) made at least 7 months before the beginning of the year, the Secretary shall adjust the system under which medicare payment areas in the State are otherwise determined under subparagraph (A) to a system which—

"(I) has a single statewide medicare payment area,

"(II) is a metropolitan based system described in clause (iii), or

"(III) which consolidates into a single medicare payment area noncontiguous counties (or equivalent areas described in subparagraph (A)) within a State.

Such adjustment shall be effective for payments for months beginning with January of the year following the year in which the request is received.

"(ii) In the case of a State requesting an adjustment under this subparagraph, the Secretary shall adjust the payment rates otherwise established under this section for medicare payment areas in the State in a manner so that the aggregate of the payments under this section in the State shall be equal to the aggregate payments that would have been made under this section for medicare payment areas in the State in the absence of the adjustment under this subparagraph.

"(iii) The metropolitan based system described in this clause is one in which—

"(I) all the portions of each metropolitan statistical area in the State or in the case of a consolidated metropolitan statistical area, all of the portions of each primary metropolitan statistical area within the consolidated area within the State, are treated as a single medicare payment area, and

"(II) all areas in the State that do not fall within a metropolitan statistical area are treated as a single medicare payment area.

"(iv) In clause (iii), the terms 'metropolitan statistical area', 'consolidated metropolitan statistical area', and 'primary metropolitan statistical area' mean any area designated as such by the Secretary of Commerce.

"(6) Subject to subsections (c)(2)(B)(ii) and (c)(7), if an individual is enrolled under this section with an eligible organization having a risk-sharing contract, only the eligible organization shall be entitled to receive payments from the Secretary under this title for services furnished to the individual.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1996.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to conduct three (3) consecutive hearings during the session of the Senate on Wednesday, April 17, Thursday, April 18, and Friday, April 19, 1996, on the President's budget request for fiscal year 1997 for Indian programs and related budgetary issues from fiscal year 1996. The hearings will be held at 1:30 p.m. each day in room 485 on the Russell Senate Office Building.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday April 17, 1996, at 9:30 a.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 17, 1996, beginning at 10 a.m. until business is completed, to hold a hearing on campaign finance reform.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 17, 1996, at 2 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. HATCH. Mr. President, I ask unanimous consent that the Administrative Oversight and the Courts Subcommittee be authorized to meet during the session of the Senate on Wednesday, April 17, 1996, at 2 p.m., to hold an executive business meeting.

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

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 17, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 128, a bill to establish the Thomas Cole National Historical Site in the State of New York; S. 695, a bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas; and S. 1476, a bill to establish the Boston Harbor Islands National Recreation Area.

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

SUBCOMMITTEE ON READINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, April 17, 1996, in open session, to receive testimony on the privatization of Department of Defense depot maintenance and other commercial activities.

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

ADDITIONAL STATEMENTS

VETERANS AND SPENDING REDUCTIONS

•Mr. SANTORUM. Mr. President, I wanted to take a few additional minutes today to talk through my recent discussions with veterans' organization

from Pennsylvania about legislation recently introduced by Senator SIMPSON.

Senator SIMPSON, at the request of four major veterans organizations, has introduced legislation addressing various inequities in the manner in which we treat the health of our Nation's veterans. Many of those issues addressed in the bill speak to issues I have witnessed, discussed, and worked on during my 5 years in Congress and as a former member of the House Veterans' Affairs Committee. Issues relating to the care and treatment of veterans and efforts to improve the veterans' health delivery system are very familiar and important to me.

Mr. President, I was born and raised on the grounds of a VA hospital facility, and I understand the concerns of veterans in this matter. My mother and father spent their careers working for veterans in Veterans' Administration hospitals. Our veterans fought on many battlefields to preserve the liberty of succeeding generations of Americans.

Today, one of the greatest threats to our children and grandchildren is not as much the imminent outbreak of war and the subsequent call to service, but rather the massive national debt and annual Federal deficits. If nothing is done, the next generation will face a future of diminished opportunity and a declining standard of living.

While service to our country has entitled veterans to very unique benefits that are available to no other single group of Americans, these benefits are by no means the root cause of our huge Federal deficits. I have fought against unnecessary cuts in veterans' programs that would have compromised our Nation's commitment to those who have served in defense of our freedom.

At the same time, however, any new spending on veterans' programs or benefits must be treated with an equal eye toward fiscal responsibility—sufficient spending reductions must occur within the Veterans' Administration itself or in other areas of Federal spending. At this time, the Simpson bill carries with it a revenue effect of $13 billion in new spending. I believe that the sponsor and I would both acknowledge that this bill should not move through the legislative process without a corresponding $13 billion in spending reductions.

These rules and budget realities are the same that I have operated under during my entire service in Congress. Recently, I fought on the Senate floor for sufficient spending reductions of $1.2 billion to cover and offset the costs of Federal disaster assistance, a large portion of which would benefit Pennsylvania communities as we rebuild from a blizzard and flood-ravaged winter. And in continuing to address the needs of our Nation's veterans, I will maintain this same standard.

Until such spending reductions are finalized and presented, Mr. President, I will temporarily withhold my own efforts and development on S. 1543. I understand that the administration is working on a legislative proposal similar to the Simpson bill, and that they are working through the same budget realities in producing a revenue neutral package. I remain committed to supporting our Nation's veterans. I support the direction and concept of the Simpson bill, and I will work with the sponsor to find cuts to pay for the costs of the bill.•

BOSTON'S ENGLISH HIGH SCHOOL

• Mr. KERRY. Mr. President, on Thursday, April 25, 1996, the English High School in Boston, MA, will be celebrating its 175th anniversary. The oldest public high school in the United States, English High School has changed with the times but has always maintained a high standard of education and compassion for its students. With award-winning teachers, students, and graduates, Boston English High is among the finest educational institutions in our Nation.

I would like to take this opportunity to recognize the English High School and join with the Boston Public Schools in celebrating its 175th anniversary.•

MISSED VOTES ON APRIL 16, 1996

• Mr. MURKOWSKI. Mr. President, while the Senate was in session yesterday, I was unable to participate in our proceedings because I was attending the funeral of my late uncle, Harry Murkowski, in Washington State.

My late uncle, Harry was 92 when he passed away late last week. He was the last of my relatives who was of my parents' generation and I felt it was important that I share my mourning with members of my family.

Harry, who was widowed several years ago, lived in Puyallup and Enumclaw, WA, worked his entire life as a fire fighter on the McChord Air Force Base. He is survived by his daughter, Beth Newman.

Mr. President, yesterday I missed two rollcall votes because of my attendance at the funeral. The April 16, CONGRESSIONAL RECORD reflects how I would have voted, had I been here to participate in the Senate debate. As the RECORD reflects, my vote would not have changed the outcome of either vote.•

BAD LAW ON AFFIRMATIVE ACTION

• Mr. SIMON. Mr. President, one of the recent decisions that was a most unfortunate one was the decision by the U.S. Court of Appeals that colleges and universities cannot keep in mind diversity as they put together a student body.

No one was advocating quotas in this case, nor advocating that people who are not qualified should be admitted.

But to deny that diversity is part of the learning experiences of colleges and universities is to deny reality.

I hope the decision will be overturned.

We have enough backsliding in the field of race relations. We do not need to add the handicap of a bad court decision as another barrier.

Recently, Anthony Lewis had a column titled, "Handcuffs on Learning"; and the New York Times had an editorial titled, "Bad Law on Affirmative Action". I ask that both articles be printed in the RECORD and I urge my colleagues to read them.

The articles follow:

[From the New York Times, Mar. 22, 1996]

BAD LAW ON AFFIRMATIVE ACTION

For two decades the governing principle of affirmative action in higher education has been that race and ethnicity may be a factor, but only one factor, in choosing among applicants in pursuit of the legitimate purpose of a diverse student body. That was the judgment of the Supreme Court in the celebrated 1978 case of Allan Bakke, a white applicant who sued for entry to a California state medical school.

Now a panel of the U.S. Court of Appeals for the Fifth Circuit declares that the Bakke decision is no longer good law. In a lawsuit by four rejected white applicants, the court strikes down a program of the University of Texas Law School to bring more blacks and Mexican-Americans into its student body. This tool is impermissible, say the judges, "even for the wholesome purpose of correcting perceived racial imbalance in the student body."

The ruling is hasty, aggressively activist and legally dubious. If the Bakke decision is no longer the law, it is for the Supreme Court to say so. We hope the high court does not, for its basic rule is sound. Rigid racial quotas are out, but no serious educational institution should be forced to disregard the goal of educating a diverse population.

To reach this result, the appeals judges engaged in exotic reasoning. They found that a now-retired Justice, Lewis Powell, who announced the judgment in Bakke, spoke only for himself on the racial diversity question. It is true that he was joined in the judgment by four other justices who relied on different legal grounds, but Justice Powell's announcement has soundly been regarded as the rule of the Bakke case for nearly a generation. Moreover, it has been widely hailed as the work of a respected moderate well grounded in experience as head of the school board in Richmond, Va.

Texas higher education officials have commendably sought diversity, but they cannot fairly be accused of adhering to rigid quotas. The diverse statewide population is 11.6 percent black and 25.6 percent Hispanic; while the 1992 law school entering class was 8 percent black and 10.7 percent Hispanic. Yet the appeals court says the school may not use "ethnic diversity simply to achieve racial heterogeneity, even as part of the consideration of a number of factors."

That is the doctrine of a "color-blind" Constitution, but it speaks to a time not yet here when the historic stain of racial oppression is erased, competition is truly equal and diversity comes more naturally. As another

former Justice, Harry Blackmun, observed in the same Bakke case, "In order to get beyond racism, we must first take account of race. . . . And in order to treat some persons equally, we must treat them differently. . . . The ultimate question, as it was at the beginning of this litigation, is: Among the qualified, how does one choose?"

The appeals court judges, eager to be the first to declare the battle for equal right over, have rendered a judgment that should not stand.

[From the New York Times, Mar. 22, 1996]

HANDCUFFS ON LEARNING

(By Anthony Lewis)

SAN DIEGO.—Universities around the world came to understand long ago that the quality of education improved if they had students with varying life experiences. That is why Oxford colleges sought working-class students. It is why Harvard, Yale and Princeton are far better universities today than when they were confined largely to privileged young white men.

In the life of Americans, race is a profound factor. Blacks may be bright or dull, rich or poor, but their experience in life has been different from whites'. And so, long before the phrase "affirmative action" was invented, universities thought it wise to have students of varied racial backgrounds.

The freedom of American universities to consider race along with other factors in choosing students has just been struck a devastating legal blow. It came in the decision of the United States Court of Appeals for the Fifth Circuit in the case of Hopwood v. Texas.

The University of Texas Law School some years ago had what amounted to a segregated admissions process. Minority applicants were considered by a separate committee and on different standards.

Cheryl Hopwood and other rejected white applicants sued, claiming that that system denied them the "equal protection of the laws" guaranteed by the 14th Amendment. The Fifth Circuit, ruling in their favor, could have limited itself to the particular admissions process at issue. But it went much further.

The court said that the Texas law school "may not use race as a factor" in admissions. It did not speak of a dominant or even significant factor but outlawed consideration of race as any factor at all. Moreover, in an extraordinary display of hostility, the court left the way open for the plaintiffs to collect money damages for what it said was "intentional discrimination."

The Equal Protection Clause of the Constitution, which the court found violated, applies only to state action. But private universities may also be affected. Civil rights laws forbid racial discrimination at private universities that receive any kind of Federal aid—and nearly all do.

The ultimate danger is to the freedom of American universities. The Fifth Circuit treated this case as if it were the same as the Supreme Court's recent decisions limiting set-asides for minority contractors and broadcast licensees. But education is different. Its freedom in decisionmaking—an urgent need in our society—has to be weighed against the rightful claims of equal protection.

Reading the Fifth Circuit's opinion, by Judge Jerry E. Smith, one feels a sense of detachment from reality. For instance, it rejects as racist the assumption that an individual "possesses characteristics" because of his race. Right. But the issue is not characteristics. It is experience. And any judge who thinks black Americans have not had a different experience is blind.

Think about women judges or Supreme Court justices. They are not wiser or less wise by virtue of their gender. But they have had a different experience from men, and that is why it is important to have them on the bench.

The reality of university admissions, as opposed to the mechanical abstractions of the Fifth Circuit decision, is on display here in California. Gov. Pete Wilson, playing to white male resentment, pushed through the Board of Regents a rule forbidding the use of race or gender as a factor in admissions to the University of California.

Now it turns out that regents who voted for what they called "merit" admissions had leaned on the University of California at Los Angeles to admit the children of friends. An investigation by The Los Angeles Times shows that U.C.L.A. gave special consideration to children of politicians and the rich.

In other words, we have affirmative action for the privileged. But not for the race that was enslaved for 200 years and abused for another 100 and more.

Universities, in their freedom, can increase understanding across the racial lines in this country. Unless the Supreme Court undoes this assault on their freedom, we are going to be an even more divided society.●

THE RECENT BOMBINGS IN ISRAEL

● Ms. MOSELEY-BRAUN. Mr. President, I would first like to congratulate President Clinton for his leadership at the "Summit of Peacemakers" conference which was recently convened in Egypt. I salute the President and the other world leaders who gathered in Sharm El Sheik for their avowed support of the Middle East peace process and their strong showing of international solidarity against terrorism.

I also want to extend my heartfelt sympathy and condolences to the families of those murdered in the recent terrorist attacks in Israel. May the Almighty comfort them among the mourners of Zion and Jerusalem. As the Nation of Israel mourns the loss of its sons and daughters, I pray that the story of Purim will serve to comfort the entire family of Israel and give it hope, knowing that God will deliver the Jewish people today as in the past.

Mr. President, I condemn in the strongest of terms the barbarous acts of organized and random terrorism against innocent Israeli civilians, including young children. Those responsible for these indiscriminate and cowardly acts of murder and violence must be held accountable for their actions and brought to justice. Their punishment must be swift, decisive and thorough, not only to serve as a deterrent, but as a reminder that the world community will never allow the evils of terrorism to triumph over the forces of peace.

I call upon the peace and freedom loving peoples of Gaza, the West Bank and the Arab world to condemn outright these heinous acts of barbarism allegedly committed on their behalf and in their name. These acts do not further Palestinian interests nor, I believe, do they represent the sentiments of the overwhelming majority of the Palestinian people. I further enjoin them to outlaw, expose, disarm and arrest members of paramilitary organizations within their midst and to deny them sanctuary and safe haven. Their presence and actions are a threat not only to the State of Israel, but also to the Palestinian self-rule national authority in the West Bank and Gaza.

Mr. President, we can no longer afford to look at terrorism and suicide bombings in Israel—and in other parts of the world —as a distant danger. The bombing of the World Trade Center in New York City in February 1993 and the bombing of the Federal building in Oklahoma City last April have shattered our false notions of security. Anti-terrorism units, swat teams, and bomb squads train with the same intensity and seriousness of purpose as sprinters, long distance runners, swimmers, and gymnasts in their preparation for this summer's Olympic games in Atlanta. In truth, every act of terrorism—in Israel or elsewhere—strikes at the essence of all free, democratic and open societies. Our disagreements are dealt with civility and without violence or the threat of violence.

With each terrorist threat against the Government, our citizens lose a measure of their freedom. When an American seeks to exercise even the most basic of rights—renewing a drivers license, boarding an airplane or picking up documents at a government building—he or she is often subject to a thorough search of his or her person and property. Even the street in front of the White House—the people's house—has been closed and street traffic rerouted. Moreover, streets around the House, Senate and Capitol buildings have been blocked-off and barricaded. All of these measures have been done because of our heightened sense of vulnerability to terrorism. The humiliation and inconvenience that these situations present are mitigated only by the American people's acquiescence and realization that such practices are unfortunately necessary in today's world. But it does not have to be this way, and we must not become accustomed to the threat of terrorism. To the extent that we refuse to accept it, to the extent we refuse to be desensitized to violence, we will invigorate the will to fight it.

The most recent bombings in Israel have also had a direct impact on my home State of Illinois. The celebration of the Jewish holiday of purim is traditionally one of the more colorful festivals in the city of Chicago. Children are dressed in costumes, friends exchange gifts and there is laughter and merriment. However, as events of yet another suicide bombing in Israel unfolded, grief, anxiety and depression replaced joy, laughter, and merriment.

The juxtaposition of bombs and purim provides a context for understanding how we can draw inspiration and strength from history. Just as the Jews in Ancient Persia responded to danger with prayer and courageous action, so too must we. Mr. President, I, for one, am tired of lighting candles, attending memorial services and waiting for news of the next terrorist attack. It is time for us to be proactive and not merely reactive. We must declare all-out war against terrorism and terrorist organizations and take the fight to them wherever they exist—at home or abroad. We must make it clear to terrorists, their organizations, and the countries which sponsor and harbor terrorists that their actions will not produce the desired result—the interruption or abandonment of the peace process—and that the United States and other nations will no longer permit their actions to go unpunished.

There must be a recognition, however, that terrorism cannot be defeated through unilateral action alone. World leaders must understand that it is in every country's interest to have this menace eradicated from the face of the Earth. Unless and until serious anti-terrorist actions are implemented internationally, including the denial of safe haven and sanctuary for perpetrators of terrorism, we can expect more, not fewer, incidents like we witnessed in Israel these past 2 weeks.

Mr. President, we, the inhabitants of this planet, are one family. While differences and disputes are unavoidable, I believe all problems, no matter how intractable they may seem, are soluble. Peace and negotiations are not just the answer—they are the only answer.•

GENE R. ALEXANDER

• Mr. SIMON. Mr. President, I want to commend and congratulate Mr. Gene Alexander of Benton, Illinois. On April 25, 1996, the school library at the Benton Elementary School will be dedicated as the Gene R. Alexander Learning Resource Center. Mr. Alexander was a teacher and principal in the Benton School District for 32 years.

Now that he has retired, "Mr. A." spends his free time volunteering for these same children. He does everything from cleaning school desks to teaching children about the American flag. His commitment to these children is inspirational.

We need more leaders like this and having a library dedicated to him is a fitting tribute. I want to commend Mr. Alexander on his hard work and his lifetime of dedication to the children that he serves.•

REFORM OF OUR TAX CODE

• Mr. SANTORUM. Mr. President, I wanted to take a few minutes to talk about the tax burden that American families feel today and the drastic need for fundamental and comprehensive reform of our Tax Code.

During our brief break from legislative business over the past 2 weeks, I had the opportunity to visit with constituents in various communities in my State to discuss the effects of Federal tax policies on families. Quite clearly, the tax burden over the past few decades has greatly increased; the inequities of the Code have been exacerbated; and the incentives for savings have largely diminished. If it was anything that I heard during the course of nine town meetings, it was the demand for a fairer, simpler tax system and an even greater demand by taxpayers to keep more of what they earn.

As a Member of the House of Representatives, I served on the Ways and Means Committee, which has jurisdiction over tax legislation. I recognize that our current system of taxation is burdensome and intrusive, and I think we are all aware how complex our system is, given the large amount of time Americans spend in computing and filing their taxes each year.

On Monday, I had the pleasure of traveling through Pennsylvania with Senator SPECTER, along with our Governor, Tom Ridge, as we hosted the distinguished majority leader, Senator BOB DOLE. The significance of traveling across my State on tax day brings with it a renewed commitment to fight for Federal policies addressing and correcting not only the many inequities in our system, but demanding a fundamental reexamination by this Congress of the Federal Tax Code as a whole.

I strongly believe that Congress must continue to explore comprehensive simplification of our Tax Code. Several of my colleagues have introduced legislation to institute various alternative tax systems as well as proposals to provide varying degrees of tax relief to American families. To reaffirm this commitment to tax fairness, I am pleased today to join Senator DAN COATS as a cosponsor of his legislation to provide not only for middle-class tax relief, but also to encourage increased personal investment and savings while balancing the growth of Federal spending in general.

This Congress, as a direct result of the Republican majority, has come as close as a veto pen to enacting tax fairness for American families—fairness and relief that many would have realized in preparing their tax returns by Monday evening's filing deadline. A year after the political battle over tax relief and a year later on tax day, the same challenges and needs remain in devising a tax structure that provides greater balance, incentives, and benefits to American families and taxpayers. These next few weeks in the Senate are critical and serve as another opportunity to readdress, pass, and finally enact these changes.•

HONORING BRIAN PALMER HAFLER

• Mr. KERRY. Mr. President, I would like to take a few moments to acknowledge a very talented and promising resident of Massachusetts, Brian Palmer Hafler. Brian was chosen as a seventh place winner in the prestigious Westinghouse Science Talent Search, a national competition that recognizes the outstanding math and science achievements of high school students aged 16 to 18. Brian was recognized for his research involving T cells, research that may be instrumental in the future treatment of autoimmune diseases.

After graduation from the Roxbury Latin School, West Roxbury, MA, Brian intends to continue his scientific research as a molecular biology student at Princeton University. In addition to his scholarly accomplishments, Brian has won varsity letters in wrestling and cross country, numerous academic awards, and a service award for his work in tutoring inner-city students.

I applaud Brian on receiving the Westinghouse Science Award, and wish him success in his future endeavors.•

TESTIMONY OF JONATHAN KOZOL

• Mr. SIMON. Mr. President, I had a chance to read the testimony of Jonathan Kozol, an author who prods our conscience, before the House Committee on Economic and Educational Opportunities, which I ask to be printed in the RECORD after my remarks.

It is a summary of where we are, as he points out, on this year that celebrates the 100th anniversary of the unfortunate Plessy v. Ferguson decision.

The need to do a better job, the need to show care, the need to create opportunity for everyone is here. The question is whether we will pay attention to this obvious need or whether we will ignore it, ultimately at our own peril.

The article follows:

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES—U.S. HOUSE OF REPRESENTATIVES, MARCH 5, 1996

TESTIMONY OF JONATHAN KOZOL

Mr. Chairman: As you know, this year commemorates the 100th anniversary of Plessy versus Ferguson, but few of the poorest children in our nation will find much to celebrate. Public schools throughout the land, with rare exceptions, are still separate and unequal.

In New York City, to take only one example, public schools for poor black and Hispanic children are nearly as segregated as the schools of Mississippi 50 years ago. The city spends less than half as much per-pupil as its richest suburbs—a differential found, of course, all over the United States.

For many years, the only force that helped consistently to militate against these inequalities has been the Federal government. Although Federal money represents only a tiny fraction of the total education budget in our nation, it has been targeted at schools and neighborhoods in greatest need; and, while Federal aid may represent, on average,

only 6 percent of local education budgets, it represents as much as 20 percent in our low-income districts.

Now, as the dismantling of Federal aid is being contemplated, as block grants are proposed as substitutes for targeted assistance to the poor, the plight of children in the most impoverished districts will inevitably worsen.

I remind you also of the gross and cumulative deterioration of schoolbuildings in low-income neighborhoods. "Deferred maintenance"—an antiseptic term which means that water buckets must be scattered around classrooms to collect the rain that penetrates a hundred-year-old roof, while hallways stink of urine from the antiquated plumbing in the bathrooms of a school—is well above $100 billion.

Conditions like these do not just soil bodies. They also dirty souls and spirits, and they give our children a clear message. They tell them that, no matter what we say about "high expectations," no matter what exhaustive lists of "goals" and "standards" we keep churning out for the millennium, the deepdown truth is that we do not like them very much, nor value their potential as Americans.

Millions of children are going to class each day in buildings none of you would be prepared to work in for one hour. All the boosterism in the world, all the hype and all the exhortation, all the upbeat speeches by a visiting politician telling kids, "You are somebody," has no palpable effect if every single thing about the school itself—its peeling paint, its rotting walls, its stinking corridors, its crowded, makeshift classrooms in coat closets, on stair-landings, and in squalid corners of the basement—tells our children, "In the eyes of this society, you are not anyone at all."

The notion of "retrofitting" schools like these for the computer age has something of the quality of a Grimms fairy tale. How will a school that can't repair the toilets or afford to pay for toilet-paper find the money to buy IBM or Microsoft? The gulf between the national "goals" and the degrading day-to-day reality of life for children in these schools has something about it that suggests delusionary thinking. There is simply no connection between slogans and realities.

Despite all this, we face the strange phenomenon of being asked repeatedly, by those who spend as much as $20,000 yearly to enroll their children in exclusive private schools, whether money really matters when it comes to education of the poor. "Can you solve these kinds of problems," we are asked, "by throwing money at them?"

I always find this a strange question, but especially when it is asked by those who do precisely this for their own children. Money cannot do everything in life. It can't buy decency. It obviously does not buy honesty or generosity of spirit. But, if the goal is to repair a roof or to install a wiring system or remove lead poison or to pay for a computer, or persuade a first-rate teacher to remain in a tough job, I think money is a fine solution.

A rhetorical devise used by some politicians points to unusual districts such as Washington DC, or East St. Louis, Illinois, that spend a bit more money than some of the nearby districts but do poorly by comparison. This, we are told, is proof that "money does not matter." But, in most cases, there are districts that also plagued by pediatric illness like chronic asthma, by lead-poisoning, by astronomic rates of AIDS, and joblessness, and drug-addiction, and a global feeling of despair. Equality, as Dr. King reminded us, does not mean equal funding for unequal needs. It means resources commensurate with the conditions of existence.

It is true that there has been anarchic inefficiency in certain urban districts; this needs to be addressed. But even where efficiency has been restored, as in Chicago for example, funds are not forthcoming. Still we are told to "cut the fat" from the administration. But in New York, as in Chicago, there is no more fat to cut. We are now cutting at the bone and at the hearts of children.

And so we come at last to 1996 and to the present moment in the U.S. Congress, where the forces of reaction tell us it is time to "get tough" with poor children. How much tougher do we dare to get? How cold, as a society, are we prepared to be?

New York City, as things stand right now, can barely eke out $7,000 yearly for the education of a first grade child in a school I've visited in the South Bronx, but is spending $70,000 yearly on each child it incarcerates—$60,000 on each adult. If Title I is slashed by Congress, it will devastate the children in this school. In the 1980s, these impoverished children lost the dental clinic in their building. A year ago, they lost the afternoon program where they could be safe in school while mothers worked or looked for jobs. This June, their teen-age siblings will lose summer jobs as Congress lets that program die as well. Only 10 percent of these children are admitted into Head Start programs. The one place to which they are sure of being readily admitted is the city's prison island—now the largest penal colony on earth.

Beyond the cutbacks, there is one more shadow looming, and that is the everpresent threat of education vouchers—a modernized version of a hated memory from 40 years ago, when Southern whites fled from the public schools after the Brown decision, seeking often to get public funds to subsidize their so-called "white academies." They didn't succeed in this attempt, but now another generation—more sophisticated and more clever in concealing racial animus—is driving toward the same objective by the instrument of vouchers.

This time, they are smart enough to offer vouchers to black children and poor children too, but the vouchers they propose can never pay for full tuition at a first-rate private school and, in effect, will simply filter off "the least poor of the poor" who can enhance the voucher with sufficient funds to flee into small private sanctuaries that exclude their poorest neighbors. By filtering off these families from the common areas of shared democracy, we will leave behind a pedagogic wasteland in which no good teacher will desire to teach but where the masses of poor children will remain in buildings that are schools only in name. We are getting close to that point even now. Vouchers, combined with further fiscal cuts, will bring that day considerably nearer.

Some of us who stand up to defend the public schools may seem, at first, to be in an untenable position: We give the appearance of not wanting to change while pointing to how bad things are today. This is our fault, I think, because we tend to speak defensively about the status quo, and fail to offer a more sweeping vision for the future. We scramble to save Title I—and so we should. But Title I, essential as it is, is a remedial side-dish on the table of inequity. We should be speaking of the main course, but have largely failed to do so.

Our vision ought to be to build a public system that is so superb, so democratic, and well-run, that no responsible or thoughtful parent would desire to abandon it. To bring this vision to fruition, we would have to raise the banner of efficiency as high as any voucher advocate has done. We cannot defend dysfunction on the grounds that it is somehow one of the inevitable corollaries of democracy. But simply to support "efficiency" or to encourage innovations such as charter schools is not nearly enough. Innovative and efficient inequality is still unworthy of America. We also need to raise a bolder banner, one that cries out for an end to gross inequity, one that uses strong word for the savagery of what we do today: providing college preparation for the fortunate, bottom-level-labor preparation for the lower-middle class, and prison preparation for our outcasts.

None of my respected friends here in the House of Representatives believes that it is fair to rig the game of life the way we do. We wouldn't play Little League like this. We'd be ashamed. Our victories would seem contaminated. Why aren't we saying this in words Americans can hear?

There is too much silence on this issue among Democrats. It leaves the field to those who speak bombastically, with violence of spirit, as they swiftly mount their juggernaut of cutbacks, vouchers, and secession from the public realm. Virulent racism, as we know too well, is often just beneath the surface of discussion too. I heard few voices in the Congress that address this boldly. There is a sense of quiet abdication and surrender.

Despite my feeling of discouragement, I would like to add that I was reassured to see that Secretary Riley spoke out clearly on the voucher issue recently. As always, he was eloquence and fearless. The same eloquence and the same fearlessness are needed now among the Democrats in Congress. Some of those Democrats, whom I have had the privilege to know for many years, will be retiring soon. Before they do, I hope that they will find the opportunity to wage one final battle for those children who cannot fight for themselves. I hope they won't leave Congress quietly, but with an angry sword held high. In that way, even if they lose this battle, they will leave behind a legacy of courage that a future generation can uphold with pride.•

BURTON MOSELEY

• Ms. MOSELEY-BRAUN. Mr. President, at the time the world was mourning the terror in Israel, my family was mourning the loss of my beloved uncle, Burton Moseley.

Uncle Burt was my late father's only sibling. Both before and after my dad passed away, Uncle Burt was a mentor, a friend, and a role model. He was a simple, honest man, an upright man who brought joy to those whose lives he touched.

No one had a harsh word about him, he never spoke ill of another person. He was, for almost all of his adult life, a Chicago police officer. He epitomized the very best in law enforcement, a person who cared about the quality of life in his community, and who saw fighting crime as a way to contribute. He remained active in the Guardians police organization to the end.

He was our hero.•

SPLIT OVER MORALITY

• Mr. SIMON. Mr. President, people are concerned about what is happening to our country and they are not simply concerned about economics. They are concerned about many issues that reflect our culture in ways that are not healthy.

E.J. Dionne, Jr., one of the most thoughtful journalistic observers of our scene, recently had a column in the Washington Post titled, "Split Over Morality," which I ask to be printed in the RECORD after my remarks.

For those of you who saw it originally in the Post, it is worth rereading, and for those who did not, it should be read and clipped and saved.

The column follows:

SPLIT OVER MORALITY

(By E. J. Dionne, Jr.)

It is remarkable how quickly political talk these days turns to the question: What does the religious right want? Variations on the theme include: How much must Bob Dole do to get the votes of Christian conservatives? Can't President Clinton help himself by hanging the religious right around Dole's neck?

All this might be taken as a great victory by Ralph Reed and the Christian Coalition he directs. The obituary of the religious right has been written over and over since the rise of the Moral Majority in 1980. Yet none of this has stopped the Christian conservative movement from expanding its influence.

Reed and his troops have already gotten a lot of credit for help Dole stop Pat Buchanan's surge dead in the South Carolina primary. That is the very definition of political power.

Reed and his followers have every right to do what they are doing. Religious people have the same rights as union members, environmentalists, business groups and feminists. President Clinton himself has spoken at hundreds of black churches. The president is often at his most effective from the pulpit, an exceptionally good venue for his favorite speeches about the links between personal responsibility and social justice, crime and unemployment.

Democrats thus have no grounds for challenging Reed's argument that his people deserve "a place at the table" of national politics. What does need real debate is more important. It has to do with how moral issues should be discussed in politics, and also how they should be defined.

A lot of Americans—including many who want nothing to do with Ralph Reed—have a vague but strong sense that what's going wrong in American life is not just about economics. It also entails an ethical or moral crisis. Evidence for this is adduced from family breakdown, teen pregnancy, high crime rates (especially among teenagers), and trashy movies, television and music.

But unlike many on the Christian Right, these same Americans see strong links between moral and economic issues. Their sense that commitments are not being honored includes family commitments, but it also includes the obligations between employer and employee and the question of whether those "who work hard and play by the rules," as the president likes to put it, are getting just treatment.

Democrats, liberals and other assorted critics of the religious right have no problem in discussing these economic matters. But they have made the reverse mistake of Reed and his friends: The religious right's foes have only rarely (and only relatively recently) been willing to understand that many American families see the moral crisis whole. It's possible, and reasonable, to be worried about both trashy entertainment and the rewards that go to the hard-working. Human beings are both economic and moral creatures. But liberals often cringe when the word "morality" is even mentioned.

Giving the Christian right a near monopoly on moral discussion has narrowed the moral debate. This narrowing needs to be challenged.

To hear leaders of the religious right talk in recent weeks, for example, one of the preeminent moral issues of our time is whether gay marriages should be sanctioned by state or local governments. But surely this is not even the 10th or the 25th most important issue for most Americans. The resolution of this question one way or the other will do virtually nothing about the moral issues such as crime or family breakup that actually do trouble lots of people.

It's easy enough to recognize why tradition-minded Americans are uneasy with this broadening of the definition of "marriage." But turning this question into yet another political litmus test will only push the political debate toward yet another ugly round of gay-bashing. Is that what 1996 should be about?

What needs to be fought is a tendency described movingly by Stephen Carter in his new book, "Integrity." It is a tendency Carter quite fairly discerns all across the political discussion.

"I must confess that the great political movements of our day frighten me with their reckless certainties and their insistence on treating people as means to be manipulated rather than as the ends for which government exists," he writes. "Too many partisans seems to hate their opponents, who are demonized in terms so creative that I weep at the waste of energy, and, as one who struggles to be a Christian, I find the hatred painful." So would we all.•

WEST VIRGINIA WESTINGHOUSE SCIENCE TALENT SEARCH

• Mr. ROCKEFELLER. Mr. President, today, I would like to take a moment to recognize the 40 finalists in the 55th Annual Westinghouse Science Talent Search. These exceptional American youth—hailing from 13 States, including my home State of West Virginia—are being honored as the Nation's brightest high school math and science students.

This program, sponsored by the Westinghouse Foundation, in partnership with Science Services Inc. since 1942, awards America's most prestigious and coveted high school scholarships in math and science. This year's finalists are among 1,869 high school seniors from 735 high schools located throughout the 50 States, the District of Columbia and Puerto Rico, including two West Virginia students, Namoi Sue Bates of Franklin and Bonnie Cedar Welcker of Parkersburg. Their independent science research project entries cover the full spectrum of scientific inquiry, from biology to solid state luminescence.

The honor of being named to this group far exceeds the value of the scholarships and awards bestowed. Over the years, finalists have included five winners of the Nobel Prize as well as those who have achieved brilliant careers in science, medicine, and related fields.

Mr. President, I want to commend each and every one of these outstanding American teenagers who truly embody the American dreams of discovering, curing, inventing, and changing the world.•

PENTAGON REPORT PREDICTS BOSNIA WILL FRAGMENT WITHOUT VAST AID

• Mr. SIMON. Mr. President, when the Bosnian intervention question came before the Senate, I strongly supported President Clinton's request, but added that I thought it was unrealistic to believe that we could go in and in 1 year pull out.

We made that mistake in Somalia and we should not make the same mistake again.

Recently the New York Times had an article by Philip Shenon titled, "Pentagon Report Predicts Bosnia Will Fragment Without Vast Aid," which I ask to be printed in the RECORD after my remarks.

It tells in very realistic terms why it is necessary to retain some troops in the Bosnian area in order to have stability in that area of the world.

If we fail to do that, we invite bloodshed and instability that will inevitably spread to Macedonia, Albania, and other neighboring areas.

The article follows:

[From the New York Times]

PENTAGON REPORT PREDICTS BOSNIA WILL FRAGMENT WITHOUT VAST AID

(By Philip Shenon)

WASHINGTON, March 19—The Pentagon has offered its grimmest assessment of the prospects for peace in Bosnia to date, warning that without an enormous international aid program to rebuild its economy and political institutions, the country will probably fragment after the withdrawal of NATO peacekeeping troops late this year.

The assessment for the Senate Intelligence Committee was prepared by the Pentagon's senior intelligence analyst, Lieut. Gen. Patrick M. Hughes, and it could signal an effort by the Defense Department to distance itself from blame if the civil war resumes shortly after the NATO withdrawal.

General Hughes, the director the Defense Intelligence Agency, offered reassuring words in his report for American troops stationed in Bosnia, suggesting that NATO forces face no organized military threat. If the war resumes, he said, it will not be until after the American peacekeepers and their NATO allies have pulled out.

But the report, dated Feb. 22, offered no similar solace for the people of Bosnia. General Hughes said that the "prospects for the existence of a viable, unitary Bosnia beyond the life" of the NATO deployment are "dim" without a large international program to revive Bosnia's war-shattered economy.

If his assessment is accurate, the peace effort in Bosnia could well be doomed, since the civilian reconstruction effort there is barely under way, its economy and physical infrastructure—roads, water and electricity lines, telephones—still in ruins. The last American soldiers are scheduled to withdraw from Bosnia in December.

General Hughes said that the strategic goals of the warring factions in the region "have not fundamentally changed" since the days of the civil war and that tensions among them would probably grow in the months leading up to the NATO pullout.

If that is true, the Clinton Administration might come under intense pressure from its NATO allies not to withdraw American troops by the end of December—a deadline that the Administration insists it will hold to.

The Pentagon assessment also implicity questions basic elements of the American-brokered Dayton peace agreement, which laid out what critics in Congress called unrealistic deadlines for political and economic reconstruction in Bosnia and for the withdrawal of peace-keeping troops.

"There's only so much our soldiers can accomplish," said another senior Defense Department official, echoing the report's central findings, "The military forces agreed to keep the peace for a year, and that's what we're doing. But this peace will not hold without an effort to rebuild the country. That's not being done yet. And that's not our job."

The job of organizing the economic and political reconstruction of Bosnia has been left to a European delegation led by Carl Bildt, a former Swedish Prime Minister.

But Mr. Bildt has complained repeatedly in recent months that foreign governments have been slow to make available the billions of dollars needed for civilian reconstruction—everything from building bridges to printing election ballots—and that the political component of the peace effort is lagging far behind its military component. In a meeting this month with donor countries, he pleaded that the donors "do more to honor the pledges we have made."

While questioning whether Bosnia was about to dissolve once again into civil war, General Hughes said in his report that "in the short term, we are optimistic" about the situation faced by the 18,400 American soldiers stationed there as part of the peace-keeping force.

"We believe that the former warring factions will continue to generally comply with the military aspects" of the peace accord, the report said. "We do not expect U.S. or allied forces to be confronted by organized military resistance."

The threat faced by the American forces would come instead from land mines "and from various forms of random, sporadic low-level violence," the report said. "This could include high-profile attacks by rogue elements or terrorists." So far only one American soldier has been killed in Bosnia, an Army sergeant who was killed in an explosion on Feb. 3 as he tried to defuse a land mine.

The report suggested that if the civil war resumes, it will flare up only after the NATO forces have pulled out, removing the buffer that has kept the factions at peace for most of the last four months.

"The overall strategic political goals of the former warring factions have not fundamentally changed," General Hughes said. "Without a concerted effort by the international community, including substantial progress in the civil sector to restore economic viability and to provide for conditions in which national (federation) political stability can be achieved, the prospects for the existence of a viable, unitary Bosnia beyond the life of IFOR are dim." The NATO forces in Bosnia are known as the Implementation Force, or IFOR.

General Hughes suggested that all of the fragile alliances created by the peace accord might collapse—with tensions between the Bosnian Muslims and Bosnian Croats threatening their federation, with the Bosnian Croats working toward "de facto integration" with Croatia, and with elections and the resettlement of refugees "delayed or stymied."

He said that the Bosnian Serbs were likely to consolidate their hold on their own territory, seeking "some form of political confederation" with Serbia.

Questions about whether any peace in Bosnia would outlast the presence of NATO troops—and whether American troops would be stuck there as a result—were at the heart of the debate in Congress that preceded votes to authorize the American military deployment. Senator Bob Dole, the front-runner for the Republican Presidential nomination, demanded and won an Administration pledge to play a role in arming and training the Bosnian Government's army.

The assessment by the Defense Intelligence Agency is only slightly more pessimistic than remarks heard elsewhere in the Pentagon. Senior Defense Department officials have long warned that the peace would fail without a huge effort to rebuild Bosnia and to give the people some hope of economic and political stability after years of slaughter.

"Ultimately I think the bigger problem is not the military implementation of the peace agreement," Gen. John Shalikasvili, the Chairman of the Joint Chiefs of Staff, told the House National Security Committee this month. "We need to make sure we understand that it is equally important to the overall effort—and also the safety of the troops—that we get on with the civilian functions that need to be performed."

"And when I say 'we,' I don't mean the military, but the nations that are involved in this effort," he added.

"The elections have to go forward, the refugees have to begin to return, reconstruction has to start, the infrastructure has to be rebuilt so that the people in the country can see an advantage to not fighting."•

MEASURE PLACED ON CALENDAR—H.R. 2337

Mr. SPECTER. Mr. President, I ask unanimous consent that H.R. 2337, which was just received from the House, be placed on the calendar.

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

ORDERS FOR THURSDAY, APRIL 18, 1996

Mr. SPECTER. Mr. President, I ask unanimous consent, on behalf of the leader, Senator DOLE, that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., on Thursday, April 18; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of S. 1028, the Health Insurance Reform Act of 1996.

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

PROGRAM

Mr. SPECTER. Mr. President, on behalf of Senator DOLE, for the information of all Senators, the Senate will begin the health insurance reform bill tomorrow morning. Amendments are expected to be offered to that legislation. Therefore, Senators can expect rollcall votes throughout the day, and a late session is anticipated. The Senate may be asked to turn to any other legislative items that can be cleared for action.

ORDER FOR ADJOURNMENT

Mr. SPECTER. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order following the conclusion of the remarks that I shall make as in morning business.

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

Mr. SPECTER. Mr. President, I seek recognition to comment on a number of subjects. The Senate has been in session for the last 2 days continuously on the terrorism bill, and there are a number of subjects that I have sought recognition to speak about at this time.

As we say, the Senate is on "automatic pilot," so when I conclude my remarks, the Senate will be in adjournment.

Mr. President, I ask unanimous consent that the following remarks appear under a caption of "Foreign Travel, April 2 through April 5, 1996."

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

FOREIGN TRAVEL, APRIL 2 THROUGH APRIL 5, 1996

Mr. SPECTER. Mr. President, on April 2, on behalf of the Senate Intelligence Committee, I traveled to Paris and then to The Hague, where I consulted with the prosecution teams of the war crimes tribunal to assess their progress. Then, on April 3, on to Belgrade. Then on to Tuzla on April 4, and back to Paris that evening.

While in Paris, I had the opportunity to observe the operation of the Paris Embassy, under the direction of Ambassador Pamela Harriman. I was very much impressed with what I saw of the operation there. Ambassador Harriman

conducts a large Embassy. Really, Paris is the crossroads of the European continent. There are many complex issues that confront the Embassy involving security matters within NATO, involving commercial matters, involving activities that touch upon the Senate Intelligence Committee and the Central Intelligence Agency. I was very much impressed with those operations.

During the course of my discussions with Ambassador Harriman, I discussed with her the cuts in the budget of the State Department in the so-called 150 Account. And from the work I have done on the Appropriations Committee, and in the past having been on the subcommittee with jurisdiction over the Department of State, it is my sense that the cuts that have been imposed are excessive.

I asked Ambassador Harriman to prepare for me a list of specifics, which she has done, entitled "Disinvesting in Diplomacy," pointing out how hard hit large Embassies will be, like the Embassy in Paris, and with the specification of the cuts and the impact of those cuts on her operation. I was especially impressed with one of her offices, from which 17 officers had been cut, under last year's reduction, to 12, and if the anticipated cuts are put into effect for next year, down to 7.

Mr. President, at the conclusion of my remarks, I ask unanimous consent that the specification under the caption "Disinvesting in Diplomacy" be printed in the RECORD.

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

(See exhibit 1.)

Mr. SPECTER. Mr. President, while in Paris, and at the Embassy on the evening of April 2, I visited with Secretary of Commerce Ron Brown for whom a reception was held in his honor along with the Secretary of Labor Robert Reich.

As we all know, on the very next day Secretary Brown and his company met their untimely deaths with the crash of their plane making a landing approach into Dubrovnik.

When Secretary Brown and I spoke on the evening of April 2 at about 6:45 he was robust, enthusiastic, and very anxious to carry out his responsibilities as Secretary of Commerce. He had brought with him a group of United States businessmen who could be instrumental in the rebuilding and the revitalization of Bosnia.

It is well accepted that, if the peace in Bosnia is to stay and is to hold, there will have to be a buildup of the infrastructure there, and Secretary Brown was there in connection with those duties. He and I talked about meeting in Zagreb. But that meeting unfortunately did not take place. The next morning I departed for Serbia, was in Belgrade, and had a plan on April 3 to travel to Sarajevo. That plan was canceled because of weather. We did not go to Sarajevo, and the same weather conditions resulted in the fatal crash of Secretary Brown and his company.

I traveled the next day to Tuzla, arrived there early in the morning, was met by General Cherrie, and we immediately talked about Secretary Brown's visit the preceding day. Secretary Brown had arrived at 6:40 a.m. on April 3 and visited the United States military establishment in Tuzla, and departed at 1:58 p.m. And then, as we know, shortly thereafter the fatal crash occurred on the approach to the landing in Dubrovnik.

Secretary Brown was certainly a stalwart advocate of U.S. interests, and his loss will be deeply felt by the U.S. Government. On behalf of my wife Joan, I want to convey our deepest sympathies and condolences to Ron's wife, Alma, and their two children, Michael and Tracey, and the rest of their family.

EXHIBIT 1

DISINVESTING IN DIPLOMACY

Large projected cuts in the 150 account will hamper our ability to attain U.S. economic, security and political objectives worldwide for many years to come.

Among the hardest-hit will be our large embassies in Western Europe. These Embassies protect and promote vital U.S. interests. Western Europe is home to most of our biggest and most powerful trading and investment partners. NATO is our most important military alliance.

Our European allies share our democratic ideals and are willing to join us in coalitions to promote global stability. A few, such as France, have global military, economic, technological and commercial interests which parallel our own. In France, our diplomacy reaches well beyond bilateral relations to include cooperation and burdensharing on a broad range of global issues.

Embassy Paris, like most other major Embassies, is cutting back sharply its operations while trying to economize. The consulate in Lyon was closed in 1992. In 1996, the Bordeaux consulate also had to be closed. The latter had been in operation since George Washington's Presidency.

In 1996, the Embassy was required to close its travel and tourism office. Its ten person staff, which was handling 100,000 requests for information annually from potential foreign visitors to the U.S., was eliminated. The calls will have to be absorbed or redirected with no increase in staff.

In the past two years, Embassy Paris has cut the operating hours of its communication center by 65 percent. A hiring freeze has been in place for four years, and the Embassy's French work force has not received a pay increase in three years. Twenty-five French employee positions have been marked for elimination. The list of other reductions is long.

In view of these reduced resources, Embassy Paris is making a concerted effort to "work smarter" with fewer resources. It has formed "teams" to pool interagency assets more effectively. It has negotiated savings of $3,000,000 over five years in local service contracts. It instituted a new interactive automated telephone service for visa applicants which generates $8,000 to $10,000/month in revenues. A consolidation of warehouses is saving $400,000 per year. A new computerized pass and ID system allowed the Embassy to cut 10 Marine guards.

This kind of innovation has allowed cuts to be distributed and absorbed within the Embassy without drastic cutbacks in services thus far. However, this is now likely to change.

The State Department is calling for another round of deep personnel cuts. For Paris, this would entail a 43 percent drop in core diplomatic personnel in the 1995 to 1998 period. Reductions this large will impact heavily on core diplomatic strengths and the Embassy's effectiveness. Some of the effects will be:

Advocacy for U.S. trade and business interests will be reduced in frequency and effectiveness (recent investment problems handled by the Embassy included U.S. firms in the food processing, pharmaceutical and information industries).

The loss of the Embassy's ability to monitor the Paris Club, the organization which negotiates debt rescheduling affecting billions owed the USG by developing countries.

A 50 percent reduction in contacts with the key French officials we must reach if we are to influence French policy and advocate U.S. positions on questions of vital interest to us.

Closure of the Science office at a time when our cooperative exchanges with France on nuclear, space and health technology matters (to mention only three) should be growing rapidly.

Significant cutbacks and slowdowns in passport and welfare services to U.S. citizens. Passport issuance will take 3 to 5 days instead of one. Prison visits will be cut to one per year. Consuls will no longer attend trials of U.S. citizens. The consulate will be open to the public for only two hours per day.

A 60 percent reduction in State Department reporting from Paris, including the political and economic analysis we need on France's activities in Europe, Africa and the Middle East, and Asia.

These trends are disturbing and merit closer attention. The Administration and Congress must work together to assess carefully how budgetary and personnel cutbacks affect our core diplomatic capabilities in Western Europe and elsewhere. This is especially true at a moment when business and information is globalizing and our national interests dictate that we be even more intensively engaged with our key allies than in the past.

(The remarks of Mr. SPECTER pertaining to the submission of Senate Resolution 247 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

(The remarks of Mr. SPECTER pertaining to the introduction of S. 1681 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I thank the Chair.

I yield the floor, and with that conclude the activities of the Senate today.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until tomorrow morning at 9:30.

Thereupon, the Senate, at 7:23 p.m., adjourned until Thursday, April 18, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 17, 1996:

DEPARTMENT OF DEFENSE

JOHN W. HECHINGER, SR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS, VICE JOHN P. ROCHE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. DANIEL W. CHRISTMAN [redacted] U.S. ARMY.

HOUSE OF REPRESENTATIVES—*Wednesday, April 17, 1996*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. GILLMOR].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 17, 1996.

I hereby designate the Honorable PAUL E. GILLMOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

The heavens declare Your beauty, O God, and the firmament shows Your handiwork.

We pray, O God, that we may all more quickly recognize and give thanks for the beauty that surrounds us, and we pray that we may more reverently receive Your gifts and offer our gratitude for them daily.

For the hours of this day, we give You thanks. Help us, O God, to use each moment wisely so that neither sloth nor waste will occupy this time which will never be returned to us.

Dispose our days and our deeds in Your peace, O God. 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 gentlewoman from Ohio [Ms. KAPTUR] come forward and lead the House in the Pledge of Allegiance.

Ms. KAPTUR led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 255. An act to designate the Federal Justice Building in Miami, Florida, as the "James Lawrence King Federal Justice Building";

H.R. 869. An act to designate the Federal building and United States courthouse located at 125 Market Street in Youngstown, Ohio, as the "Thomas D. Lambros Federal Building and United States Courthouse";

H.R. 1804. An act to designate the United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, as the "Judge Isaac C. Parker Federal Building";

H.R. 2415. An act to designate the United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Zaragosa Road in El Paso, Texas, as the "Timothy C. McCaghren Customs Administrative Building"; and

H.R. 2556. An act to designate the Federal building located at 345 Middlefield Road in Menlo Park, California, and known as the Earth Sciences and Library Building, as the "Vincent E. McKelvey Federal Building."

ANNOUNCEMENT REGARDING AMENDMENTS TO NATIONAL WILDLIFE REFUGE IMPROVEMENT ACT

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

Mr. SOLOMON. Mr. Speaker, the Rules Committee will be meeting at the beginning of next week to grant a rule on H.R. 1675, the National Wildlife Refuge Improvement Act.

Resources Committee Chairman YOUNG has requested an open rule. He has further requested that the rule make in order as original text for the purpose of amendment a new amendment in the nature of a substitute.

This amendment in the nature of a substitute by Chairman YOUNG reflects negotiations the Resources Committee has held with both the Department of the Interior and the Department of Defense.

Amendments should be drafted to the text of the amendment in the nature of a substitute offered by Chairman YOUNG, which has been printed in the CONGRESSIONAL RECORD of April 16, 1996, numbered 1. Priority in recognition may be given to those amendments which are preprinted in the CONGRESSIONAL RECORD. However, preprinting of amendments is optional.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

OSHA, AT IT AGAIN

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

Mr. HEFLEY. Mr. Speaker, I hope Mike Royko's column today is a joke, but unfortunately it is not. OSHA is at it again.

Apparently, a small business in Chicago recently received a set of instructions from OSHA on how to safely handle water. Yes, water, not waste water, not contaminated water, just water. The instructions include water's boiling point, its freezing point, its weight. The laboratory protective equipment recommended included safety glasses and a lab coat, and instructions include keeping the container lid on tightly closed and how to transport the water and a warning to protect it from freezing.

Yes, Mr. Royko points out, however, that OSHA did not document any effects of overexposure to water. Does OSHA not consider drowning a hazard? The bureaucrats at OSHA also failed to identify any conditions to avoid. What about the chance of burning your hand if the water is too hot?

Mr. Speaker, the time to reform OSHA is now.

UNITED STATES-JAPAN AUTO FIGURES

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

Ms. KAPTUR. Mr. Speaker, with the President in Japan, it is time to take stock of our abysmal trade accounts with that nation.

The administration is doing its best to put a public relations spin to last year's massive $60 billion trade deficit with Japan. Look at the facts: During the first 3 years of the Clinton administration, the United States has suffered over $185 billion in more trade deficits with Japan, a 39-percent increase over the abysmal trade deficit records under the Bush administration. U.S. auto manufacturers still have less than 1 measly percent of Japan's auto market, while Japan commands over one-third, 33 percent of this market. The value of the dollar against the yen has gone down by 40 percent since 1990, making our automotive goods 40 percent cheaper in their market. Yet the

United States gained only one-third of 1 percent of Japan's auto market since 1995.

Mr. Speaker, let us save the high fives. We have scaled an ant hill. Now all that is left is the mountain.

WHAT HAPPENED TO THE MIDDLE-CLASS TAX CUT?

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

Mr. HAYWORTH. Mr. Speaker, recalling my career in radio, here is a golden oldie I am sure our liberal friends will absolutely love. It is taken from one of Bill Clinton's 1992 campaign commercials:

> I'm Bill Clinton, and I think you deserve a change. That's why I've offered a plan to get the economy moving again, starting with the middle-class tax cut.

But after the election, Bill Clinton forgot about the middle class. He must have developed some sort of memory problem. For 2 years when he and the liberals had control of both the White House and this Congress, Bill Clinton still refused to honor his promise to cut taxes to the middle class. In fact, the record clearly shows he raised taxes, 250 billion dollars' worth.

Bill Clinton traded in his promise of tax relief for the largest tax increase in American history. And then, in this new Congress, he vetoed tax relief the new majority provided to most every American.

Mr. Speaker, the President had a chance. He blew it. The new majority is committed to letting Americans hang onto more of their hard-earned dollars.

CRUEL AND UNUSUAL PUNISHMENT OR NOT

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

Mr. TRAFICANT. Mr. Speaker, a male prisoner wanting to be a lady demanded hormone injections at taxpayer expense, citing the 14th amendment. A lower court said this would-be lady is a tramp, absolutely not.

But the 10th Circuit Court said, hey, let luck be a lady tonight, citing the 8th amendment, said to deny hormones for this prisoner would be cruel and unusual punishment.

Unbelievable. Who are these three judges? Larry, Moe, and Curly? Do they realize that these prisoners get free food, health care, libraries, TV's? What is next? Wonderbras, pantyhose? Beam me up, Mr. Speaker. I say injections are in order, not for the prisoner, but for the three judges. They should get a combination injection of Prozac and common sense.

Think about it. I yield back the balance of these injections.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Our guests in the gallery are reminded that demonstrations of approval or disapproval are not permitted under the rules of the House.

WORKING CHILDREN'S RIGHTS ACT

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

Mr. MORAN. Mr. Speaker, a year ago, a 12-year-old boy by the name of Iqbal Masih was murdered in Pakistan because he had dared to speak out against child slave labor.

Iqbal had been sold by his father for $16 when he was 4 years old. He was chained to a loom. When he made a mistake, he was savagely beaten.

With the help of an American firm, he escaped and spoke out against this practice, which is actually on the rise in Asia and Africa and Latin America, because there is so much profit to be made by exploiting children that poor governments are very easily corrupted.

He tried to make a difference. He was murdered. But it is up to us to follow his lead, to show his courage.

Today in honor of Iqbal and the millions of children who work as forced laborers, I am proud to introduce the Working Children's Rights Act. It will deny U.S. foreign aid to countries that refuse to enforce their own labor laws, it will deny aid to governments that continue to violate the most basic human rights of children, and it will require the State Department to investigate corruption and provide for yearly hearings, so that we will never forget the terrible plight faced by millions of children like Iqbal Masih.

REPEAL 16TH AMENDMENT

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, our current Tax Code has undergone 31 major revisions and 400 minor revisions over the past 40 years. It has grown from 11,000 words to over 7 million words. The IRS now prints about 480 different tax forms for Americans to fill out. But taxpayers shouldn't fear because the IRS will send you an additional 280 forms to explain how to fill out the first 480. Doesn't that sound simple?

All this complex nonsense costs Americans about 5.4 billion hours and $200 billion a year.

Is it any wonder that Americans are frustrated, angry, and just plain fed up with our current tax system. It's time to replace it. Join me in repealing the 16th amendment. We must get rid of the IRS. This country and her citizens deserve no less.

INCREASE THE MINIMUM WAGE

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

Mr. VOLKMER. Mr. Speaker, if NEWT GINGRICH and the radical right Republicans want to do something for the working poor, then let us have a minimum wage bill. Yesterday some of their Members stood in the well on that side and said, "Well, we have already proposed to take care of the working poor through our tax bill that we passed last year, and the President vetoed it."

Nothing is further from the truth. There is not one penny, not one penny, in that tax bill for the working poor. You take a two-wage earner family with two children, both working at minimum wage. They do not pay any taxes. There is nothing in your tax bill that helps them.

The only way that we can help the working poor get out of poverty, the only way we can help people get off welfare, is to increase the minimum wage.

Why, Mr. Speaker, do you and the radical right Republicans refuse to permit the Democrats to bring a minimum wage bill to this floor? I say to you, let us do it now.

AMERICANS PAYING TOO MUCH IN TAXES

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

Mr. BAKER of California. Mr. Speaker, the previous speaker apparently forgot the Bill Clinton tax increase, 4.3 cents in the gas tax. Did he forget that? That is on the working poor. How about taxing Social Security benefits of those people who had sense enough to save with $35,000 a year income each year?—$35,000, a couple, and they tax 85 percent of your Social Security benefits that you paid 16 percent of your payroll in each year of your working life. That is what Clinton has done for you.

Mr. Speaker, each day millions of Americans wake up early, get dressed, kiss their families good-bye and go to work. They then spend the next 2 hours 47 minutes working for the Federal Government to pay their taxes. That is more time than they spend working to feed, clothe, and earn money for their family's housing.

Mr. Speaker, this is an outrage. When American families are spending more time working for the Government than they do supporting their own families, something is wrong. Americans deserve to keep more, not less of their

own income for their own families, and Congress should be doing everything we can to get this Government off their backs.

AMERICANS SUPPORT RAISING MINIMUM WAGE

(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, congressional Republicans are using every single trick in the book to block a vote on raising the minimum wage in this country a mere 90 cents, even though the minimum wage is at a 40-year low.

Yesterday Senate Republicans used a procedural maneuver to dodge raising the minimum wage. They march in lockstep with Speaker GINGRICH and his leadership team, who have been blocking every single effort to bring up a vote in this body on raising the minimum wage.

□ 1115

It is only the latest example of how Speaker GINGRICH and his Republican leadership are out of step with the mainstream of this country. They, in fact, wanted to give a $245 billion tax break to the richest Americans in this country, to give the richest corporations in this country a $17 billion windfall, but they do not in fact want to see the minimum wage raised by 90 cents.

The New York Times said today that 84 percent of the U.S. folks are for an increase in the minimum wage. Today 13 House Republicans, to their credit, will break ranks with their leadership to join those of us who said let us increase the minimum wage. Let us do that for the hard-working, responsible Americans in this country. Let us give them an increase in their salaries.

DO SOMETHING FOR AMERICANS BY PASSING HEALTH CARE REFORM AND INCREASING THE MINIMUM WAGE

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

Mr. GENE GREEN of Texas. Mr. Speaker, Congress has a golden opportunity to actually do something for the American people. We can pass the necessary health care reform bills this year and also increase the minimum wage, like my colleagues have said.

The Kassebaum-Kennedy health care bill in the Senate will enhance the portability of coverage by ending permanent exclusion for preexisting conditions. However, the inclusion in the House of the medical savings accounts, malpractice reform, and also the taking away of State regulation of multiple employer welfare plans will hurt health care reform.

Key Senators, including Senator KASSEBAUM, have discouraged the inclusion of these medical savings accounts because it has no place in this bill. House Republicans want to federalize insurance regulations for self-insured small business. The States are now regulating these plans, and have served as a laboratory for innovation on improving coverage and combating fraud. Why do we want to bring that to Washington?

The Nation's Governors, State legislators, and insurance commissioners have opposed these provisions, but the majority Republicans have put it in. Let us give the people reasonable health care reform and a minimum wage increase.

LET US CELEBRATE EARTH DAY IN A BIPARTISAN WAY

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

Mrs. CLAYTON. Mr. Speaker, next Monday we will celebrate Earth Day. I wonder if we will celebrate Earth Day in a bipartisan way.

It is true that in recent years, we had witnessed some improvement in environmental standards for clean air and water, due in large part to bipartisan support provided previously by Congress.

Yet, the 104th Congress has witnessed a dramatic change in attitude among many of my Republican colleagues.

Escapes and loopholes have been inserted in many measures on behalf of those who would pollute, weakening the very laws that protect the health of the Nation.

Thus, despite a quarter of a century of effort, investment, and concentration—toxic waste, unclean air, and unsafe drinking water is still a way of life for millions in the United States.

Competing interests between the air we breathe, the water we drink and the land on which we live, versus economic efficiencies and profit for business interests have resulted in legislative action and inaction that has delayed and denied environmental improvement.

Those who have suffered the most are the voiceless and the powerless.

Yet, in spite of it all, there remains hope for the future.

When we celebrate Earth Day on Monday, April 22, I hope all Members will pledge to provide something to celebrate about.

104TH CONGRESS HAS SHIFTED FOCUS ON ENVIRONMENT TO ENFORCEMENT, NOT WEAKENING, OF EXISTING REGULATIONS

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

Mr. HOKE. Mr. Speaker, let us think about and talk about, just for a moment, exactly what the 104th Congress has done with respect to the environment, because there is so much deception that is being propagated about it, it is difficult to separate the truth from the reality or from the fiction.

The reality is that for the first time ever this Congress actually passed a Clean Water Act that provides for relief from and accounting for nonpoint source pollution. We had never done that before.

This Congress increased the funding for the Clean Water Act from $1.2 to $2.4 billion, a tremendous increase.

This Congress did not weaken one single regulation with respect to the standards themselves, but what this Congress did do is, it shifted where the focus of enforcement will be. It shifted it away from Washington, Washington bureaucrats with a one-size-fits-all attitude and approach, and to the States.

There is, in fact, notwithstanding the fact that many would like us to believe otherwise, there is no difference with respect to the goal, but there is a tremendous difference with respect to the way we get there, the process.

AMERICA NEEDS AN INCREASE IN MINIMUM WAGE TO SUSTAIN ITS HIGH QUALITY STANDARD OF LIVING

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

Mr. WYNN. Mr. Speaker, we know what distinguishes America from Third World countries, not just its democratic processes but its standard of living, the high quality of life we have in this country. Well, at least that is the way it used to be when people could get good paying jobs in industry. That is not the case now.

USA Today says, "How would you like to raise a family on $8,800 a year?" That is what we get with the current minimum wage. We ought to raise it. I am appalled when I hear my Republican colleagues who make over $100,000 a year say that they will fight a 90-cent increase in the minimum wage with every fiber in their body. It is absolutely shocking.

We need to maintain a high minimum wage so that we can have the high standard of living in this country. The current minimum wage is $1,100 less than the poverty level. People cannot exist on the current minimum wage.

If we increase the minimum wage, 12 million Americans will benefit. And do not let the Republicans tell us they are just teenagers. Thirty-nine percent of those Americans, 39 percent of those 12 million, are breadwinners, heads of households.

Mr. Speaker, the equation is very simple. Decent minimum wages mean

less welfare. The people who are getting welfare are there because many of them cannot get a decent wage even though they work.

GIVING STATES AUTHORITY WILL ENHANCE ENVIRONMENTAL QUALITY

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

Mr. DREIER. Mr. Speaker, I want to follow on the statement that was made eloquently by my friend from Cleveland about the issue of the environmental commitment of the 104th Congress.

I come from a State which is very sensitive to environmental concerns. In fact, the district which I represent has had the highest number of first stage smog alerts in the Nation. We have very serious groundwater contamination problems.

The fact of the matter is, this Congress is committed to moving in the next several weeks with very important legislation, the Safe Drinking Water Act, which continues to be a top priority. And as my friend said, this concept of one-size-fits-all regulations emanating from right here in Washington has failed.

In fact, we have seen improved environmental quality in spite of, not because of, the bureaucracy that has existed here. Every shred of evidence demonstrates that we will, in fact, be able to enhance environmental quality in this country and in my State of California if we are able to give the States the kind of authority that is desperately needed. That is the commitment that we have.

REJECT GET-GREEN GIMMICKS

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

Ms. SLAUGHTER. Mr. Speaker, our colleagues on the other side of the aisle have recently attempted to improve their environmental image to the public at large. They know that the American people want our environment protected, and they have felt intense heat for their relentless attacks on our public health and safety.

But we know better than to believe their get-green gimmicks. This Congress has the worst environmental record in 40 years. We have fought attacks on public health standards, meat inspection regulations, national parks, endangered species, and pesticide protections, to name only a few. And now, while these attacks in Washington continue, we are subjected to their pro-environment rhetoric. We can expect to witness them planting trees, adopting highways, or volunteering to clean up a river or lake in order to polish up their image.

As we prepare to celebrate Earth Day, we cannot stand for this hypocrisy. We must protect and cherish our environment, both in the laws we write—and in the lives we live.

POLLUTERS, NOT TAXPAYERS, SHOULD BEAR COST OF CLEANUP

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, as we approach the celebration of Earth Day it behooves us to take the time to see what we have done to our planet. The Superfund Program helps us accomplish what we must, clean all polluted sites. Superfund is based on the principle that the parties responsible for the pollution should pay for the cleanups.

Unfortunately, some Members want to shift cleanup costs from polluters to taxpayers. Whose interest does it serve to shift this burden off the polluters and onto the backs of the public?

A high percent of the Superfund sites currently listed on the national priorities list involve human exposure to hazardous substances or threats to drinking water. Over 70 million people live within 4 miles of one Superfund site. In my district, more than 168,000 people get their drinking water from aquifers over which a site is located.

H.R. 2500, the Superfund reform bill, rejects the polluter-pays principle and undercuts responsible remedies, allowing polluters to walk away from sites. H.R. 2500 caps the national priorities list at 125 sites, while States have testified that there are 1,700 Federal caliber sites. Under this plan, responsibility for 1,575 sites would be left to the States, whether they have resources to clean them or not.

Although the program has been criticized for the slow rate of cleanups, 349 site cleanups have completed since the program started in 1981. Nearly 60 percent of these cleanup have been completed under the Clinton administration.

Under the last Democratic Congress, a compromise Superfund reform bill received the support of three committees and was supported by the Clinton administration, State governments, and environmental groups. The compromise dealt with reducing litigation, speeding cleanups, and narrowing liability.

As we celebrate Earth Day we should not allow lobbyists to rewrite out environmental laws in ways that benefit polluters and hurt the health of our good citizens. Let me pledge to seek new opportunities so that we can be proud to pass along a safer and healthier planet to our children.

A SERIOUS PLAN FOR WHAT AILS THE DISTRICT

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

Ms. NORTON. Mr. Speaker, the Washington Post front page story this morning is an urgent action alert for this Congress "In Threadbare D.C., Hopes Wear Thin."

This Congress, which claims constitutional responsibility for the Capitol of the United States, bears a heavy responsibility for the decline and fall of the District, at least this year: the shutdown of the Government, the holdup in the appropriation, the cuts before a plan was in place against the recommendation of your own control board.

On April 15, I introduced the D.C. Economic Recovery Act, to give a tax break to D.C. residents, to stop the hemorrhage of taxpayers out of this city. The Washington Times calls it, in a headline in its editorial, "A Serious Plan for What Ails the District."

Save the Capitol of the United States before it is too late. It is, I remind you what you always tell me, your constitutional responsibility.

DO NOT RAISE TAXES ON WORKING AMERICANS

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

Mr. TATE. Mr. Speaker, 3 years ago my good friends across the aisle raised taxes on senior citizens, raised taxes on working Americans in the form of higher gas taxes, raised taxes on small business owners. But the new Republican Congress tried to provide tax relief for working Americans in the form of a $5,000 tax credit for working Americans that want to adopt a child, tax relief for small businesses.

Now it is an election year, and my good friends across the aisle say raise the minimum wage. Well, they controlled the Congress and the Presidency for 2 years. If I look at their record and look closely enough, what the folks across the aisle truly want to do is raise taxes on working Americans. That is what they are truly interested in.

REPUBLICANS WOULD ROLL BACK ENVIRONMENTAL PROGRESS

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

Mr. PALLONE. Mr. Speaker, I know that we are leading up to Earth Day next Monday. I was involved in the original Earth Day 26 years ago, and I think it is very unfortunate that now in this Congress under Speaker GINGRICH we see the worst environmental record in the history of the Congress.

In effect, what is happening is that the Republican leadership is doing their best to try to roll back 25 years or 26 years of environmental progress that we have seen in this Congress on a bipartisan basis since the first Earth Day.

□ 1130

The worst part, I think, is with regard to enforcement. One of the things that I have always said is that if you do not have proper enforcement and investigation to make sure that there are teeth in your environmental laws, then you in effect do not have any environmental laws.

This continued process with the Republican leadership where they do not provide enough funding for the EPA and other agencies that are involved in environmental protection so that there are not the enforcers or the environmental cops on the beat, if you will, out there doing the investigations, catching the polluters, indicating or making it possible to impose penalties against those who violate our environmental laws, this constant effort is hurting environmental protection in this country.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule.

Committee on Agriculture, Committee on Banking and Financial Services, Committee on Economic and Educational Opportunities, Committee on International Relations, Committee on the Judiciary, Committee on Resources, Committee on Science, Committee on Small Business, Committee on Transportation and Infrastructure, Committee on Veterans' Affairs, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

There was no objection.

LAYING ON THE TABLE HOUSE RESOLUTION 368

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent that House Resolution 368, providing for consideration of H.R. 994, the Small Business Growth and Administrative Accountability Act of 1996, be laid on the table.

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

There was no objection.

TRUTH IN BUDGETING ACT

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 396 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 396

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 842) to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours equally divided among and controlled by the chairmen and ranking minority members of the Committee on Transportation and Infrastructure and the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 396 is an open rule providing for the consideration of H.R. 842, the Truth in Budgeting Act. The rule provides 2 hours of general debate divided equally between the chairmen and ranking minority members of the Committee on Transportation and Infrastructure and the Committee on the Budget.

The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment and provides that each section be considered as read.

This rule allows for priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration, and it provides for one motion to recommit, with or without instructions.

Mr. Speaker, when I first came to Congress in 1963, I was privileged to serve on the House Public Works Committee. The name has changed, but the important agenda of the committee and the dedication and hard work put forth by the members of the committee over the ears has not diminished.

I've long supported efforts to take the four transportation trust funds off budget, and I commend chairman BUD SHUSTER and ranking member JIM OBERSTAR for finally giving the House an opportunity to debate and vote on this issue.

We'll hear a great deal of discussion about this bill today, and arguments will be made that these trust funds should not be exempted from budget cuts in attempts to balance the budget. But Congress made a commitment to use the proceeds of transportation user fees solely for transportation purposes. Presently, there is over $30 billion in the four transportation trust funds—money that could be and should be used to improve our highways, airports, harbors, and inland waterways. The public is no longer being fooled by using these funds to mask the true size of the Federal deficit. It's way past time to honor our commitment and release these funds to improve our Nation's transportation infrastructure.

Mr. Speaker, I'm proud to be a cosponsor of this bill and I urge my colleagues to vote for this open rule and to support passage of this important piece of legislation.

Mr. Speaker, I include the following extraneous material for the RECORD:

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

[As of April 15, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	60	59
Modified Closed[3]	49	47	26	25
Closed[4]	9	9	16	16
Total	104	100	102	100

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

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

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

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

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of April 15, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of April 15, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96)
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96)
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	

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

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

Mr. BEILENSON. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding the customary half hour of debate time, and I yield myself such time as I may consume.

Mr. Speaker, although many of us believe that the so-called Truth in Budgeting Act that would be made in order by this rule is an irresponsible piece of legislation, we have no objections to the rule itself. It is the first open rule the House has considered this year, and we commend the majority for bringing this controversial legislation to the House floor in this manner.

We also commend the majority for providing an extra hour of general debate time—for a total of 2 hours—and allowing the chairmen and ranking minority members of the two committees of jurisdiction to control one-half hour of debate time each. That provision of time is adequate and fair for a measure that has been reported favorably by one committee of jurisdiction, the Transportation and Infrastructure Committee, and adversely by the other, the Budget Committee.

Mr. Speaker, proponents of this legislation make a good case that we need to increase spending for our Nation's transportation infrastructure. Many of our highways, airports, mass transit systems, and ports are in serious need of repair, modernizing, and expansion; and our failure to spend an adequate amount on these projects is costing our Nation dearly in terms of lower productivity. However, moving four transportation trust funds off budget, and out from under the discretionary spending caps, as H.R. 842 would do, is not the appropriate way to solve this problem.

By freeing transportation spending from the budget constraints that are currently imposed on all discretionary spending programs, it is likely that transportation spending will increase by about $20 to $21 billion over the next 5 years. But to compensate for that extra spending, Congress would have to increase the deficit by that amount, or make deeper cuts in other discretionary programs.

We may well decide that we want to spend an extra $20 billion on transportation projects over the next 5 years. But if we do, we should make that decision with full awareness of the consequences of such action for other Federal programs, and for our efforts to reduce Federal deficits.

However, if transportation spending is given the preferential budgetary treatment provided by H.R. 842, we would no longer determine the appropriate amount to spend on transportation projects in the context of our decisions on all other Federal spending; we would no longer be forced to make the necessary tradeoffs that we currently have to make whenever spending is increased for any program.

Furthermore, if special budgetary treatment is given to transportation spending, advocates of other programs that are funded by dedicated revenues will demand the same treatment. And there are nearly 160 other trust funds, and hundreds of similar special accounts, within the Federal budget. This bill could be the first step toward a fracturing of the Federal budget that would make the work of managing the spending of our Federal dollars, and determining the size of the Federal budget, far more complicated and difficult than it already is.

Finally, Mr. Speaker, this bill is based on a faulty premise—that we are raising more revenues dedicated to transportation than we are spending on transportation projects and therefore, those revenues mask the true size of the deficit. In truth, in 12 of the past 15 years, spending from the transportation trust funds has exceeded the amount of revenues received. The surpluses in the trust funds that currently exist result largely from interest that has been credited to the funds on balances that accrued many years ago.

Mr. Speaker, to repeat: We have no objection to the rule, since it is an open rule that will allow for a full debate on H.R. 842. But we strongly urge Members to reject the bill itself.

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

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], a very valuable member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the distinguished chairman emeritus, the gentleman from Tennessee [Mr. QUILLEN] for yielding time to me.

I rise in support of this good open rule. But I must say to my colleagues that I am perplexed that we are bringing this pleasure to the floor. I, of course, do have enormous respect for Chairman SHUSTER and his colleagues on the Committee on Transportation and Infrastructure who believe they are doing the right thing for the transportation infrastructure of our Nation with this bill. But I and others cannot agree with their conclusion because of our commitment to the higher goal of controlling Government spending.

Mr. Speaker, 2 days ago Americans were reminded in an extremely personal way of the extent to which Government feeds upon our families' budgets. Americans are working several hours each day just to fulfill their overall tax burdens now, and yet the Federal Government still cannot make ends meet. Despite concerted efforts to shrink Government spending, we remain nearly $5.5 trillion in debt. That is trillion. Given the fact that we spend over $200 billion every year just in interest to service that debt, it is obviously incumbent upon us to handle with care the process by which we consider and make all our spending decisions, and that is why I cannot support the bill before us today.

Not 2 days after tax filing and not 2 weeks after the President signed into law the historic line-item veto to increase control over our Federal budget,

this House is now considering a measure to weaken our hold on spending and make it likely that Government will spend more, not less, in the future. This bill, although very well intentioned and pleasantly titled, has the effect of shielding one type of Federal spending from all budget controls that would currently apply, and I would say that includes the line-item veto we worked so hard to get.

Although the Committee on Transportation and Infrastructure went to great lengths in its committee report to ensure Members that taking the four transportation trust funds off budget would not in and of itself lead to greater spending, the report went on to make the increase for greater transportation spending in the future. We can be fairly confident that moving these funds beyond the reach of budgetary controls will lead to more spending and more obligation by the American taxpayers.

Mr. Speaker, many Members feel, as I do, that our budget process is in need of comprehensive reform, precisely because we do not have effective spending controls and incentives to save rather than spend. In my view, H.R. 842 takes us in the wrong direction and weakens spending controls and boosts the incentive to spend. I have long championed users' fees, enterprise funds and other creative ways to fairly and reasonably raise revenues for necessary Government expenditures, but putting transportation in a special privileged budget category, I believe, is the wrong way to go.

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

Mr. GOSS. I yield to the gentleman from Pennsylvania.

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

I am sure the gentleman would not intentionally mislead the body.

Mr. GOSS. Mr. Speaker, I would not.

Mr. SHUSTER. Mr. Speaker, the gentleman said that the line-item veto did not apply here. The line-item veto by the President does apply and the President would be able to exercise the line-item veto, which is simply one of the many spending constraints that would be retained if this legislation is passed.

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Mr. GOSS. Mr. Speaker, I am pleased to hear the chairman's assurance on that. Our reading of the bill did not include that assurance. I am pleased to have that assurance that the line-item veto will apply, and I think it will necessarily preclude an amendment that otherwise would have been made. So that is good news.

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

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Speaker, I rise in support of this open rule, and I rise in support today, in strong support, of H.R. 842. This bill is called the Truth in Budgeting Act for a reason. It is commonsense legislation that will take the four transportation trust funds off budget.

Think about it. Every time we go to the gas pump, we are paying into the Highway Trust Fund. Every time we fly on an airline, on a commercial flight, we are paying into the Aviation Trust Fund. These are user fees that are supposed to be used for improvements for our roads, our bridges, our ports, our airports, to widen congested highways, improve safety, and expand airport capacity.

In my own district these are the kind of funds that should be used to widen the Morris Bridge in my hometown from two to four lanes, to construct a south suburban airport to improve aviation capacity in the Chicago area, and they could also be used for quick replacement of the outdated, antiquated, 30-year-old equipment at our air traffic control systems.

Today I have with me a vacuum tube that is used in our computers in our air traffic control system. They need to be replaced. This legislation is a safety issue, as well.

Americans believe that when they are paying their user fees or gas taxes or ticket taxes, that they are going to be used for transportation purposes. Well, unfortunately, for accounting purposes these trust funds have been used to mask the deficit, and because of that my own State in the last 5 years has lost $260 million in trust funds that would have gone to improve transportation.

As we know, when we improve transportation, we create jobs. That is why groups like the NFIB, the Chamber of Commerce, the Farm Bureau, organized labor, the Conference of State Legislatures, the League of Cities and many others are supporting the truth in budgeting bill.

This legislation will create jobs. In fact, economists say that for every $1 billion in transportation spending you create 42,000 good paying jobs. This legislation is good for workers, it is good for good-paying jobs, it is good for working families. It is a tax fairness issue, as well, Mr. Speaker.

I urge a "yes" vote on the rule and a "yes" vote on final passage.

Mr. BEILENSON. Mr. Speaker, I yield myself one-half minute.

Mr. Speaker, this is the first open rule to be considered by the House this session, and we are happy to support it. However, we do want to point out that 72 percent of the legislation considered this session has not even been reported from committee. In fact, 11 of 16 measures brought up this session have been unreported.

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

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

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes; PQ	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	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; PQ2	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; PQ.	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.

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

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered; PQ.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language; PQ.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins; PQ.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget; PQ.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments; PQ.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ); PQ.	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr; PQ.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment; PQ.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments; PQ.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority; PQ.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority; PQ.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority; PQ. ***RULE AMENDED***.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.

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

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(i)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title; PQ.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority; PQ.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate; PQ.	N/A.

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

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min)..	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dorman), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each..	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House; PQ	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
		PROCEDURE IN THE 104TH CONGRESS 2D SESSION		
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR; PQ.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131. ** NR; PQ.	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speakers table with the Senate amendment, and consider in the house the motion printed in the Rules Committee report; 1 hr. of general debate; previous quesetion is considered as ordered. ** NR; PQ.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed; ** NR; PQ	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc; PQ.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speakers table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of orer against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on enblocs; provides a Senate hook-up with S. 735. ** NR.	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive; waives all points of order against the bill and amendments in the report except for those arising under sec. 425(a) of the Budget Act (unfunded mandates); 2 hrs. of general debate on the bill; makes in order the committee substitute as base text; makes in order only the amends in the report; gives the Judiciary Chairman en bloc authority (20 min.) of debate on the en blocs; self-executes the Smith (TX) amendment re: employee verification program; PQ.	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed; provides for the consideration of the CR in the House and gives one motion to recommit which may contain instructions only if offered by the Minority Leader; the rule also waives cl 4(b) of rule XI against the following: an omnibus appropriations bill, another CR, a bill extending the debt limit. ** NR.	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed; self-executes an amendment; provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee. ** NR.	N/A
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed; provides for the consideration of the bill in the House; self-executes an amendment in the Rules report; waives all points of order, except sec. 425(a)(unfunded mandates) of the CBA, against the bill's consideration; orders the PQ except 1 hr. of general debate between the Chairman and Ranking Member of Ways and Means; one Archer amendment (10 min.); one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; Provides a Senate hookup if the Senate passes S. 4 by March 30, 1996. **NR.	N/A
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive: 2 hrs. of general debate (45 min. split by Ways and Means) (45 split by Commerce) (30 split by Economic and Educational Opportunities); self-executes H.R. 3160 as modified by the amendment in the Rules report as original text; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA; makes in order a Democratic substitute (1 hr.) waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the amendment; one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; waives cl 5(c) of Rule XXI (requiring 3/5 vote on any tax increase) on votes on the bill, amendments or conference reports.	N/A
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive; provides for consideration of the bill in the House; 3 hrs of general debate; Makes in order H.J. Res. 169 as original text; allows for an amendment to be offered by the Minority Leader or his designee (1 hr) ** NR.	ID
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open; 2 hrs. of general debate; Pre-printing gets priority	N/A

* Contract Bills, 67% restrictive; 33% open. ** All legislation 1st Session, 53% restrictive; 47% open. *** All legislation 2d Session, 94% restrictive; 6% open. **** All legislation 104th Congress, 65% restrictive; 35% open. ***** NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ****** PQ Indicates that previous question was ordered on the resolution. ******* 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 103d Congress. N/A means not available.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

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

Mr. Speaker, I rise today in strong support of the rule to bring H.R. 842, the Truth in Budgeting Act, to the House floor. It is time that the full House take action on this issue, and this open rule would allow such a debate to take place.

The Truth in Budgeting Act would simply take four trust funds off budget: the Highway Trust Fund, the Aviation Trust Fund, the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund. These are dedicated user funds which can only be used for infrastructure investment.

For those concerned that H.R. 842 will somehow allow infrastructure spending to grow unrestrained, I would point out that the legislation establishes automatic spending safeguards. Identical to the safeguard already contained in the Highway Trust Fund, H.R. 842 will ensure that the remaining trust funds are deficit proof and operate on a pay-as-you-go basis.

The Secretaries of Transportation and Treasury Department will have to review the Aviation Trust Fund annually to determine if expected receipts will cover the authorized aviation expenditures. If the trust fund does not cover unfunded aviation authorizations, then those authorizations must be reduced on a pro rata basis until the shortfall is covered.

The Army and Treasury Secretaries will review the Inland Waterways and

Harbor Maintenance Trust Funds in the same manner.

For over 20 years now the spending from these trust funds has been capped in order to make the Federal deficit look smaller. This has allowed Congress and the administration to hold back funds from infrastructure development and instead spend additional money on social programs. While many of these programs have merit, they should not be paid for by holding back money from these trust funds.

My colleagues on the other side of this issue say by taking the trust funds off budget we will increase the deficit, and I would remind them again that by law these trust funds can only be used for transportation purposes, and if the trust funds are being used to pay for social programs or other programs, then we have got to find an alternative way to fund those programs or we must cut them back and restrain the growth in spending.

Mr. Speaker, this is first and foremost a tax honesty issue. As my colleagues know, every time a motorist buys gasoline or a traveler buys an airline ticket, taxes are paid into the highway and aviation trust funds. Congress imposed these taxes with the assurance that the collected funds would be spent for infrastructure improvements and infrastructure improvements only.

Most people in our Nation take our infrastructure for granted. We are very fortunate to have the resources and the planning needed to create a first-class system or a class system. But much remains to be done, and much deterioration is in our infrastructure. The cost of upkeep and maintenance alone runs very high. So it is essential that we take these trust funds off budget.

Currently, the Department of Transportation estimates that the backlog of needs for our Nation's highways and bridges totals $315 billion. Simply maintaining our current transit system is estimated to cost $8 billion annually for the next 20 years, and according to airport groups, airport investment needs are $10 billion a year.

As I said, the issue is truly one of honesty. In the President's first year in office he was interviewed by a reporter in my district in Arkansas, and my district happens to be the largest metropolitan area in the United States without an interstate highway. We are working on it, but that kind of need is so essential across this country, and the President was asked the question, "What can you do, Mr. President, to insure the construction of this highway needed in my district?"

His response was, "The most important thing this administration can do is to take the highway trust funds off budget."

I do not know what his position is on this today, but he was absolutely right when he made that statement. The most important thing we can do for building the infrastructure of this country is to take these funds off budget and be honest with the American people about the needs we face and the need that we have in the deficit. Let us be honest with the American people, lets be fair with them, by taking these trust funds off budget.

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

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 396 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 842.

□ 1154

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 842) to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Ohio [Mr. KASICH], and the gentleman from Minnesota [Mr. SABO] will each control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, our Nation's infrastructure is crumbling. Even our vaunted Interstate System is filled with potholes. Our Air Traffic Control System is blacking out. We still have vacuum tube computers running the Air Traffic Control System. Across America we need to invest in infrastructure. Indeed, travel on our highways is growing at a compound rate of 3 percent a year; trucking, as we move into the next century, will see a 28-percent increase in travel on our highways. We will experience, as we move into the next century, a billion people traveling commercially in aviation a year, and it was only 230 million traveling just 15 years ago.

We need to invest in infrastructure. But that is not the most important reason why we should pass this legislation today. The reason that we should pass this legislation today, the most important reason, is because we need to keep faith with the American people, we need to have honest budgeting, we need to put the trust back in the trust fund, and that is what happened originally.

We hear a lot about the Contract With America this year, and I certainly think it is important, and many do, but the original Contract With America was a contract that Dwight Eisenhower and the Congress made in 1956. They said to the American people, "We're going to charge a gas tax when you drive up to the pump, and we're going to put that gas tax in the trust fund, a highway trust fund, and we're going to spend that user tax to improve your highways," and then later on they said, "We're going to create an aviation trust fund, and when you get on an airplane you're going to pay a 10-percent ticket tax, and we're going to take your 10-percent ticket tax, your user tax, for getting on that airplane, and we're going to put that in an aviation trust fund, and under the law that money won't be able to be spent for anything except to improve our aviation system, our airports, our runways, our terminals, our air traffic control system, so we can have a safe system."

Mr. Chairman, that is the way the highway trust fund and the aviation trust fund and the other trust funds worked until 1969, when Lyndon Johnson had a bright idea, trying to figure out how to mask the size of the deficit. He realized that while it is true under the law, this money cannot be spent in these trust funds for anything other than their highway, aviation purposes. If we do not spend the money, if we let the balances build up, then we can mask the size, we can hide the size, we can distort the size of the true general fund deficit. And so he created the so-called unified budget, and once that was done, over the years both Democratic and Republican Presidents have used this gimmick to distort and hide the size of the true general fund deficit.

What has happened as a result of it? Today there is over $30 billion in balances in the transportation trusts funds, transportation trust funds which, by the way, are different from many other trust funds in Washington in that they are totally user financed.

Mr. Chairman, I would like to remind my colleagues that back in 1964, before the unified budget, the American people were asked, "Do you have confidence that your government generally will try to do the right thing, your Federal Government," and 76 percent of the American people said, "Yes," and today, when asked that same question, "Do you have confidence that your Federal Government generally tries to do the right thing," only 19 percent of the American people say yes.

□ 1200

I submit to you that exhibit A is the way these transportation trust funds have been distorted and manipulated and used, so we have not kept faith with the American people.

Indeed, the Speaker of the House has said many times that we should either spend this money, these user taxes, for the purpose for which they were created, or if we do not have the needs, we should reduce the tax. Indeed, that is exactly right. I do not think there is anybody in this Chamber who would say we do not have the needs. Indeed, the user fees are the fairest form of taxation there is, because the person who benefits is the person who pays.

There are a couple of myths which have been floating around which should be answered. The first is that, well, the revenue that has come into the trust funds, the transportation trust funds over the years, has really equalled or even exceeded the amount that has been spent. That is only half the story, because what our colleagues who make these arguments do not tell us is that they are not counting the interest that has gone in on the balances in these trust funds.

Think about that for a minute. There is a minor little insignificant thing called the law of the land, which says if the Treasury borrows from a trust fund it has to pay interest. So for those who would argue do not count the interest, I would suggest, first of all, it is the law of the land; but secondly, if we do not want to count the interest in the trust funds, then we had better be very, very careful, because nearly 50 percent of the reserves in the Social Security trust fund is based on interest. Are we going to tell the American people we are not going to count the interest, the legal interest that is accruing in the Social Security trust fund? No, the interest under the law must be counted.

Further, Mr. Chairman, we are told that if this legislation passes today, it will remove all controls and we will simply be able to go out and spend whatever we want to spend on all these projects.

Mr. Chairman, simply, factually, that is not true. First, the Committee on Appropriations retains all of the jurisdiction that it now has, and can set the obligational limits, that is, the ceiling, on how much can be spent every year. Further, the line-item veto that the President has does apply, and that can be used.

Thirdly and perhaps most importantly, under the law not a penny can be spent from these transportation trust funds unless the money is there to pay the bill. These transportation trust funds are deficit-proof. Would that our other programs here in Washington were as deficit-proof as these transportation trust funds. If they were, we would not have a deficit.

So there are very substantial restraints and spending controls which exist if this legislation is passed. Yes, if we build America's infrastructure, for every $1 billion spent, 42,000 real jobs are created. Yes, if we spend the money to build America's infrastructure, we increase productivity in America, we save lives, we stimulate economic growth.

The Department of Transportation, in a recent study analyzing economic growth in America over the past quarter of a century, says that fully 25 percent of the economic growth, the increase in productivity in America, is attributable to building infrastructure. So, indeed, for all these reasons we should vigorously support this legislation today, not only because the needs are there, but because it is fair, it is right, it is just, it is the honest way to deal with the American people. I urge my colleagues to support this legislation.

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

PARLIAMENTARY INQUIRY

Mr. SHUSTER. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SHUSTER. Mr. Chairman, how will the various committees be recognized?

The CHAIRMAN. The Chair was planning to rotate among the committees.

Mr. SHUSTER. We are not doing 1 hour per committee?

The CHAIRMAN. It is the intention of the Chair to rotate among those Members who seek recognition.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER], the distinguished chairman of the Committee on Science, in opposition to the bill.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I first of all want to say that my colleague, the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the committee, is in fact someone who works very, very hard to preserve the Nation's infrastructure, and should be congratulated for the work that he does in terms of trying to make certain that the resources provided to the Nation's infrastructure are in fact adequate, and do in fact reflect the needs of a Nation that is expanding into our future.

My opposition to the bill that he has before us today has nothing to do with the commitment that he has shown over the years to that particular goal. I am concerned, however, about just exactly how this revenue balance moves forward.

The gentleman from Pennsylvania has just described the situation. That is, that the people who propose this bill want to spend not only the revenues that come in for the trust fund, but also want to spend the accumulated interest over a period of years, because they feel as though that interest is money that ought to be kept in place for improving the infrastructure of the country.

All of that is fine, except that it is all fungible. We just had the Director of the CBO before the Committee on the Budget. She explained that over the past several years, the amount of money flowing into the Treasury to pay for highways has been equalled by the amount of money flowing out of the Treasury to pay for highways. So they have remained in relative balance over a period of some years.

What this bill says is, oh, but in addition, we want the money in interest. Understand, the interest payments we are talking about here are not new money for the Government, they are taxpayers' money as well. It is, again, the same taxpayers' money. Therefore, the money, the $19 billion of interest that seeks to be spent under this bill is $19 billion of discretionary money that will have to be taken out of somewhere else in discretionary accounts.

So, if in fact you are going to do this, and you are going to achieve what the committee seeks to achieve with this bill, you are going to have to take it away from other spending. You are going to have to take it away from other things which are vital to the country, such as spending money on the research and development to take us to the economy of the future.

Mr. OBERSTAR. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, the initial purpose of the highway trust fund when it was crafted in 1956 was to finance the national system of interstate and defense highways, the world's largest infrastructure project and one of the marvels of engineering of the world, and was based upon the idea that we needed a dedicated revenue stream to finance projects that would take a long time to design, engineer, acquire right-of-way for the roadway to be built upon, and then to construct that roadway. So the framers of the Interstate Highway System Program conceived a dedicated revenue stream to be financed by a tax upon the users of the system, all those people who drive cars and trucks, and a tax upon fuel was agreed upon.

It was also agreed in that initial legislation that this fund should be held in trust for the purpose for which it was intended, and that it should be deficit-proof, as the chairman of the committee has already expressed.

It has been an enormously successful program. We have spent $120 billion on the Interstate Highway Program. It represents 1 percent of the Nation's highway mileage. It carries 26 percent of the Nation's highway traffic. That represented last year 990 billion miles traveled on just the Interstate Highway System alone.

But over time, the idea of retaining some of the moneys from that trust fund and not spending them became

very popular with the executive branch. Every dollar of tax revenue from the highway users tax is invested in U.S. Treasury notes. Those Treasury notes, like the World War II bonds, bear interest. The buyer of those bonds gets the principal plus the interest.

That was the idea that we applied in the highway trust fund, that revenues from the highway user tax on fuel would be invested in Treasury notes, which would bear interest, and which interest would go into the highway trust fund. In contrast to what our previous speaker said, the fact is this is not just free money, this is money owed to the highway fund. It is money owed to the users of the system by all taxpayers, by the Federal Government for the use of those dollars.

So over time, Mr. Chairman, what has happened is that the executive branch has withheld not only interest, but the principal that has been paid in by highway users into the highway trust fund, and conveniently kept it in the unified budget account to make the deficit look less than it really is.

Mr. Chairman, what we want to do is to free all of the transportation trust funds from the artificial and unnecessary constraints of the budget process and allow those funds to be used and invested to reverse the deterioration of our Nation's infrastructure. This is not adding to the deficit, it is a deficit-neutral step that we take here. We urge everybody to support our legislation.

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

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is one of the rare times I find myself on the opposite side of an issue with my good friend, the gentleman from Minnesota [Mr. OBERSTAR].

Mr. Chairman, I wish I could tell the House that Santa Claus was here, but Santa Claus is not here. The reality is that if one is trying to achieve a certain deficit target or trying to balance a budget within a specified period of time and one spends more on something, you have to spend less on something else. Those are the simple facts.

I like highways. Appropriate expenditures on highways are an important investment in this country. Appropriate expenditures on airports are an important investment in this country. Appropriate expenditures on transit are an important expenditure and investment in this country. But we have to make those judgments in relationship to the other choices we have to make.

I also happen to think that money spent on research and development is important, that investment in education is important, that investment in our housing supply and housing availability in this country is important. All of those are going to suffer if this proposal passes today, and the assumption is that somehow billions of new dollars appear to be expended. Those others inevitably have to suffer, because those are the choices we have to make every year in Congress. There is no free pot of money there, available, that has no impact on deficits, no impact on other expenditures. If this passes, if there is additional money spent on those programs beyond projection, something else has to come down. It is the simple fact.

What about the inner workings of these plans? Highways; when did this accumulation of surplus occur? In the 1960's, and in the 1970's. The fact is, since 1981 we have spent $18 billion more on highways than the receipts and the tax receipts of that fund; $3 billion more than total receipts, $3 billion more than total receipts, taxes, and interest.

One of the interesting things I discovered, and I have an amendment filed, and I do not know that I will offer it today, but I discovered to my amazement that the rate of interest credited to the highway trust fund is between 1 percent to 3 percent higher than the equivalent yield on a 1-year Treasury bill. Somehow, the drafters of this bill and of this law managed to get very lucrative interest rates credited to their account.

What about some of the other workings of some of these specific funds? The airport trust fund, we think it pays for aviation. The reality is that over the years, one of the fundamental reasons they have a surplus is that we have used the general revenue fund to subsidize the operations of FAA. Every study I have seen would indicate that about 85 percent of operations of the FAA should be tied or should come from the trust fund if they really paid their accurate share. Maybe 15 percent of it could be credited to defense and other governmental use of the airways. In reality, it has been about 50 percent of the operations that are paid for from the trust fund. If it would have paid its actual share, no surplus would exist.

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What about in recent years? Since 1981 we have spent more than excise taxes and interest on the highway trust fund. Has that changed in the last couple of years? No. 1994, 1995, we have spent more than interest and current revenues on highways. So this is a fund that has not been mistreated. This involves sort of this wish that somehow this pot of free money exists that somehow can be made available and not impact anyone else. I would hope the House would reject that argument and say that these funds are part of the overall budget strategy involved in the dynamic debate every year of how we set our priorities. There is one way we do that and that is by rejecting this bill.

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

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to my friend and neighbor, the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. I thank the gentleman for yielding me time.

Mr. Chairman, the Truth in Budgeting Act is nothing more than an act of keeping faith with the American people. It allows the transportation trust funds to do what they were originally intended to do.

The fact that we have to debate and vote on this bill is—I think—an admission that Congress has in recent years deceived the American taxpayer. When past Congresses first created these trust funds, several promises were made that were reflected in the original statutes. One was that Federal excise tax receipts would be dedicated to building and maintaining these transportation assets and that these activities would be self-sustaining. Another was that no general fund revenues would be used to support these programs. And a third was that activities funded by the trust funds could not run a deficit.

During the intervening years, these promises have been abrogated. Now trust funds are constrained—they're prevented from spending out at the same rate they take in revenues. And that is simply wrong. We have been practicing a grand scheme of deceit with the users of highways, airports, and inland waterways—meaning virtually everyone.

And believe me, there has been a price paid for this deceit: congestion, pollution, and higher costs for goods and services.

Many in this Congress have made great hay about not burdening future generations with the excesses of current and past spending practices. I maintain that the Truth in Budgeting Act is very much in the same vein. We have the money to build more capacity now, but we're not spending it, even in the face of growing highway and airport congestion. And if you project out over the next 7 years the growing balance in the trust funds should this legislation not be enacted, the backlog of work will grow tremendously. Do not punish future generations even more than we already have—vote to support H.R. 842.

Mr. SHADEGG. Mr. Chairman, I yield 6 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I rise in strong opposition to this bill. Before I get into it, I want to pay my respect to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Appropriations Committee who has been so diligent in trying to solve this deficit. Also to the gentleman from Ohio [Mr. KASICH] who has been a warrior and his staff that have made all the difference. The fact is that if BOB DOLE has any sense, he will pick one of the

three Johns as his Vice President—Jack Kemp, JOHN MCCAIN, or JOHN KASICH. All would be good for our ticket. JOHN has been a warrior, and to even be dealing with this bill now wipes out many of the things that he has been trying to do.

What we are dealing with today is money, power, and pork. Remember those words: Money, power, and pork.

Remember the words from Simon and Garfunkel's song "The Boxer", where it goes on, "I am just a poor boy though my story's seldom told."

He ends by saying, "A man hears what he wants to hear and disregards the rest."

Many in this body are hearing what you want to hear and disregarding the rest. More money has gone out to transportation than was in the trust fund. More money in the last 12 or 15 years has gone out than was in the trust fund. So many people are disregarding what they do not want to hear.

This bill presents and protects sand and gravel and cement. Then it says to those who are elderly with Alzheimer's disease, "We're not going to protect you."

"You may have cancer and you may be worried about cancer research, but we're not going to protect you."

"You may be worried about education, but we're not going to protect you."

"We're going to protect sand and gravel and cement and tar and pitch."

What about the 160 other trust funds? The Endeavor Teacher Trust Fund. "Who cares about the teachers?"

The Radiation Exposure Trust Fund. "We don't care if you've been involved in radiation. Who cares?"

The Civil Service Trust Fund. "Who cares about that?" And on and on and on.

Look what the experts have said. Alan Greenspan, what he said about this and others will go into detail. Paul Volcker, what he said; Herb Stein, what he said; Michael Boskins, what he said; what all of the people have said. "This is not a good idea."

What have some of the groups and newspapers said? The Concord Coalition has said, "Passage of this legislation would severely jeopardize the chances of balancing the Federal budget."

The National Taxpayers Union has said, "Placing these trust funds off-budget is nothing less than a ploy to increase spending." This Congress should not be involved in a ploy to increase spending.

The Citizens Against Government Waste says, "The Truth-in-Budgeting Act sounds great to the public, but it's simply a ruse to increase the $5 trillion debt."

The Americans for Tax Reform is opposed to it, the Committee for a Responsible Federal Budget, the Citizens for a Sound Economy. You name it and they are opposed to it. The New York Times, the Washington Post, the Washington Times, the Wall Street Journal, and you go on and on and they are opposed to this. This is a very bad bill. But for the main reason, for this side, I will not talk to this side but for our side, we have died and fought for a balanced budget. JOHN KASICH, the Speaker, the gentleman from Louisiana, Mr. LIVINGSTON, and others have done everything they can for a balanced budget. If we pass this, we will never have a balanced budget in your life in this Congress. You will never ever see a balanced budget in this Congress. There is no two ways about it. Because you are not going to have the guts to cut Alzheimer's, you are not going to want to go after Social Security, you are not going to want to cut the radiation fund, you are not going to want to go after defense, you are not going to want to go after crime, and therefore we will never ever have a balanced budget in our lifetime in this Congress.

The American people should know that. This vote today will determine whether or not we will ever have a balanced budget.

So in closing, let me talk about three words and maybe throw in one other word. What are we talking about today? We are talking about money. This town knows what money is. Members know what money is. We are talking about money. We are also talking about power. We are talking about power, raw power. And we are talking about something that this body says it does not like but it is sadly addicted to it, and that is pork. And lastly one other thing we are talking about. We are talking about fear. I sense there is fear in the body today. I sense in the hearts of some of the Members that I have talked to, there is fear. They really would rather not be where they are but yet there is a sense of fear.

Let me just close with a quote from Robert Kennedy that has always meant a lot to me. It is from his Capetown speech in 1966 in Capetown, South Africa, when he was speaking to the students, and this is what he said. He talked about fear and men and women in leadership being timid. I will close with this. I quote from Robert Kennedy, Capetown, 1966.

He said:

> Few men are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality of those who seek to change a world which yields most painfully to change.

I strongly urge the defeat of this so we can validate what the gentleman from Ohio [Mr. KASICH] and the gentleman from Minnesota [Mr. SABO] and the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] have done.

Mr. Chairman, I rise in opposition to H.R. 842 and efforts to move transportation trust funds off-budget.

This issue has certainly engendered extensive debate and controversy and even a coalition of special interests and lobbying groups formed to promote taking the trust funds off-budget using the slogan that we have to "put trust back into the trust fund."

If only we could have directed the enormous energy, time, and talent focused on this issue to address broader—and frankly, much more important—transportation issues. I believe the coalition efforts are misdirected. Trust is not at issue.

If only we could have harnessed the zeal with which many have approached the trust fund issue and directed it to what I believe are greater issues in setting highway and transportation policy.

If only we could debate the highway funding formulas now in place, which dole out highway funds to States using 1980 census figures. Why are we relying on decade-and-a-half old population figures? If there is unfairness in highway transportation today, the on-off budget trust fund issue isn't it.

If only we could debate the whole issue of the Federal gasoline tax which many would argue should be turned back to the States which can better determine their individual needs, getting Uncle Sam out of the highway program.

If only. But we are where we are and today we will vote on this issue which has been simmering for over a year.

There are a few facts to keep in mind when considering this issue:

First, while balances may remain in transportation trust funds, these funds are already obligated. The cash balances in the trust funds do not represent unspent gas taxes. The highway program is a reimbursable program—lines of credit are provided to State agencies to plan and construct highways. Then, 3 or 4 years later, the States seek reimbursements from the trust fund to pay those bills. That's why the cash balances do not represent a surplus. These balances are like your checking account balance after you have deposited your paycheck but before your home mortgage and car payment checks have cleared the bank. Like your home mortgage and car payment, commitments have already been made against the balances in the trust fund. In fact, commitments have already been made in excess of the current cash balance by over $30 billion. In other words, if we were to stop collecting the gas tax at the end of this year, the trust fund would have a deficit of over $30 billion. How would we deal with this deficit? I don't think we could.

Not only that, highway funding has substantially exceeded trust fund tax receipts. In 12 of the past 15 years, highway trust fund spending exceeded tax revenues. That means that the amount of money the Government spends on transportation has exceeded the amount of money provided for transportation spending from dedicated trust fund taxes.

But the trust fund is not the only source of transportation spending. Not only are transportation trust funds tapped for roads and bridges, the general fund is also being used to pay for transportation programs.

How much money are we spending on transportation? According to the Congressional Research Service, in fiscal year 1995, general treasury funds provided more than $12 billion for transportation programs above and beyond funds provided from transportation trust funds. According to CRS, the general fund figure does not include Maritime Administration, Federal Maritime Commission, U.S. Army Corps of Engineers or Department of Defense spending on transportation programs, all of which also tap into the general fund to pay for transportation projects.

Second, while transportation is vital to the economic well-being of our country, there are other issues vying for priority status. There are many important programs demanding critical funding.

A third and possibly most important point: This issue is about reining in the Federal deficit and balancing the budget. Congress has had a very difficult time making the tough choices necessary to move toward a balanced budget. We still have a long way to go to meet our deficit reduction goals, and many more tough choices to make.

How much more difficult will these choices be if we have to find an additional $30 billion in cuts—$30 billion—that's the additional cuts we will have to make if transportation trust funds are moved off-budget. If transportation spending gets special treatment, we will have to find $30 billion in cuts in discretionary spending in other parts of the budget.

Are you prepared to cut Alzheimer's research funding? Cancer research? Research on other life threatening diseases? Veterans' health care? Head Start? Crime prevention? Education? Job training? Environmental protection and cleanup programs? National defense? These are the kinds of spending programs that would face cuts—potentially significant cuts—if transportation spending is treated as an entitlement subject to preferential budgetary treatment.

Mr. Chairman, I do not believe Congress or the American people want to subject these critical programs to even further cuts. Nor do I believe Congress or the American people are prepared to accept additional taxes which would be necessary to pay for increased transportation spending if offsetting cuts elsewhere in the Federal budget are not made. Are you prepared to vote "yes" for a tax increase?

When we are concerned about providing adequate funding to provide basic health care, education programs, protection for our country's natural resources, when we are working to provide safe streets and neighborhoods, and a sound and secure financial future for ourselves, our children and grandchildren, it is not the time to single out transportation and insulate it from these tough choices. I would also point out that there are some 160 other dedicated trust funds currently part of the unified budget. What if we move all of the trust funds off-budget and establish each and every one of them as an entitlement subject to preferential treatment. What makes these trust funds different from the transportation trust funds?

Sand, gravel, asphalt, and concrete. Are these more important than the Black Lung trust fund? Are the transportation trust funds a higher national priority than the Endeavor Teacher Fellowship trust fund, the Radiation Exposure Compensation trust fund, the Civil Service Retirement trust fund, the Federal Employees Life Insurance trust fund, or the Rail Industry Pension fund?

As important as transportation is, we have to balance transportation needs with all the other programs supported by the working men and women who are taxpayers. This country, all Americans, are in this together and we have to balance all the priorities and all the needs of all the people.

Another point: H.R. 842 will erode the checks and balances between the authorizing committees and the tax and appropriations committees. This bill will provide one committee with extraordinary ability to obligate U.S. taxpayers to long-term spending commitments. As Members know, there is constant pressure from the legislative committees to spend more and more money on their particular programs. This makes sense but there must be built-in controls in the budget process to counteract this natural advocacy.

Despite what the bill's proponents say, H.R. 842 will obviate the need for action by the Appropriations Committee and will eliminate annual controls in the budget process to set priorities. Make no mistake about it. By moving transportation trust funds off-budget, H.R. 842 virtually eliminates the checks and balances that the congressional committee structure now provides for transportation and the other Federal spending programs.

Proponents of H.R. 842 say that not a penny will be spent without the approval of the Appropriations Committee. That sounds good, but in reality, this is false. If H.R. 842 does not change the role of the Appropriations Committee, why are we going through this debate?

There has been a lot of rhetoric on both sides of this issue, so to get an objective view, I wrote to several dozen experts on the Federal budgetary process and transportation spending and asked their opinions on the status of transportation funds. I contacted economists, transportation, Government, and public policy analysts; professors; current and former officials of the General Accounting Office, Congressional Budget Office, and Office of Management and Budget; current and former members of the Federal Reserve Board; and current and former members of the President's Council of Economic Advisors.

The response has been clear and unequivocal: These experts—representing the entire spectrum of social, economic, budgetary, and transportation thinking and representing both Republican and Democratic administrations alike—say keep the transportation trust funds as part of the unified budget. Do not make the changes we are talking about today.

Mr. Chairman, I brought with me copies of these experts' views and ask that they be submitted for the record. Their views—and their unanimity—leave little doubt. Moving transportation trust funds off-budget does not represent sound fiscal policy or budgetary treatment.

I'd like to share a few thoughts from these experts.

Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve System, warns:

> [M]oving some spending categories off-budget would lead to fragmentation of the budgeting process and would detract from the unified budget as an indicator of the Government's fiscal operations and hence of the impact of the U.S. budget on credit markets and the economy. Moreover, it would weaken the ability of the Congress to prioritize and control spending effectively.

Mr. Greenspan concludes that:

> [M]oving programs off-budget raises the risk that resource tradeoffs would become obscured and could engender cynicism in financial markets and the public at large about the commitment and ability of the Government to control Federal spending.

Mr. Greenspan's views are echoed by Paul Volcker, former Chairman of the Board of Governors of the Federal Reserve System, who states:

> [T]he present practice of including the transportation trust funds in the unified budget should be continued. I am reinforced in that conclusion by the fact that nothing in the unified budget prevents the Congress and the administration from reaching a decision to maintain highway spending (or any other spending) at a particular level it deems a priority matter. Trust fund accounting within the unified budget may * * * be helpful in reaching that decision.

Herbert Stein, senior fellow at the American Enterprise Institute for Public Policy Research and previously a member of the Presidential Council of Economic Advisors, also opposes moving trust funds off-budget, noting:

> I would not favor moving the trust funds off the budget. We want to have a comprehensive measure of the Federal Government's fiscal activities.

One thought from Michael Boskin, currently a professor and senior fellow at the Hoover Institution, Stanford University, and previously a member of the Presidential Council of Economic Advisors. He said:

> I believe it is likely that moving one popular spending program primarily financed by earmarked revenues off-budget would lead to a stampede first of other trust funds off-budget and then all other spending programs seeking to be funded with earmarked revenue sources. This would quickly render sensible tax and budget policy impossible.

Mr. Chairman, let me share jsut two more. G. William Miller endorses:

> I do not believe a case has been made for excluding the transportation trust funds. From my experience as Secretary of the Treasury and Chairman of the Board of Governors of the Federal Reserve System, I would strongly recommend that you retain the present treatment of the transportation trust funds so that there is no opportunity for losing accountability or setting precedents for further off-balance sheet structures.

The Congressional Budget Office opposes moving transportation trust funds off-budget, too. According to James L. Blum, deputy director of CBO:

> [T]he Federal budget should be comprehensive. Setting selected programs aside, and looking at only the remainder, can distort budget decisionmaking. Giving the transportation trust funds a favored footing shifts the onus of deficit reduction to other programs that lack this protected status. Sound decisionmaking, in contrast, demands that spending and revenue proposals be evaluated

on their merits and not on their budgetary status.

I think these experts express the critical issues best. A unified budget—which includes transportation trust funds—is essential to maintaining accountability and control over the Federal budget and Government spending. Moreover, a unified budget is necessary to allow Congress to make the difficult decisions on our budget in the fairest possible way. Creating another entitlement that is off the table is not fair. Nor is it the way to get a balanced budget.

The experts agree that H.R. 842 is bad legislation.

The chairman of the Ways and Means Committee, the chairman and ranking member of the House Budget Committee, the chairman and ranking member of the House Appropriations Committee, and others oppose this legislation.

Citizens for a Sound Economy, Concord Coalition, Heritage Foundation, National Taxpayers' Union, Taxpayers for Common Sense, Citizens Against Government Waste, and Committee for a Responsible Federal Budget are among the taxpayer watchdogs groups opposing H.R. 842.

The Wall Street Journal, Washington, Post, New York Times, and the Journal of Commerce oppose H.R. 842.

Mr. Chairman, when such diverse interests agree, it's surely time to take note.

H.R. 842 will make balancing the budget nearly impossible. Every fiscal conservative in the Congress—including those Members who signed onto the bill before knowing its full effect on spending—should look carefully at what CBO, GAO, OMB, taxpayer watchdog groups and a unanimous chorus of economists say about H.R. 842.

H.R. 842 is a bad bill. It files in the face of fiscal responsibility and budgetary restraint. It represents unsound public policy. It represents unfair attempts to bestow a preferential status upon one type of government spending at the expense of every other type of discretionary spending. It will either doom efforts to balance the Federal budget or it will force all other programs not granted sacrosanct status to absorb still more cuts to keep us on track to balance the budget. H.R. 842 would set transportation spending above all other types of domestic spending—above crime prevention, Head Start, veterans' medical care, education, and environmental programs.

This Congress came to Washington to balance the budget, to clear the budget debate of smoke and mirrors. Today's vote on H.R. 842 isn't a fight about trust funds or promises. It isn't a fight between authorizing and appropriating committees. It is a vote over priorities. It is a vote to test our resolve, to see if we as Republicans and Democrats are serious about balancing the budget.

If you are serious about cutting spending, vote "no."

If you are serious about balancing the budget, vote "no."

Enactment of H.R. 842 would break faith with sound economic policy and would cede control over the Federal budget and transportation spending to special interests. H.R. 842 should be defeated.

The choice is clear—vote "no" on H.R. 842.

JOHNS HOPKINS UNIVERSITY,
INSTITUTE FOR POLICY STUDIES,
Baltimore, MD, September 21, 1995.

Hon. FRANK WOLF,
Chairman, Appropriations Subcommittee on Transportation, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WOLF: I am writing in response to your letter of August 23, 1995 to express my opposition to moving transportation trust funds off-budget. Thus, I would not support Congressman Shuster's legislation which would move four transportation trust funds off-budget. I think this would set a dangerous precedent which would have serious long-term implications for the nation's fiscal health as other user fee supported activities rush to be moved off-budget.

I would like to respond directly to the three main points raised in your letter. First, I agree with those opposed to moving the transportation trust funds off-budget that a unified budget is essential to maintaining accountability and control over the federal budget and government's claim on private resources. The unified federal budget has received bipartisan support since 1969. It describes the aggregate economic activity and health of the federal government. Receipts and expenditures are detailed in one comprehensive package, providing decision makers and citizens valuable information on the government's activity and claim on national income. Fragmenting the budget presentation only obfuscates the federal role in the economy and is totally inconsistent with efforts to reinvent government and improve its legitimacy with voters and citizens.

Second, the fact that these trust funds are financed from user fees is totally irrelevant to whether they should be moved off-budget. User fees are not synonymous with earmarked funds. User fees are proxies for prices which are necessary to provide suppliers of a service with information about the demand for specific services. Unfortunately, however, in the case of the transportation trust funds, user fees are generally poor price proxies because they do not accurately reflect the total cost of providing transportation services. In any event, you obtain the rationing affect of prices, irrespective of decisions about how to allocate the revenues generated from those user fees. From an economic efficiency perspective, the two are not linked.

In addition, earmarking of revenues is generally not a desirable budgetary practice because it limits policy makers flexibility to respond to changing circumstances and priorities.

Third, it is not clear how much more spending that nation needs on individual transportation modes. The demand for transportation services is a derived demand which depends on demographic, economic and international trends beyond the control of policy makers in the U.S. Policy makers need to understand those trends and the implications they have for the demand for transportation services in the U.S. The limited resources available for transportation purposes should then be allocated in a manner which addresses the nation's transportation needs as influenced by those trends. This may or may not be consistent with a policy of earmarking specific user fees for expenditures on the individual transportation mode that generated those revenues.

In an era of serious budget constraints at all levels of government, it is critical that policy makers have the flexibility necessary to respond to the changing transportation needs of the country. Thus, Congress may want to investigate new ways of applying transportation trust fund revenues to meet these changing needs. For example, the nation's transit needs have changed considerably since 1956 when the Highway Trust Fund was initiated. Perhaps it is time for the federal government to consider a single transportation trust fund, with resources pooled from various user fees, so that funds could be distributed to meet America's diverse transportation needs in a more efficient manner. This is the approach taken by the Maryland State Department of Transportation and it is consistent with the increased flexibility and selectivity in the Intermodal Surface Transportation and Efficiency Act. Maybe the federal government has more to learn in this area from the experimentation taking place in the states.

It is entirely appropriate in my view to rethink the model of transportation finance developed over the past fifty years. Proper investment in diverse transportation modes will yield greater productivity and long-term economic strength. Restructuring the federal budget process by moving transportation trust funds off-budget, however, is neither necessary, appropriate nor desirable.

Sincerely,

MICHAEL BELL,
Principal Research Scientist.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 26, 1996.

Hon. FRANK R. WOLF,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN: This letter is in response to your request for additional comments as to whether the transportation trust funds should remain part of the unified budget. My views are fully expressed in my previous letter, dated September 28, 1995, and I have nothing to add at this time.

I will simply reaffirm the main point stated in that letter: the federal budget should be comprehensive. Setting selected programs aside—that is, taking them "off-budget"—can distort budget decisionmaking. For example, giving the transportation trust funds a favored footing shifts the onus of deficit reduction to other programs that lack this protected status. In contrast, sound decisionmaking demands that spending and revenue proposals be evaluated on their merits and not on their budgetary status.

I have attached a copy of my earlier letter, which contains a more complete discussion of the possible consequences of designating certain programs as off-budget. I hope this information is helpful to you.

Sincerely,

JAMES L. BLUM,
Deputy Director.

Attachment.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 28, 1995.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: This is in response to your letter of September 20, 1995, asking for my views on whether the federal transportation trust funds should remain a part of the unified budget.

In short, I believe that the federal budget should be comprehensive. Setting selected programs aside, and looking at only the remainder, can distort budget decisionmaking. Giving the transportation trust funds a favored footing shifts the onus of deficit reduction to other programs that lack this protected status. Sound decisionmaking, in contrast, demands that spending and revenue

proposals be evaluated on their merits and not on their budgetary status.

The extent to which taking the transportation trust funds off-budget would distort budget decisionmaking depends on what budgetary procedures and controls would apply to them under their new status. This is not at all clear. For example, each of the three entities currently designated as off-budget—the Postal Service, Social Security, and Medicare hospital insurance—is treated differently under the rules and procedures of the Congressional Budget Act of 1974 (the Budget Act) and the Balanced Budget and Emergency Deficit Control Act of 1985 (the Balanced Budget Act). The Postal Service is exempt from both of these acts, although federal payments to the Postal Service or payments from the Postal Service to the federal government are subject to both sets of rules. Legislation affecting Social Security benefits or revenues is not subject to the pay-as-you-go procedures of the Balanced Budget Act or to the Budget Act constraints that apply to other programs. There are, however, special rules that govern consideration of such legislation in the House and the Senate. In addition, discretionary Social Security administrative costs are subject to the statutory caps that limit total discretionary spending (and to any sequestration that would be triggered if the caps are exceeded) and to the allocations of discretionary spending that enforce spending decisions set forth in the annual Congressional budget resolution. Despite its official off-budget status, the Medicare hospital insurance trust fund is not afforded any special treatment under either the Budget Act or the Balanced Budget Act (there is a limit on the sequestration percentage that would apply to Medicare, but there are similar limits or exemptions for many on-budget programs).

I assume the proponents of a proposal to move the transportation trust funds off-budget view the funds as self-financing entities that should be subject only to internal financing constraints. Under the existing budgetary rules, the receipts going into the trust funds and the spending from the trust funds are controlled by separate budgetary procedures. All outlays from the trust funds are counted as discretionary spending controlled by the caps set by the Balanced Budget Act and the allocations made pursuant to the annual budget resolution, while changes to governmental receipts are subject to the separate pay-as-you-go mechanism and the revenue floor set by the budget resolution. Under these procedures, legislated increases in trust fund receipts cannot be used to offset increased spending. Giving the transportation trust funds off-budget status might allow such offsets. Furthermore, if trust fund spending were exempt from the caps that apply to other discretionary spending, the Congress could approve additional spending without providing offsets—presumably as long as there were adequate balances in the first funds. This might create a closer long-term match between the income to the trust funds and the spending from the funds, which some would view as a more equitable outcome.

The arguments against giving these programs off-budget status involve a different view of federal trust funds. Under this view, which is held by the Congressional Budget Office, the transportation trust funds are simply an accounting mechanism, and spending on programs financed by trust funds should not be given a special status. Taxpayers' dollars are most effectively used if decisions about spending for transportation and other programs are made on the basis of the relative benefits to be derived, not on the basis of available earmarked revenues. For example, the Congress might decide that more money should be spent on certain transportation activities than is generated by the earmarked revenues—as it already does in the case of Federal Aviation Administration operations. At the same time, decisions about taxes should take into account factors beyond the level of spending on highways or other transportation programs. In 1990 and 1993, for example, the Congress increased fuel tax rates for deficit reduction purposes, placing part of the additional revenues into the general fund of the Treasury. Fuel taxes could also be considered a way of charging users for polluting the air.

I hope this analysis is helpful to you.

Sincerely,

JAMES L. BLUM,
Deputy Director,

STANFORD UNIVERSITY,
Stanford, CA, October 6, 1995.

Hon. FRANK R. WOLF,
Chairman, Transportation Subcommittee, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR FRANK: This note responds to your request for my suggestions concerning whether the federal transportation trust fund should remain a part of the unified budget. I strongly oppose moving the transportation trust fund off-budget.

Many would argue that transportation trust funds collected from transportation "user fees" should be used only for transportation spending and should be removed from the unified budget to ensure that occurs. I believe it is likely that moving one popular spending program primarily financed by earmarked revenues off-budget would lead to a stampede first of other trust funds off-budget and then all other spending programs seeking to be funded with ear-marked revenue sources. This would quickly render sensible tax and budget policy impossible.

I strongly side with those who, in this instance, support a unified budget as a (however imperfect) vehicle for maintaining accountability and control, as you put it in your cover note. I also believe that it is desirable to have everything the Government does reflected in one place, as the unified budget imperfectly attempts to do. This is the only way one can begin to hope that a sensible discussion of the trade-offs among budget priorities can occur.

I might add that while I am sure it is upsetting that not all of the transportation trust funds are currently being applied to transportation outlays, it is my understanding of the history over the last twenty years that highway account outlays have substantially exceeded trust fund tax receipts.

More generally, CBO estimates that if one were to take all activities which have some trust fund financing and ask the question "what is the net effect on the deficit of the revenues and outlays on those programs," the answer, perhaps surprisingly, is that general fund revenues fund major portions of activities that are partially and/or heavily financed by trust fund revenues. Thus, from another perspective the general treasury is "subsidizing" overall trust fund activity. Whether one should view the glass as half-empty or half-full I leave aside. My point here is only that it would be unwise to open a Pandora's box by moving transportation trust funds off-budget.

While there are many problems with the existing unified budget—by far the most important of which is the lack of serious accrual accounting—I believe that despite the concerns of people paying the user fees (we in California, myself included, drive a lot and thus pay lots of federal gasoline taxes), or those wishing to spend additional resources on transportation, the transportation trust fund should remain part of the unified budget. It would risk a serious accountability and control problem if Congress opens a Pandora's box of trust fund escape from budgetary discipline.

I hope these remarks are useful to you as you debate this and related issues. Best personal wishes.

Cordially,

MICHAEL J. BOSKIN.

RUTGERS,
Camden, NJ, September 5, 1995.

Hon. FRANK R. WOLF,
Chairman, Subcommittee on Transportation, Committee on Appropriations, U.S. House of Representative, Washington, DC.

DEAR CONGRESSMAN WOLF: In response to your letter of August 23, I am happy to send this answer to your question about whether the federal transportation trust funds, particularly the highway trust fund, should be taken "off-budget."

I must say that I agree with both James R. Miller and Alice Rivlen in strongly opposing the removal of the trust funds from the unified federal budget.

As a political scientist specializing in transportation policy, I have been researching and writing about the issue of the trust fund approach to highway and transportation funding for fifteen years. Taking the trust funds off budget represents just the latest in a long line of unjustified claims for special treatment for one particular type of revenue and expenditure. It reflects, not good government or good public finance, but the political strength of special interests, mainly the highway lobby.

The federal highway trust fund (and its state level cousins) has always been a bit of a fraud, designed to convince the public that their modest pennies per gallon highway taxes were paying all the costs of the road system. Overwhelming evidence has accumulated that this is not the case, and that at least forty percent of total highway construction, maintenance, and operations costs are subsidized by the general taxpayers.

The other unjustified contention is that it would be a "breech of contract" to "divert" motor fuel tax revenues to non-highway uses. This claim for special privilege for "highway user fees" has caused no end of mischief. The United States still has a long way to go before it reaches the point of being able to compare and evaluate investments of scarce public moneys across modes and between transportation and other uses that our major trading partners attained decades ago.

In my book, "Miles To Go; European and American Transportation Policies" (MIT Press), I recount how the British finally put paid to the notion that motor taxes deserved special treatment. When Winston Churchill was Chancellor of the Exchequer (Treasury Minister) in 1926–27, he began to take money from the Road Fund that Lloyd George had created in 1909 with a parliamentary promise to spend the proceeds from taxes on cars and petrol on roads. When motorists groups such as the Royal Automobile Club accused Churchill of "raiding" the road Fund like a pirate, he thundered back:

"Whoever said that motorists were to contribute nothing for all time to the general revenue of the country. . .? Entertainments

may be taxed; public houses may be taxed; racehorses may be taxed; possession of armorial bearings and manservants may be taxed—and the yield devoted to the general revenue. But motorists are to be privileged for all time to have the whole yield of the tax on motors devoted to roads. Obviously this is all nonsense. Whoever said that, whatever the yield of these taxes, and whatever the poverty of the country, we were to build roads, and nothing but roads, from this yield? We might have to cripple our Trade by increased taxation of income; we might even be unable to pay for the upkeep of our Fleet. But never mind, whatever happens, the whole yield of the taxes on motors must be spent on roads . . . Such contentions are absurd, and constitute at once an outrage upon the sovereignty of Parliament and upon common sense."

It would be nice to see an American politician rise to his "finest hour" with this kind of challenge to entrenched interests.

In recent years the trend has been to move away from the inflexibility and the special treatment of rigid single mode trust funds. Granting off budget status would be a step backward. I strongly urge you to resist this effort, and I would be happy to provide you with further information and arguments if you so desire.

Sincerely yours,

JAMES A. DUNN, Jr.,
Associate Professor.

NATIONAL CENTER FOR
POLICY ANALYSIS,
Dallas, TX, October 6, 1995.

Hon. FRANK R. WOLF,
U.S. House of Representatives,
Washington, DC.

DEAR FRANK: Thanks for your kind letter of September 26th.

I don't know that my advice is technical enough to be included as part of your record, but I would say this:

In eight years as Governor, I fought very hard to keep all funds on budget and avoid setting up the many little pockets of privilege that separate budget items create for various interests. Once you have your own source of funds, you are not nearly as accountable to the Congress, nor is the Congress able to properly supervise the expenditures of the country.

The best way to handle finances is to have all the money come into a single place and then be appropriated out again through Congressional action. The transportation trust fund is one example, but there are legions of others in Washington, as you well know.

I think that keeping funds on budget is the better choice to make.

Sincerely,

PETE DU PONT.

THE UNIVERSITY OF IOWA,
September 6, 1995.

The Honorable FRANK WOLF,
Chairman, Subcommittee on Transportation,
Committee on Appropriations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request, I am writing to offer my thoughts on the issue of moving the Highway Trust Fund off budget. As you are very well aware, there are reasonably compelling arguments for and against doing so. I will briefly assess these arguments and provide my conclusions.

In principle, the efficacy of a separate, off-budget Highway Trust Fund is largely based on two points:

In its pure form, the so-called pay-as-you-go concept means that users of the Nation's highway system should defray its entire cost, and they should be assured that their user fees will go to providing the services for which they are paying.

Moving the Highway Trust Fund off budget helps moderate the illusion that the Nation's deficit is less than actually is the case, if the Trust Fund's receipts exceed expenditures in a given year. The GAO report you sent suggests that this "masking" does occur in some years but not that many.

The main reasons for keeping the Highway Trust Fund and other trust funds part of the unified budget are:

It helps enable revenue generated from all sources to be allocated among the activities of government. Trade-offs among competing programs can be treated more explicity as the Nation's priorities are explored.

The overall magnitude of government spending, and hence the draw away from the private sector, can be more readily comprehended by decision makers and citizens alike. This, of course, facilitates debate on the appropriate scale of government activity.

Conceptually, fees paid by users of the Nation's highways can be thought of as just another revenue source. As you probably know, in Great Britain less than half of the highway user fees actually are spent on the highway system. There is not theoretical reason why highway user revenue or any other user revenue must be spent on the activity from which it is drawn. This point is significant because, as Alice Rivlin says, trust fund revenue accounts for about one-third of the total.

Whether or not to move the Highway Trust Fund off budget is in the end a political decision that unfortunately cannot be guided much by economic theory. It seems to me that the key points surrounding this decision are:

Treating the Highway Trust Fund as a separate account would enable a stable level of well-defined resources to be available for reinvestment in the Nation's highway system (and in ground transportation more generally). According to the Congressional Budget Office, the backlog of highway system resurfacing, restoration, rehabilitation, and reconstruction (4R) needs has grown to a level such that an annual reinvestment of over $27 billion would be required to eliminate this backlog. Oftentimes, 4R projects lack the political appeal of new of new construction, but reductions in the highway system performance will pose an increasing threat to the Nation's economy.

If the political will exists, the same or even a greater level of expenditures on transportation infrastructure is possible through a unified budget. As noted earlier and in the GAO document you sent, in recent years more has been spent for this purpose than has been paid by highway users (drawing down the Trust Fund's balance). I do not have a good sense of how likely Congress is to make transportation infrastructure a relatively high priority in its budgeting process during the coming years. Simply stated, a unified budget poses an opportunity and possibly a risk to transportation. Past indications are that this risk is normal, other than the deficit-reduction draw on the motor fuel tax of recent years.

The wisdom of using Highway Trust Fund resources for non-transportation purposes is in part dependent on the desirability of motor fuel and use taxes as revenue-generating mechanisms. Neither is seriously regressive, the administrative costs associated with them are nominal, and the fuel tax is comparatively invisible. To the extent that it is visible, the fuel tax contributes to fuel conservation. If fuel taxes were raised significantly, marginal changes in industrial location and choice of transportation mode could occur.

Using the argument of transportation investment as a means for strengthening the Nation's economic competitiveness is a double-edged sword. If individual projects or at least clusters of projects are selected on the basis of benefits to society exceeding costs, transportation investment can indeed strengthen competitiveness. But if projects are selected as demonstration projects and on other non-scientific bases, then the funds spent on transportation are much less certain to foster long-term growth. In my opinion, the process of determining how available Highway Trust Fund resources should be spent is more important an issue than whether or not to move the Trust Fund off budget.

Thank you for asking me to comment on this important policy issue. If I can be of any further assistance, please feel free to contact me.

Sincerely,

DAVID J. FORKENBROCK,
Professor and Director.

BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, DC, October 31, 1995.

The Hon. FRANK WOLF,
Chairman, Subcommittee on Transportation,
Committee on Appropriations, Washington,
DC.

DEAR MR. CHAIRMAN: On behalf of myself and the other members of the Board, I am pleased to respond to your letter of September 26 requesting comment on proposals to move the transportation trust funds off-budget. As a general matter, it has been the practice of the Board not to take positions on the details of the individual tax and spending issues that are before the Congress. However, the shifting of certain spending categories off-budget raises some broader concerns, with implications for discipline and control over federal outlays. Notably, moving some spending categories off-budget would lead to fragmentation of the budgeting process and would detract from the unified budget as an indicator of the government's fiscal operations and hence of the impact of the U.S. budget on credit markets and the economy. Moreover, it could weaken the ability of the Congress to prioritize and control spending effectively.

As the letters from OMB Director Rivlin and former-OMB Director Miller make clear, responsible budgeting requires a comprehensive framework for setting priorities and assessing competing claims on national resources. The unified budget, as commonly presented to include the social security trust funds, combines all fiscal transactions in one place. It thus helps policymakers and the public understand the trade-offs among government programs, and between public and private spending. Moreover, as the focal point of the budget process, it places individual programs on a more comparable footing as they compete for federal funding and thus helps the President and the Congress to resolve competing demands on the nation's resources. Moving programs off-budget raises the risk that resource trade-offs would become obscured and could engender cynicism in financial markets and the public at large about the commitment and ability of the government to control federal spending.

We hope these comments are helpful in your deliberations.

Sincerely,

ALAN GREENSPAN.

HARVARD UNIVERSITY,
Cambridge, MA, October 2, 1995.

The Hon. FRANK R. WOLF,
Chairman, Subcommittee on Transportation, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WOLF: Thank you for your letter of September 26 on the treatment of transportation trust funds in the budgetary process. I entirely agree with Alice Rivlin and James Miller that these trust funds should be considered as part of the unified budget. In fact, I cannot see the case for having a separate status for these trust funds nor for a policy of keeping them in balance over time.

Perhaps I may add that the heavy emphasis on gasoline taxes for the financing of highways is misplaced in my view. In many cases, especially for major rural roads, tolls are a more appropriate user fee. I also fail to understand why gasoline taxes could not be raised above the level used for highway construction and related expenditures.

Finally, I have long felt that the federal government plays too large a role in transportation. The primary responsibility should be left with the states.

Yours sincerely,

HENDRIK S. HOUTHAKKER.

BIRMINGHAM-SOUTHERN COLLEGE,
Birmingham, AL, October 16, 1995.

Hon. FRANK WOLF,
Chairman, Subcommittee on Transportation, Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN WOLF: In my personal opinion, the proposal to move the transportation trust funds off-budget, as provided for in H.R. 842 would not be in the public interest. Here is why I think so.

Every effort should be made to enable interested and informed citizens to readily see and understand the extent and cost of the federal government's involvement in the affairs of the country. The task is already most difficult, if not impossible. Taking this well known and proper function of interstate transportation and removing it from budget totals makes an overall view even more difficult.

Our present practice of contingent credit enhancement by various federal programs has exposed the government to enormous possible future costs with little control of the risks. The recent debacle of the savings and loan industry and the costs of funding the Resolution Trust Corporation is a too vivid example. No one knows where the next such problem may arise. Nor can the Congress or the public measure the benefits of such programs with their possible costs.

Our repeated practice of regulating the use of private resources so as to meet public or even political goals continues to hide or disguise an enormous indirect tax borne by everyone. Moreover we have no way in which to measure either the costs or the benefits of this form of indirect taxation. But we all know the real costs are there.

When one looks at the extent of present obscure and indirect federal involvement, I think we will be better served to keep all possible programs on-budget and highly visible. The present earmarking of highway funds is not a reason to remove them from the unified budget.

Sincerely,

PHILIP C. JACKSON, Jr.,
Adjunct Professor.

HARVARD UNIVERSITY, JOHN F. KENNEDY SCHOOL OF GOVERNMENT,
Cambridge, MA, September 8, 1995.

Congressman FRANK WOLF,
Cannon Office Building,
Washington, DC.

DEAR CONGRESSMAN WOLF: In response to your letter of August 23, 1995 requesting my thoughts about the debate over the fate of transportation trust funds, I offer the following comments:

The Need for a Unified Budget: I tend to agree with analyses offered by OMB, GAO, and former OMB Director James Miller. Sound budgeting principals require a unified budget particularly in an era when deficit reduction is clearly the primary challenge facing the Congress and the executive branch. In this vein, I am particularly struck by GAO's assessment that efforts to take the trust funds off budget are driven primarily by "fear of future budget constraints not actual past restrictions on spending." As Congress and the executive branch make the difficult decisions required to balance the budget, all sources of spending and revenue should be on the table.

Meeting Investment Needs: Moving transportation trust funds off budget might increase short-term spending on transportation. However, it is not at all clear that such spending would be in the national interest. To begin with, there is little credible evidence that the nation is underinvesting in transportation infrastructure. Rather, most available evidence suggests that by picking up the bulk of the cost of many projects, the current system encourages inefficient decision-making at the state and local level and that redesigning current programs would provide more than enough money to meet current needs. (See, for example, work by both Edward Gramlich, Jack Tatorn, George Peterson, or Clifford Winston).

Encouraging Poor Decisionmaking: If taking transportation trust funds off-budget increases available federal funds, then problems in the current system are likely to worsen. There would, for example, be more demonstration projects. Moreover, moving transportation trust funds off budget could exacerbate tensions between so-called donor and recipient states. While both demonstration projects and funding disparities have some grounding in legitimate questions of public policy and in the logrolling necessary to keep the legislative process moving, difficult fiscal times demand that Congress exercise more, not less, control over such activities.

Recovering All Costs: If, for political reasons, trust funds are moved off-budget, Congress and the executive branch should seriously consider expanding the scope of programs funded by those programs. At minimum this suggests that some transit aid now provided from the general fund ought to be shifted to the Highway Trust Fund's Transit Account. More broadly, many (but not all) economists argue that when all externalities (such as policing, damage from air pollution, and costs created by accidents) are factored in, highway user fees do not cover the full costs created by highway users. This suggests that shifting trust funds off budget might be combined with an expansion of activities funded by those programs.

Seizing the Opportunity: The current budget fights offer policymakers such as yourself a rare opportunity to rethink the fundamental design of all federal programs. Moving the trust funds off budget would merely continue (and likely exacerbate) many well-recognized problems with the current federal-aid system and make it even harder to accomplish Congress' overarching goal of balancing the budget in seven years. It is, therefore, a step that should not be taken lightly and, if it is taken at all, one that should be linked to key structural reforms.

I hope these comments are useful.

Sincerely,

DAVID LUBEROFF,
Assistant Director.

SHERMAN J. MAISEL ASSOCIATES,
San Francisco, CA, October 20, 1995.

Hon. FRANK R. WOLF,
Chairman, Subcommittee on Transportation, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter of October 13, 1995, requesting my views on the issue of moving the transportation trust funds off-budget.

I believe that it is important that we retain a unified budget that includes all trust funds. A key concept of the Federal budget is that it measures and reflects the total impact of the Government's receipts and expenditures on the economy.

In the past, the failure to obtain a measure of the Government's total effect on economic activity led to many untoward experiences. This was a key reason for adopting and maintaining the unified budget.

Action now to remove the trust funds and destroy the concept of a unified budget would directly contravene all of the efforts Congress is making through the Reconciliation bill to improve the economic effect of the Government on the economy.

Sincerely,

SHERMAN J. MAISEL,
Former Governor of the Federal Reserve System.

G. WILLIAM MILLER & CO., INC.,
Washington, DC, October 18, 1995.

Re Transportation Trust Fund.

Hon. FRANK R. WOLF,
House of Representatives,
Cannon Building, Washington, DC.

DEAR FRANK: Many thanks for your letter of October 13 inviting me to express my views on the proposal for moving the transportation trust funds out of the unified budget.

The introduction of the unified budget came about after careful bipartisan study and support. Any decision to depart from or modify the system should be approached with great caution, and an exclusion of any trust fund from the unified budget should be done only if there is overwhelming demonstration that this would better serve the nation's budgetary process. I do not believe a case has been made for excluding the transportation trust funds. From my experience as Secretary of the Treasury and Chairman of the Board of Governors of the Federal Reserve System, I would strongly recommend that you retain the present treatment of the transportation trust funds so that there is no opportunity for losing accountability or setting precedents for further off-balance sheet structures.

You have received persuasive analyses from the General Accounting Office and from present and former heads of OMB. I will not go over the ground again, but do concur in the recommendations you received. I will point out, however, that the two points made by GAO-namely, masking and need for capital budgeting—can be solved in ways other than excluding trust funds from the unified budget. It would certainly be possible to present the unified budget on a fund account

basis, so there would be transparency for all trust funds. It is also feasible to divide the present cash budget into a system of operating expenses and capital expenditures. These changes do not require removing any of the trust funds from the budget.

Your leadership can be very helpful in maintaining a strong system of budget accountability.

Best wishes.

Sincerely,

BILL.

PALO ALTO, CA,
October 1, 1995.

Hon. FRANK R. WOLF,
Chairman, Subcommittee on Transportation, Committee on Appropriations, House of Representatives.

DEAR MR. CHAIRMAN: In a letter of September 26, you requested my views on whether the transportation trust fund should remain a part of the unified budget. I agree with Jim Miller and Alice Rivlin that it should.

As most economists would agree, the overall budget allocates the amount of resources diverted from private hands to uses determined by the government; it also establishes the deficit, which subtracts from total savings in the United States and thus means either higher interest rates or the importation of more capital. Whether the transportation budget is officially included in the unified budget changes neither spending nor the deficit. In other words, defining the transportation budget as on or off budget is meaningless unless its status results in more government spending of higher tax receipts and thus in the size of government outlays and in the deficit. The proponents of moving the transportation trust fund off budget hope to be able to justify greater spending on transportation as a consequence. Unless offset elsewhere, this would boost both government spending and increase the size of the deficit.

I understand that proponents of moving the trust fund off budget view the gas tax as a users' fee that pays for transportation infrastructure. Although not an unreasonable argument, it ignores the major issues, the size of government and the budget deficit. It is the Congress's responsibility to determine the size of the government, a matter which should not be subject to the vagaries of the gasoline tax. Congress should also set priorities for the spending of taxpayers' funds, no matter what their source.

A surplus in the trust fund can provide a useful counter to some who would like to boost taxes on the transportation industries, ostensibly for environmental purposes. Since environmentalists often contend that the auto is being subsidized, the surplus in the trust fund helps offset that argument. They sometimes contend that motor vehicles have externalities that imply larger costs for society than are included in the normal outlays on highways. To the extent that this is true, running a surplus in the trust fund may in part counterbalance that externality.

Sincerely yours,

THOMAS GALE MOORE.

BROWN UNIVERSITY,
Providence, RI, September 29, 1995.

Hon. Frank R. Wolf,
Chairman, Subcommittee on Transportation, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WOLF: I am writing in response to your letter of 26 September 1995 inviting my views on whether federal transportation trust funds should be taken off budget.

In analyzing most economic issues relating to the federal budget, economists ignore the distinction between on-budget and off-budget revenues and expenditures. That is, economists work with total revenues and total outlays, often using the definitions in the national income and product accounts. Congressional decisions to remove certain activities from the unified budget will have little or no effect on economists' analysis of fiscal policy issues.

There is much to recommend the practice of financing certain activities that benefit particular individuals and/or firms with taxes and fees on those particular activities. The "user-pays" principle often promotes efficiency and equity; segregated accounts promote matching particular revenues with particular outlays. There is no necessary connection, however, between this principle and the overall accounting for federal outlays and revenues. No matter what the budget concepts, at the end of the day Congress will require an overall accounting to total revenues and total outlays, whether by including everything in "the" budget or by adding together on-budget and off-budget activities.

What the off-budget issue is really about is a policy debate on how to finance a particular activity and how to use revenues raised from a particular source. Taking an activity off-budget reflects a decision to support that activity by the earmarked revenues only, and to raise the earmarked taxes if the outlays on this activity are to rise. Conversely, revenues from the earmarked sources are to be used for the specified activities only, and not for general governmental purposes. An off-budget highway trust fund most definitely should not mean that we will spend on highways without regard to whether the highways are needed or not. What such a fund *should* mean is that revenues above those needed will be returned to the taxpayers through a cut in the gasoline tax.

The on-off budget issue is complicated by the current system of budgetary caps. Congress enacted these caps in an effort to impose more spending discipline on itself, and I believe that the caps have been useful in this regard. If the highway trust fund, or any other activity, is taken off budget to reflect a policy commitment to maintain a segregated accounting of earmarked revenues and particular outlays, then I strongly recommend that the activities nevertheless continue to be subject to the same caps process as before. That is, these activities should continue to be counted as on-budget for purposes of the caps calculations. Any other treatment is an open invitation to remove one item after another from budget discipline; that is sure to be a distracting, confusing, and counterproductive debate at this difficult time of dealing with major (and long overdue) revisions in the federal budget.

Sincerely,

WILLIAM POOLE.

CHESTERTOWN, MD,
September 30, 1995.

Congressman FRANK R. WOLF,
Washington, DC.

DEAR MR. WOLF: Because the result would be to hide the full magnitude of the flows of money into and out of the coffers of the federal government, a result that would seriously handicap the analyst in following what is happening in our economy, I hope that your committee will do all it can to prevent the transportation trust funds from being moved "off-budget." The reasons for keeping these funds "on budget" have been correctly and adequately spelled out in the responses to your committee by James Miller and Alice Rivlin, and I am glad to associate myself with their views.

Respectfully yours,

RAYMOND J. SAULNIER,
Chr., CEA, 1956–61.

THE BROOKINGS INSTITUTION,
GOVERNMENTAL STUDIES PROGRAM,
Washington, DC, August 25, 1995.

Hon. FRANK WOLF,
Chairman, Subcommittee on Transportation, House Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to proposals that would remove the transportation trust funds from the federal budget. I share the view that the unified budget should be preserved to ensure effective use of the budget as an instrument of fiscal policy and strong spending control.

There is no right time for giving the transportation funds off-budget status, but now would surely be the wrong time. Doing so would undermine Congress's commitment to balance the budget and control federal spending. It would convey the message that the budget can be balanced on paper by excluding expenditures that are given preferred status. It would also convey the message that some programs can go on a spending spree while others are constrained by tight budget rules.

The greatest damage from taking these funds off budget would likely occur if a balanced budget requirement were placed in the Constitution. The balanced budget amendment approved by the House earlier this year provides that in any fiscal year, the outlays of the United States government shall not exceed the receipts of the United States government. It is important to note that this language would cover the receipts and outlays of the federal government, even those that were excluded from the budget. What this means is that once a balanced budget rule is operative, there will be a strong incentive to go a step further and remove transportation spending from the government by creating new entities such as government-sponsored enterprises or public authorities. If this were to occur, congressional and presidential control of trust funds would be greatly weakened.

The argument for off-budget transportation trust funds is often made in terms of the need to upgrade the nation's infrastructure. I am not convinced that the United States has seriously underinvested in transportation, but I do believe that the appropriate means of addressing this problem would be a capital budget rather than off-budget of off-government status. A capital budget would preserve the unified budget while providing better information on the condition of roads, airports, and other transportation assets.

Please call me if you want to discuss this matter further.

Sincerely,

ALLEN SCHICK,
Visiting Fellow.

AMERICAN ENTERPRISE INSTITUTE
FOR PUBLIC POLICY RESEARCH,
Washington, DC, September 26, 1995.

Hon. FRANK R. WOLF,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN WOLF: I am replying to your letter of September 12, 1995 about the transportation trust fund. I would not favor moving the trust funds off the budget. We want to have a comprehensive measure of

the Federal government's fiscal activities. Keeping the transportation trust fund in the budget does not preclude any rules you may want to adopt about requiring that all receipts of the trust fund be spent for transportation, in every single year or over any specified number of years.

Sincerely yours,

HERBERT STEIN.

JAMES D. WOLFENSOHN, INC.,
New York, NY, October 18, 1995.

Hon. FRANK WOLF,
Chairman, Subcommittee on Transportation, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR FRANK: I am responding to your letter of October 13 asking for my view on the budgetary treatment of Federal transportation trust funds. I am glad to respond briefly to a question that has been reviewed frequently over the years and to which a succession of Administrations and most Congresses have, explicitly or implicitly, taken a consistent position.

At the start, I should point out that while your inquiry is specifically about transportation trust funds, a distinction between those funds and others would be difficult to sustain. That is one important consideration in my conclusion that the current treatment of including the transportation trust funds in the unified budget remains appropriate.

Obviously, conflicting considerations arise in determining appropriate budgetary treatment for trust funds. On the one hand, the decision to establish a trust fund may reflect a considered decision at a point in time to maintain designated spending in an amount related to specific revenues. Arguably, the designated spending may have particular attributes—for "investment" or for "social purposes"—that Congress may wish protected from cyclical or other budgetary exigencies. Moreover, an argument can be made that building up surpluses in the trust accounts, with the surpluses invested in government securities, tends to shield other spending from appropriate budgetary discipline. That is, of course, a consideration with respect to the large social security trust funds.

On the other hand, principles of administration and budgeting demand regular review and control of the full range of Government spending, balancing one priority against another. At the same time, effective fiscal policy forces consideration of the totality of spending in relation to revenues.

These latter considerations strike me as persuasive in reaching my conclusion that the present practice of including the transportation trust funds in the unified budget should be continued. I am reinforced in that conclusion by the fact that nothing in the unified budget prevents the Congress and the Administration from reaching a decision to maintain highway spending (or any other spending) at a particular level it deems a priority matter. Trust fund accounting within the unified budget may in some instances be helpful in reaching that decision.

To repeat I conclude that the Congress should maintain the present unified budget treatment, as both present and former Budget Directors have urged in writing you.

Sincerely,

PAUL A. VOLCKER,
Chairman.

JAMES D. WOLFENSOHN, INC.,
New York, NY, February 1, 1996.

Hon. FRANK R. WOLF,
Congress of the United States, House of Representatives, Washington, DC.

DEAR FRANK: I have reread my letter of October 18 on the transportation trust fund issue and really have no further thoughts. I realize moving some or all of the trust funds (particularly social security) off budget might well lend even further force to the urgency of our budgetary problem. That is a powerful argument right now, but I think longer run considerations of effective budgeting and of consistency over time should prevail.

I appreciate your interest.

Sincerely,

PAUL A. VOLCKER,
Chairman.

UNIVERSITY OF CALIFORNIA,
Los Angeles, CA, September 4, 1995.

Hon. FRANK R. WOLF,
Chairman, Subcommittee on Transportation, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. WOLF: I am responding to your letter of August 23rd, in which you were kind enough to solicit my views on the question of whether or not the transportation trust fund should be moved "off budget." I have reviewed the materials included with your letter, and had already given a great deal of thought to this important question.

I believe that the highway trust fund should remain part of the unified budget. I support the maintenance of a separate trust fund into which highway user fees are deposited, and from which major highway related expenses of the federal government are paid. Maintenance of the integrity of the trust fund surely does not, however, require that it be taken "off budget." Full accounting of federal income and expenditures can be maintained by showing the trust fund as a separate account within the larger federal budget.

I oppose the use of trust fund revenues to "mask" a general fund deficit. We have enormous transportation needs in the United States, and it would be unfortunate if earmarked transportation funds were held unspent in the trust fund just to create the appearance that the federal deficit is thereby being reduced. This problem can also be addressed by properly accounting for the trust fund as a separate category within the unified budget, however, and does not require that the trust fund be removed from the unified budget.

From the materials which you forwarded to me, it would appear that my position is essentially identical to that taken by the Office of Management and Budget and the General Accounting Office. I encourage you to take a strong position of leadership on this important matter. The highway trust fund should both be kept "on budget" and should be protected from efforts to use it to "mask" the federal deficit.

Sincerely,

MARTIN WACHS,
Director, Institute of Transportation Studies.

CENTER FOR THE STUDY
OF AMERICAN BUSINESS,
St. Louis, MO, October 5, 1995.

Hon. FRANK P. WOLF,
U.S. Congress,
Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of September 26, 1995, with regard to the transportation trust funds. I believe they should stay in the budget so that the budget review process remains comprehensive and an effective way for Congress to exercise the power of the purse.

This was the position that, as an adviser, I urged the Commission on Budget Concepts to adopt several decades ago in developing the concept of the unified budget. The transportation taxes are revenues of the federal government; the transportation outlays are expenditures of the federal government. This is the basic justification for putting these funds into the federal budget.

The alternative—to keep them separate from the budget—shields these programs from being reviewed in the context of national priorities. That would be bad budgeting.

Best wishes.

Sincerely,

MURRAY WEIDENBAUM,
Chairman.

THE BROOKINGS INSTITUTION,
Washington, DC, August 25, 1995.

Congressman FRANK WOLF,
Congress of the United States, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WOLF: I am responding to your letter of August 23, 1995 soliciting my views on the appropriateness of moving transportation trust funds off-budget. I should first tell you that I am not an expert on the budget process or the federal transportation budget. My field of specialization is transportation economics and my thoughts about your inquiry reflect that perspective.

That said, I think the issue you are concerned with is secondary to the important question to be asked about transportation spending. The important question is whether federal transportation spending is efficient? Based on the available evidence the answer appears to be no! Auto pricing ignores congestion, bus and rail prices are too low (below marginal cost), bus and rail service is inefficient and load factors are too low, bus and rail operations are inefficient, and so on. These problems are not the result of whether trust funds are on-budget. They are the result of poor transportation management at all levels of government. Prices must reflect marginal costs, service must reflect cost-benefit tradeoffs, and inefficiencies must be purged from operations. In this environment, there would be no need for trust funds. Indeed, the issue of whether a transportation system makes money would be irrelevant because its viability would be justified on social welfare considerations.

Current policy, which relies on the gas tax and trust funds, invites political debate instead of thwarting it. In short, my advice is to change your perspective on transportation spending by focussing on how to make it more efficient. The budgetary issue is largely irrelevant to that goal.

Sincerely,

CLIFFORD WINSTON,
Senior Fellow.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

We have heard some interesting theater and dramatics, but the fact is that taking trust funds off-budget will not cause one dime of cuts in other discretionary programs. It only means that in the future, additional cuts in trust fund programs do not count toward spending targets such as discretionary caps or 602(b) allocations. Let us get down to reality and fact and talk reasonably.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. I thank the gentleman from Minnesota for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 842, the Truth-in-Budgeting Act, to take the four transportation trust funds off budget.

This bill is really quite simple. If you support jobs, investment, and keeping faith with the American people, then you support H.R. 842. That's all there is to it.

Every day, Americans who fly or drive contribute through user fees to the transportation trust funds. They do so in order to finance the public infrastructure which they utilize as they travel. If they don't drive, they aren't asked to contribute to road projects. If they don't fly, we don't expect them to finance air traffic control operations or airport improvements. The systems are designed to be user financed—those who use them pay for them.

But unless the trust funds are off-budget, the American people who pay for infrastructure investment aren't getting all they pay for. The balances in the four trust funds continue to grow, while infrastructure needs across this Nation go unmet.

I support infrastructure investment in the United States because it spurs economic growth and creates good jobs. The fact is that transportation represents 17 percent of the American economy. Since 1950, one-fourth of America's improvement in productivity is due to transportation investment.

But for me, the most important issue is jobs. Every $1 billion spent on infrastructure creates 42,000 good high-wage jobs. That's why the Laborers International Union of North America supports this legislation, and why you should too.

Mr. Chairman, as the ranking Democratic member of the Subcommittee on Aviation, I see every day the impact of our underfunded air traffic control system. There are reports almost every week of an outage of some kind at an air traffic control facility in this country. The equipment is old and needs to be replaced.

The FAA predicts that U.S. domestic passenger enplanements will grow from 530 million in 1995 to nearly 800 million in 2005. We are constantly looking to find the funds to meet tomorrow's needs. The best place to start is with the balance sitting in the aviation trust fund.

Mr. Chairman, this afternoon's vote is about keeping faith with the American people. The American people pay their gas tax and ticket tax to finance investment in our critical infrastructure. That's what the trust funds are meant to be used for.

Mr. Chairman, I urge every Member of this body to support H.R. 842 and keep faith with the people who sent us here.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Chairman, to kind of cut through the heavy air here today, where we have had some pretty high drama and a great sense of emotion, let me say from the freshmen perspective that 44 out of 74 of the freshman Republicans, I would argue the most ardent budget balancers to come here in a long time, have signed on in support of taking the transportation trust funds off-budget. You can in fact balance the Federal budget and return these user fees to the people who paid them. We see it as a matter of principle, and the principle is to the Federal Government: Don't take the money from users if you don't need it, if you don't need to spend it. Don't take it. Don't store up these trust funds and not put the money back for the use and from the people that you took it. That is the matter of principle. We would like to kind of draw a line in the sand on this issue and this is an important issue and it puts and invests the money back into our economy which we desperately need. These are user fees from roads, airports, harbors. Put them back to use. Support H.R. 842.

□ 1230

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I would simply note that the gentleman from Ohio, JOHN KASICH, the Republican chairman of the Committee on the Budget, the gentleman from Minnesota, MARTIN SABO, the Democratic ranking member of the Committee on the Budget, the gentleman from Louisiana, BOB LIVINGSTON, the Republican chairman of the Committee on Appropriations, and yours truly, the ranking Democrat on the Committee on Appropriations, are all strongly asking that you vote against this proposition.

Now, there is, I suppose, a high probability that even though all four of us agree, we are wrong, but I would respectfully suggest that if anyone is truly interested in achieving a balanced budget, over any time frame, whether it is 7 years, 5 years, you name it, that there is no way that you can in conscience vote for this bill.

Let me simply explain what I mean. Right now both parties have told the country that we are willing to balance the budget over a 7-year time frame. Yet what we are now being asked to do is to say to one huge segment of the budget—namely, the transportation portion of the budget—"Well, fellows, we are going to set you aside. Not only are you going to have a dedicated revenue source, but in addition to that special status, we are going to give you the ability to spend unlimited amounts of money, irrespective of the squeeze on any other portion of the budget."

The gentleman from Virginia [Mr. WOLF] is exactly right. What you are talking about if this bill passes is the requirement that you cut other portions of the budget over 7 years by an additional $50 billion, or else recognize that the deficit is going to increase by $50 billion. That is the hard-nosed fiscal reality.

Now, I take a back seat to no one, to no one, in my support for highway construction. Since my days in the legislature and through my days here, I have consistently and strongly supported adequate funding for highways. I have supported providing the funding to pay for that highway construction as well, in my own State legislature as well as here. I have fought to see to it that my own State ends its long-term status as a donor State.

In 1992, I led a successful fight in this House to break the defense "firewalls" in order to fully fund ISTEA with offsets from the military budget. I make no apology for that. I think that was the right thing to do for the country.

But I do not support saying that transportation must be considered sacrosanct while that requires further reductions in education, further reductions in mental health and veterans programs, further reductions in environmental protection enforcement, further reductions in job training, and do not kid yourself, that is exactly what this proposition requires.

Now, it is technically true that this bill in and of itself does not do that. But when you plug this bill into the context of existing law and into the context of the promise of both parties to provide a balanced budget over 7 years, then you are fooling somebody or you are smoking something that is not legal if you are telling people that this bill is not going to result in a squeeze on other high priority programs.

What we are really talking about is whether or not we are going to give one committee the ability to write a blank check for programs under their jurisdiction, regardless of the impact on any other committee and regardless of the impact on any other program or any other population group in this country. That is morally wrong, it is fiscally wrong, it is economically wrong, it is procedurally wrong, and you ought not to do it.

I would urge you not to speak out of both sides of your mouth. I would urge you to never again come to this floor and say that you are voting for a balanced budget and say that you are for fiscal responsibility and austerity, if in the next breath you are voting to allow the transportation budget to go off budget and to spend at any rate they want, regardless of the impact on other programs.

It is a question here of what you regard as your top priority. I do not regard that as my top priority. I think we need a balanced approach to spending and this bill does not give it to us.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I rise in opposition to the bill.

I rise to join my colleagues in opposing H.R. 842. While I commend the bill's proponents for trying to address the Nation's infrastructure needs, I do not believe that this bill will accomplish that objective.

I have listened to many voices on this issue and the ones who have rung among the clearest have been national leaders such as Warren Rudman who has said that, "Designating transportation trust funds as off-budget would further erode the integrity of the budget as a tool for fiscal accountability."

Former OMB Director Jim Miller says, "Off-budget status would * * * hide a major portion of federal spending from annual budget scrutiny."

Former Federal Reserve Chairman Paul Volcker says, "* * * principles of administration and budgeting demand regular review and control of the full range of Government spending, balancing one priority against another. At the same time, effective fiscal policy forces consideration of the totality of spending in relation to revenues."

Perhaps the voice that rings the clearest for me is that of the Ohio Department of Transportation that has been at the forefront of studying the current system of transportation funding and making recommendations for change. ODOT has concluded that it is not necessary to take the trust funds off budget in order to return more money to the States.

The Ohio plan recognizes that since 1976 expenditures from the trust fund have exceeded revenues and that the balance in the fund resulted from interfund borrowing. The Ohio plan proposes that a major portion of fuel taxes each State pays into the trust fund be turned back to that State, including the fuel taxes now going toward deficit reduction.

I urge my colleagues to take a closer look at the Ohio plan and that we use its concepts as a basis for devising a new system for highway funding—a system reached by consensus between authorizers, appropriators, and the Budget Committee.

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, I would like to rise in support of this legislation, but I cannot. I cannot, notwithstanding its surface appeal. We would all agree that trust funds ought to be used for a trust purpose. But that is not the debate that is before us today. The debate that is before us has to begin with where we are, and where we are is that we have not managed these funds in the fashion we told the American people we would. In point of fact, we said we would not use general fund monies for this purpose, and we have, and this is not a debate about misuse of trust funds.

The chart I have put up makes this case fairly clear. Since 1980, total spending for highways from the trust fund we have brought in $214 billion, we have interest of $21 billion, we have spent a total of $235 billion. But we have added in general funds funding $63 billion on top of the trust fund spending of $228 billion, so we have spent a total of $291 billion.

The point is, for those Americans out there paying revenue taxes, gas taxes, other types of taxes, into these funds, please understand, this is not a debate about the misuse of those funds. We have used more than we have promised. But it is a debate about the budget control. If we enact this legislation, it will make it almost impossible to balance the Federal budget. That has to be our first priority. I urge a "no" vote.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Mr. Chairman, when American motorists purchase gasoline or travelers purchase airline tickets and pay the Federal tax, they expect that the revenue collected by the Federal Government will go toward transportation system upgrades.

After all, that was the agreement the Federal Government had with the American people when the gasoline, aviation, and other transportation taxes were implemented.

For example, motorists paid into the highway trust fund with the expectation that they would receive highway improvements.

However, the transportation trust funds were merged into the general budget as part of an effort to hide the true costs of the Vietnam war.

It is precisely this sort of broken contract between the Government and the American citizenry that has led so many people to become understandably cynical about their Government and its leaders.

It is our duty to make certain that the moneys collected through the gasoline and other transportation taxes are used for the intended purposes.

The Truth in Budgeting Act, before Congress today will help us meet that obligation. Simply put, it is a tax fairness bill designed to ensure that transportation taxes go to pay for transportation improvements.

Currently, there is in excess of $30 billion in unspent balances in these trust funds, and under the administration's budget these balances could grow to $77 billion by 2002. That is money that should be used for such projects as repairing roads, building bridges, and improving air transportation systems.

The use of these funds in this way improves not only our transportation system, but would provide literally hundreds of thousands of well-paying jobs—a true win-win situation.

Ladies and gentlemen, this "Truth in Budgeting" bill is about restoring the public trust. My dictionary defines trust as "the confident reliance on the integrity, honesty, veracity of another." The "confidence, or obligation reposed in a person that he will fully apply the property according to such confidence."

I believe it is time—indeed past time—that we put trust back in the trust funds.

I would urge my colleagues to support this legislation.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, this debate is a classic congressional debate. I think there is rhetorical overkill on both sides. The future of Western Civilization does not hang in the balance depending on the outcome of this vote. I do not have any great statement to quote, but let me quote one of my favorite entertainers, Woody Allen, who once said in an address to graduates, "We are at the crossroads. One road leads to hopelessness and despair; the other to total extinction."

Let us pray that we have the wisdom to choose wisely. We are not faced with that predicament. Here is what we are faced with, plain and simple: We impose taxes on the American people, excise taxes, dedicated taxes. We say, for example, to the airline traveler, we are going to tax your airline ticket purchase and we are going to use the funds we raise to improve the airports, to improve aviation safety.

I think that is a pretty good contract. I think we ought to use the money for the intended purpose. And if we do not, we ought to cut the tax out.

But let us not kid the people. Let us be honest with them. Let us use the money for the intended purpose or cut the tax.

As the chairman of the Water Resources and Environment Subcommittee, I have witnessed firsthand the growing abuse of the Harbor Maintenance Trust Fund and the Inland Waterways Trust Fund. The Harbor Maintenance Trust Fund now has a balance in excess of $650 million and the Inland Waterways Trust Fund has over $300 million sitting dormant.

Hundreds of millions of dollars have been collected from shippers to improve the quality of America's ports and we should be using these revenues for their intended purposes. If you care about our Nation's global competitiveness, if you care about improving the environmental quality and safety of America's harbors and rivers you should support the Truth in Budgeting Act.

In many of America's leading ports we have an astounding backlog of dredging and environmental projects that are not being done while we sit on over $1 billion in trust fund revenues. A study of the transportation infrastructure needs on our major rivers has identified over $3 billion in needs by the year 2000. If you represent constituents along the Missouri, Mississippi, Hudson, Ohio, or Tennessee Rivers you should support the Truth in Budgeting Act.

Freeing these trust funds for their intended uses sends a powerful message to the American people—we are setting aside the "smoke and mirrors", and we are serious about using their hard-earned tax dollars to improve the safety of our waterways and the efficiency of our navigation infrastructure.

These trust funds are built on taxes intended to improve the economic and environmental quality of our Nation's rivers and harbors and it is time we use these trust funds for these uses.

Support the Truth in Budgeting Act—the truth will set you free.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, the issue before us today is one of the perennial budget questions of our time—whether to unravel the unified budget methods that have worked well since the 1960s and consider the Transportation Trust Funds off budget. Like my Appropriations Committee colleagues speaking before me, I believe moving the Transportation Trust Funds off budget would result in an irresponsible budgeting process that would jeopardize many of our most cherished programs, including Medicare, Medicaid, education, and environmental protection programs. So, I am here to urge my colleagues to vote against H.R. 842.

Let me state from the outset that as the ranking minority member of the Appropriations Subcommittee on Transportation, I am a strong supporter of maintaining and enhancing the Transportation Trust Funds. I believe our Nation must continue to invest an appropriate amount into transportation infrastructure projects in order to keep our economy strong and growing and prosperous. The Transportation Trust Funds are the primary vehicles which enable us to fulfill this responsibility, so we must act to keep them in good working order.

However, I am convinced that moving the Trust Funds off budget would cause much more harm than good. While I can easily understand and sympathize with the desire to invest more money into transportation projects, I believe moving the Transportation Trust Funds off budget would greatly confuse the budgeting process; create enormous pressures to either cut non-trust-fund programs further, increase spending on trust-fund programs more, or raise taxes; and that it will set a number dangerous of precedents. Allow me to detail a few of these problems for you.

First, the unified budgeting method is critical for assisting the Congress and the President in deciding how to treat all revenues and expenditures in a coherent manner. It is essential to bring together all Federal income and expenses in a unified way to avoid the problem of considering some programs in a vacuum. It is important to recognize that any Federal activity affects our Nation's economy as a whole. Clearly, the Transportation Trust Funds qualify as affecting our economy significantly. And because of their large economic impact, considering them separately from other accounts which affects economic activity would complicate and distort Federal economic considerations. In my mind it is far better to have all components of our economic strategy in plain view and as part of a unified whole in order to make decisions easier and more coherent, and to provide flexibility to the Congress.

Second, moving the trust funds off budget would needlessly further complicate and confuse the budget process. Considering transportation programs apart from all of the rest of the budget would mean adding another dimension to the process. Congress should not do this. Instead, we should avoid creating additional complications and restrictions on the legislative branch. In this way, we can fulfill our basic duty to at least do no further harm when crafting a budget.

Third, moving the trust funds off budget would lead to demands to move all other trust funds off budget—and perhaps rightly so. We should not fool ourselves into believing that this would not happen; we have plenty of legislative history to know it would. If the Transportation Trust Funds were taken off budget, it would be difficult to justify not doing the same with every other trust fund. We would be asked the following legitimate questions: Why are the transportation trust funds special? Why don't all other trust funds get the same preferential treatment? These questions can't be answered fairly without either placing Congress in the predicament of having to pick winners and losers among trust fund programs, or being forced to move all trust funds off budget with all of the severe headaches that would create for us.

Fourth, if, for reasons of fairness, all trust funds were moved off budget, I predict there would be greatly increased pressure to spend more money. In addition to using currently available surpluses for existing programs, I have no doubt many interests would create new needs for additional spending of trust fund surpluses, whether those needs were really as pressing as might be the case in other functions of our Government. I can also foresee pressure by interest groups to create more trust funds for favorite programs which currently don't have their own separate funding sources in order to insulate them from further budget cuts. In these times of fiscal austerity, it makes no sense to increase spending pressures and make the deficit larger.

Fifth, I am not convinced that moving the Transportation Trust Funds off budget would result in more expenditures for transportation projects. It seems fair and accurate to say that the interest payments from the Treasury to the trust funds have helped to increase the amount of surplus. While it can be argued that the interest payments are only fair returns for borrowing against the trust funds, they have also enabled greater spending from the trust funds than would have been possible without borrowing and then repaying with interest. So, moving the trust funds off budget and foregoing future interest payments may not really enhance transportation expenditures.

Sixth, removing the trust funds from the unified budget would result in decreased funding for transportation projects that receive their funding from general revenues. Not using the surpluses in the Transportation Trust Funds to calculate the amount of overall available funds means that spending levels for other programs have to be cut. In the case of transportation projects, we would be pitting some types of transportation needs against others. If we are truly concerned about building a solid transportation infrastructure, why would we want to play favorites and possibly secure the funding for some types of projects and not others?

We should also keep in mind that the unified budget does not prevent Congress from spending more on transportation projects if it chooses to do so. The Congress has all the authority it needs to authorize and appropriate more funds for transportation projects or other national priorities any time it wants. The only requirements for spending more are to be convinced of a genuine need and then to follow through with the appropriate legislation.

Finally, let me say that the experience of my home State of Texas shows that moving transportation funds off budget doesn't insulate that money from use for other purposes. Even though article 8, section 7(a) of the Texas State constitution clearly and specifically states that all State taxes on motor fuels collected to finance transportation projects must be spent on transportation projects, money from the off budget transportation funds have been used for other programs. For example, transportation fund money has been used to purchase land to build prisons. Now, the transportation department holds the title to this land, so in theory it is still a transportation department asset. But, the actual use of the land to build a prison has little to do with fulfilling transportation needs. Similarly, the supposedly protected State transportation fund has been used to finance the construction and maintenance of parking lots for State mental health agency facilities. In my mind, neither of these examples fulfill transportation needs in the State of Texas.

Perhaps the most significant breach of security for the off budget Texas

transportation fund took place during the 1980's. The State's general revenue fund was running low, so an arrangement was made to borrow $280 million from the transportation fund. The payback provision of the agreement included the payment of interest, but because of the State's ability to repay the loan quicker than originally anticipated, no interest was actually paid to the transportation fund for the time its money was used. So much for a secure off-budget transportation fund.

In summary, Mr. Chairman, while I am a strong believer in the need to fund transportation projects to the greatest extent possible, moving the Transportation Trust Funds off-budget would unravel the unified budget process and make it more difficult to make proper decisions on economic matters. It would also needlessly further complicate the budget process, lead to demands to move other trust funds off-budget which would increase spending at the time we are trying to balance the budget, and probably not increase funding of transportation projects overall. And, as I have described to the House, the experience of my home State of Texas strongly suggests that moving trust funds off-budget doesn't really make them more secure. For all of these many reasons I urge the House not to endorse H.R. 842 by voting against this well-intended, but misguided legislation.

□ 1245

Mr. KOLBE. Mr. Chairman, I yield 4 minutes and 30 seconds to the gentleman from Louisiana [Mr. LIVINGSTON], the very distinguished chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend from Arizona for yielding time to me.

Mr. Chairman, we have to fully appreciate what we are about today. The fact is that we will never eliminate the deficit if we give some programs exalted, protective status in the budget process requiring those less fortunate to shoulder heavier cuts than they currently do and making them compete with one another while those exalted programs simply are beyond reach. But that is what we will do.

We are effectively going to take $30 billion a year out of the nondefense discretionary pot and just put it beyond reach. Some would say, well, it goes into a trust fund; it is off budget. It is not off budget. It goes into that amorphous great big blue section on this chart that I have used before. It is a pie chart of the 1996 Federal budget. It becomes part of the uncontrollable portion of the pie, entitlements, which are in blue, plus interest on the debt.

Two-thirds of the budget is uncontrollable. One-third of the budget is discretionary. Half of that is defense, the other hald is the nondefense cost of running Government. We are going to take $30 billion out of that nondefense discretionary budget and add it into the blue section or out in the atmosphere where we will help all those wonderful contractors who want to build roads. We will make everybody else compete for their hard-earned dollars or the dollars that the American taxpayers throw at them. In doing so there will be less opportunity for other well-meaning programs, be they health programs, education programs, or the like, to be funded.

In fact, before the Committee on the Budget, Federal budget expert Allen Schick testified the general fund would be the residual fund for weak claimants who do not have sufficient clout to get earmarked revenue, their own trust funds, off budget protection, and exemption from budget enforcement rules and other controls. He says, if there is any truth in budgeting, it is that all spending must compete for scarce resources; not that there are protected enclaves and double standards.

But we will make a protected enclave of Federal highway spending. Backdoor spending in entitlements have already reduced the domestic discretionary share of the Federal budget, and those are my words, not Mr. Schick's, reduced the domestic discretionary share of the Federal budget to just 17 percent next year.

Now we are talking about gutting what is left, taking 12 percent of that, some $30 billion in outlays, money that will be spent immediately year after year, and declaring it off budget for the purposes of deficit reduction.

I just hope that every fiscally conservative Member of the body, including those who signed on to the off budget bill before knowing its effect on spending, fully appreciates what is happening and will examine what the CBO and the GAO and others say about the effects. It is devastating.

We are significantly trimming, trimming the nondefense discretionary budget, so much so that for the first time in modern history, instead of going up year after year after year in nondefense expenditures, we are going down year after year. This Congress, since January 1, 1995, has had tremendous effect on reversing the ever-increasing growth of nondefense spending. But this bill comes along and wants to take $30 billion out of what is left in nondefense discretionary and spend it on highways.

And, yes, we have seen those ads, radio, television, newspapers, the pro-special interest lobbyists, and they are all related to dealing with highways and airports and such things. Oh, they have a lot of them. They are all for it because it is money in their pocket. It is free money. But notice who is against it. The Committee on the Budget, the Committee on Ways and Means, the Committee on Appropriations, the Office of Management and Budget, the Citizens for a Sound Economy, the Concord Coalition, the Heritage Foundation, the National Taxpayers Union, the Taxpayers For Common Sense, the Citizens Against Government Waste, the Committee for a Responsible Federal Budget, Alan Greenspan, Federal Reserve Board. Those are the people whose job it is to look at whether or not we are actually meaning what we say when we are trying to cut the Federal budget, cut spending, and stop the pork barrel.

But here we are, despite all the rhetoric, right back at the pork barrel. I urge Members who are serious about what we have been saying for the last couple of years to vote against this measure. It is wrongheaded. It is the wrong thing to do.

Mr. Chairman, despite all the rhetoric, Members should see this bill for what it really is, a plain, old-fashioned power grab instigated by one committee of this body.

Members of the Transportation and Infrastructure Committee, and before them the Public Works Committee, stand united in pushing off budget, and with them stand the highway and airport construction lobbyists and State highway agencies. Against this formidable group always stands the Budget and Appropriations Committees.

We will never eliminate the deficit if we give some programs an exalted, protected status in the budget process, requiring those less fortunate to shoulder heavier cuts year after year.

If we start splitting up the Federal budget into off-budget fiefdoms that are outside the appropriations process, we are setting a terrible precedent. In testimony before the Budget Committee, Federal budget expert Allen Schick said that if trust funds started to go off-budget, "the general fund would be the residual funds for weak claimants who do not have sufficient clout to get earmarked revenue, their own trust funds, off budget protection, and exemption from budget enforcement rules and other controls."

He went on to say "If there is any truth in budgeting, it is that all spending must compete for scarce resources—not that there are protected enclaves and double standards."

Mr. Chairman, backdoor spending and entitlements have already reduced the domestic discretionary share of the Federal budget to just 17 percent next year. Now we're talking about gutting what's left, by taking 12 percent of the remainder and declaring it off budget for the purposes of deficit reduction. I hope every fiscally conservative Members of this body, including those who signed onto the off-budget bill before knowing its effect on spending, will look carefully at what CBO, GAO and others say about its effects.

If this bill becomes law:

Aviation safety would be undermined, according to the Secretary of Transportation;

Other domestic and defense programs would suffer up to $50 billion in additional cuts, according to OMB; and

Other trust funds will surely seek similar protection from future budget reductions, and we won't have a leg to stand on.

If this body were now to pass off budget, it would tell the American people we are willing

to hide some expenditures from the budget; that we are willing to suffer further reductions in defense and social programs in order to provide continuous, permanent increases for highways, mass transit systems, and airport construction programs. This is not a fair and balanced budget plan, Mr. Chairman.

We weren't sent here to engage in budget shell games. We were put in control to eliminate our crippling deficit—a goal this very bad bill would make much harder. This bill is wrong because it would increase spending at just the wrong time in our Nation's history; it fundamentally alters the balance of power among committees of this Congress; and it panders to the special interests and lobbyists.

Finally, if you vote "aye," don't talk to me about the need to cut the budget. I strong urge Members to vote "no" on final passage.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Chairman, I rise in strong support of this important legislation to take the transportation trust funds off-budget. Historically, investment in transportation infrastructure has helped countries achieve and maintain world power status. Similarly, it has been our own commitment to infrastructure investment has been responsible for creating the most advanced and efficient economy in the history of the world.

In the past, it was this financial commitment to America's infrastructure that completed the transcontinental railroad, built the Interstate Highway System, and created world class airports and harbors. However, we all know that funding for future projects is increasingly difficult to secure today. And as a result, our ability to maintain, improve and build highways, roads, harbors, railways and airports is severely hampered—and commerce, transportation and recreation are all adversely restricted. We cannot continue this neglect and we must provide an opportunity to guarantee a sound financial future to both maintain and develop America's infrastructure needs.

Pumping gas and paying the Federal gas tax of 18.3 cents per gallon is probably the most common link the average American has with the Federal Government on a daily basis. Most of the money from this tax flows into the highway trust fund and has helped finance such San Diego highways as Interstates 8 and 15.

My own district has several infrastructure projects that are of national significance and need funding. Re-establishment of the San Diego & Arizona Eastern Railroad—the "Jobs Train"—and completion of State Route 905 and Interstate 15 would all facilitate the increase of international trade expected from our Nation's new Federal trade policy. Yet because transportation trust funds are not being spent for their intended use, these nationally important projects must compete for fewer available dollars and are viewed as pork for my congressional district. Transportation funding choices should not be between projects that mitigate congestion and pollution, increase safety or implement trade policy—these are all worthy projects.

We must release the trust fund surpluses from their budget bondage and stop this Federal game of Mask the Deficit. The existence of these surpluses only reinforces the public's belief that they are not getting an honest return for the taxes they pay to Washington.

This issue is not only about tax fairness, it's also about jobs and about economic productivity. Since the 1950's, as much as 25 percent of America's productivity growth can be credited to improvements in our transportation infrastructure. Recent Department of Transportation studies show that every $1 billion invested in highway construction and enhancements yields 42,000 high-wage jobs. Similarly, work to complete SR 905 and I-15 in San Diego and to re-establish the Jobs Train would create thousands of jobs.

The more that infrastructure spending is curtailed, the higher the yearly trust funds surplus grows. The higher that surplus goes, the more it offsets deficit spending in other general fund programs. It's a $31 billion bonanza, and it's a fraud!

For me, the Truth in Budgeting Act is about keeping faith with my constituents in San Diego—people who pay into these funds and expect their tax dollars to be spent on building and maintaining the world's premier transportation system. The people of America—and the people of San Diego—deserve to see their transportation dollars at work building and maintaining highways, railroads, airports, and harbors.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. KIM].

Mr. KIM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I was a civil engineer prior to becoming a Congressman. I understand how important the transportation system is to our economy. I know that without a strong transportation system we cannot sustain a prosperous economy. That is why our Congress approved a gas tax over 40 years ago. The idea was simple: Collect a gas tax and spend that money to build and maintain our infrastructure.

The system worked fine in the past because all the money went to transportation projects. But now what happens? Highway projects get 12 cents out of 18½ cents of the Federal gas tax; the rest goes to social programs. It has been gutted. The highway trust fund money has been gutted all this time.

We need this infrastructure badly, I will tell the Members. Remember, these are not taxes, these are user fees. These are not taxes. The money should not be spent on social programs, it should be spent on the highway system. that is why our bridges are in bad shape. Twenty-five percent of our bridges are in bad shape and are not safe. No wonder why.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I rise in my capacity as the ranking Democratic member on the Surface Transportation Subcommittee to give my colleagues 6.8 billion reasons why they should vote for H.R. 842, the Truth in Budgeting Act.

This, 6.8 billion, my colleagues, is the amount of highway and transit money the States have been shortchanged over the life of ISTEA to date.

The following chart shows these losses by State, 1992–96:

HIGHWAY FUNDING LOST BY STATE, 1992–96

States	FY92–96 difference
Alabama	$114,340,767
Alaska	89,763,732
Arizona	88,638,840
Arkansas	71,238,983
California	610,578,554
Colorado	86,443,852
Connecticut	143,579,955
Delaware	30,171,803
District of Columbia	39,333,139
Florida	241,309,719
Georgia	182,211,005
Hawaii	53,676,740
Idaho	48,737,851
Illinois	255,571,470
Indiana	135,427,278
Iowa	87,340,504
Kansas	83,069,151
Kentucky	100,474,056
Louisiana	106,457,783
Maine	36,512,958
Maryland	119,912,708
Massachusetts	387,512,184
Michigan	180,464,385
Minnesota	104,962,453
Mississippi	77,345,390
Missouri	147,406,231
Montana	69,282,108
Nebraska	59,194,272
Nevada	43,941,993
New Hampshire	35,149,613
New Jersey	208,863,217
New Mexico	76,499,357
New York	389,884,664
North Carolina	166,409,550
North Dakota	44,939,034
Ohio	242,935,031
Oklahoma	92,883,484
Oregon	85,194,850
Pennsylvania	312,864,880
Rhode Island	43,667,425
South Carolina	85,828,138
South Dakota	49,538,589
Tennessee	139,565,180
Texas	431,378,542
Utah	54,759,515
Vermont	32,204,791
Virginia	145,108,424
Washington	133,368,435
West Virginia	68,087,322
Wisconsin	123,104,240
Wyoming	47,996,810
Puerto Rico	33,650,675
Territories	2,184,372
Total	6,840,886,002

Source: U.S. Department of Transportation, Federal Highway Administration.

This is the amount of spending out of the highway trust fund, authorized to be obligated for needed highway and transit projects across the Nation, that has not been spent due to arbitrary obligation limitations placed on the trust fund in the annual appropriations bills.

Now, this is not to say that the highway trust fund could not have sustained an additional expenditure of $6.8 billion.

No, indeed.

There is an estimated balance of nearly $21 billion in the highway trust fund—$11 billion in the highway account and $10 billion in the transit account.

And let us be clear: This money is not general revenue. It is comprised of the Federal tax on motor fuels, paid for by highway users, and dedicated for transportation improvements.

Who, here, in this body, can say that the regions which they represent do not need additional transportation improvements, that they could not use some of that $6.8 billion that was duly authorized but instead is lying idle in some government trust fund.

I look to the California delegation: You have been shortchanged by $610.6 million.

To the Florida delegation: $241 million.

Ohio: $242 million.

Virginia: $145 million.

And my own State of West Virginia: $68 million.

The list goes on and on.

So I would say to my colleagues, vote to take the transportation trust funds off-budget.

Let us restore faith with the taxpayers.

Mr. Chairman, throughout this debate we continue to hear allegations that one of the motivations of the Transportation and Infrastructure Committee for promoting the pending legislation is that it would, in some unexplained fashion, remove any constraints on so-called pork barrel projects.

The distinguished chairman of the House Appropriations Subcommittee on Transportation in particular likes to make a big deal out of the fact that he refuses to earmark funds for highway demonstration projects.

He even advised House Members not to even try to present testimony before his subcommittee about specific highway projects.

Oh, how holier than thou.

And the press eats it up, showering him with praise for not engaging in so-called pork barrel projects.

Well, my colleagues, the facts show otherwise.

Let's see. I suppose earmarking $4 million in ITS funds for the Capital Beltway in the current fiscal year appropriations bill does not represent an earmark.

No, of course not!

I suppose that earmarking almost $41 million for 20 ITS projects in that bill is not really earmarking, now is it?

And I suppose that earmarking 100% of the section 3 bus money, to the tune of $333 million, for 81—count 'em—81 specific projects is not really earmarking funds at all.

Or what about the section 3 new starts; $80 million here, $130 million there. This isn't really earmarking, is it?

No, I suppose it's just chump change.

Ah, but these were not highway demonstration projects, were they?

No, apparently only earmarking funds for highway projects is bad.

Well, Mr. Chairman, if it walks like an earmark, if it quacks like an earmark—it is an earmark and subject to the same pork barrel label highway demonstration projects are often alleged to be.

I raise this because when we hear the next holier than thou—self-righteous—pronouncements from the House Appropriations Committee against our efforts to take the highway trust fund off budget, be advised:

They are living in a glass house and should not be throwing any stones at the authorizing committee.

Let me be clear.

I strongly believe in the right of the Congress to earmark funds for specific transportation projects. We used good criteria when considering highway projects during the NHS bill last Congress.

Circumstances change. Nothing remains static.

And the fact of the matter is that sometimes a State needs a little bit more help with a transportation project over and beyond its normal funding apportionment.

But, please, do not give me this bunk that earmarking discretionary program funds for ITS and transit projects is not really earmarking.

Mr. Chairman, with that, I respectfully submit: Who is afraid of the big bad wolf?

Not this gentleman from West Virginia and neither should this House.

I rest my case.

□ 1300

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me the time.

Let us talk about truth in budgeting. This country is $4.9 trillion in debt, rapidly moving to $5.5 trillion in debt. That is truth in budgeting. This is an effort by one group to grab dollars, to grab turf and to expand its power. What do we need in 1996? We need people to step up, to be part of the solution, not to walk away and be part of the problem. What is reality?

This bill is like rearranging the deck chairs on the Titanic. This bill represents the effort of one group to get into its lifeboat, its own small lifeboat. Some may call the special interest group or this group of special interests selfish. I do not know if it is selfish. I do know it is wrong. A number of groups agree, the National Taxpayers' Union, the Citizens Against Government Waste, the Concord Coalition, the Citizens for a Sound Economy.

We do not need another entitlement. We do need a Congress willing to make tough decisions to protect future generations and to stand up to special interest groups.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I thank all the gentlemen here in charge of the time for the excellent work they have been doing.

Mr. Chairman, like others, I support needed investments in our transportation system. The First District of Connecticut relies on its roads, bridges, and airports to be its economic and commercial links to the rest of the country and the world.

But while we may have nearly endless transportation needs, we don't have an endless supply of tax money. And although transportation must be a top priority, there are tough choices to be made about where our limited funding goes. Taking these trust funds off-budget shelters them from those hard decisions.

In 12 of the last 15 years, we have spent more from the trust funds than taxpayers put in. Taking them off-budget will tilt the playing field even more toward transportation, at the expense of other priorities and at the expense of deficit reduction.

Calling the trust funds off-budget does nothing to change the reality that our budget is out of balance. In fact, this bill would put us $20 billion more in the red over 5 years.

I urge my colleagues to support fiscal responsibility and oppose H.R. 842.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Chairman, I appreciate the opportunity to comment. From my background of 8 years in local government, 11 years in State government dealing with balanced budgets every year, I rise to support this bill and urge its passage. I recognize the original purpose of taking these funds and putting them on the budget was to hide the deficit during the Vietnam war, and for some years it served that purpose.

Mr. Chairman, I also recognize that now we do not perform that practice anymore. We do not try to use these funds to hide the deficit. At the same time, the public is angry. They still perceive this money as being diverted to other purposes. They still perceive this as being used to mask the deficit, and we have to get away from that perception or it is going to hurt our efforts to build a transportation infrastructure in this country.

I urge that we now do what is right, we do what is fair, that we take the trust funds off budget, that we use them for the purpose they are intended for, that we pass this bill and we restore the trust in the trust fund.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, first of all, let me begin by saying congratulations to my colleagues. We do not hear too often this kind of policy debate that completely crosses party lines and really is on a policy issue. I think everyone is to be commended for really getting into this policy debate here.

Let me make it clear where I stand on this. I do rise in strong opposition to the so-called Truth in Budgeting Act, H.R. 842. The title of it certainly sounds great, but the fact of the matter is it is a device for increasing the already huge $5 trillion national debt that we have. The title of it is misleading and the result is it is going to be very costly.

It does something that we already do too much, and that is have a shell game, with that chart that we saw here earlier by the chairman of the Committee on Appropriations with over half of all Federal spending off budget. This simply moves another piece of it off budget so it is not amenable to the changes that Congress would make through the appropriation process each year. It is a shell game. We call it taking it off budget, but in plain English, it means the spending is going to be exempt from the rules that apply to other Federal spending. In essence, we are creating yet another new entitlement program that just grows and grows without regard to the already overblown Federal deficit. The result would be that transportation simply does not get the same scrutiny as education, defense, a lot of our national parks do when it comes to prioritizing and controlling Federal spending.

Because of that, I think it is inevitable that this kind of spending rises ever faster. To balance the budget, then all other parts of the budget have to take an even harder hit, that is, the increasingly shrinking part of the discretionary pie of spending, so we have to increase taxes. And I think we all know that is not acceptable.

The fact of the matter is that Washington has spent more from the highway trust fund than it has received in earmarked tax in 12 of the last 15 years. In 1994 alone, the Federal Government collected $18 billion into the trust fund but it spent $22 billion on trust fund programs. The real issue here is whether or not we should be returning these programs to the States anyhow, whether we should set the standards and return them. I urge my colleagues to vote against this legislation.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MASCARA].

Mr. MASCARA. Mr. Chairman, I thank the gentleman for yielding me time.

During the Eisenhower administration, the Federal Government forged a compact with the American public, pledging to its citizens that in exchange for a gasoline tax a transportation trust fund would be established. The money generated by the tax was to be used strictly for transportation and infrastructure development. Forty years later, Americans continue to uphold their end of the bargain. Americans pay 18.4 cents Federal tax on every gallon of gas they purchase and a 10-percent excise tax on all airline tickets. Last year alone, these taxes added up to nearly $30 billion.

I find it simply inexcusable that the Government refuses to release these funds at a time when our Nation's infrastructure is crumbling. It is estimated that more than $300 billion is needed to remedy our unmet transportation and infrastructure needs.

By failing to use these funds for their intended purpose, the Federal Government has broken its promise and violated the principles that are central to the notion of a trust fund—the term "trust fund" in this case is a true oxymoron.

As a former Washington County, PA, commissioner, I witnessed first-hand the vital role a strong and viable transportation system plays in stimulating our Nation's economy. The Monfayette Expressway in my district is a classic example of this premise. Studies around the world have shown a strong correlation between infrastructure development and sustained economic growth.

It is simply unfair for the Federal Government to limit economic development opportunities by hoarding the transportation trust funds to mask the Federal deficit.

Today, Congress has an opportunity to fulfill the agreement that was established between the Federal Government and the American people in the 1950's. I support Chairman SHUSTER and ranking member OBERSTAR's efforts to return these trust funds to their rightful owners—the American people. I urge all Members on both sides of the aisle to vote for the Truth in Budgeting Act, H.R. 842.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from the Virgin Islands [Mr. FRAZER].

Mr. FRAZER. Mr. Chairman, as a cosponsor of this legislation, H.R. 842, I understand the importance of investing in our infrastructure. On September 15 of last year, the U.S. Virgin Islands was devastated by Hurricane Marilyn.

Today we are still trying to repair the economy.

The CHAIRMAN. The Chair wishes to inform the manager that the time of the gentleman from the Virgin Islands [Mr. FRAZER] will be taken from the time of the gentleman.

Mr. OBERSTAR. Mr. Chairman, the gentleman is recognized for a unanimous-consent request, not for the time.

Mr. SHUSTER. Mr. Chairman, is it true that the gentleman may put his entire speech in the RECORD?

The CHAIRMAN. The gentleman's statement may be entered into the RECORD under the unanimous-consent request.

Mr. FRAZER. Mr. Chairman, am I being made to understand that it is less than 1 minute that I requested, that I merely submit for the RECORD?

The CHAIRMAN. If the gentleman from Minnesota wishes to recognize the gentleman for 1 minute.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from the Virgin Islands [Mr. FRAZER].

Mr. FRAZER. Mr. Chairman, I recognize that the Territory of the Virgin Islands does not have a vote in this institution, but it seems as though the proceedings are becoming so that the Territory of the Virgin Islands does not even need to be represented in this institution.

Mr. Chairman, I want to thank Chairman SHUSTER and ranking member Mr. OBERSTAR for bringing H.R. 842, the Truth in Budgeting Act to the floor.

As a cosponsor to this legislation I understand the importance of investing in our infrastructure. On September 15, 1995, the U.S. Virgin Islands was devastated by Hurricane Marilyn. Today, we are still trying to rebuild our economy. The first step in rebuilding our economy is our infrastructure. The airports, highways, and ports in the Virgin Islands are the keys to our economic prosperity.

The economy of the Virgin Islands is based on tourism. In order for our economy to grow, we must have a strong infrastructure. Our airports and highways must be fully operational and functional so that they can generate the revenue which will create jobs and funding for infrastructure development. Constituents pay to use these services and they are entitled to receive a benefit.

The aviation trust fund allotment for the Virgin Islands in 1994 represented $3 million. A reduction in funding for the Virgin Islands would have a negative impact on our ability to rebuild our economy.

Mr. Chairman, I urge my colleagues to vote "yes" on H.R. 842, so that we can use these funds to rebuild our infrastructure.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in strong opposition to H.R. 842. I refer to the bill by number rather than name because I feel this legislation promotes anything but truth in budgeting, at least if that budgeting is supposed to be aimed in the direction of balance. In fact, this bill would reduce controls on Federal spending, the exact opposite of what we should be doing as we work toward a balanced budget.

Next week the Budget Committee, on which I am privileged to serve, is scheduled to begin the process of putting together the budget resolution for fiscal year 1997. This process will require many tough choices as priorities are set among worthy programs. All programs will be required to make sacrifices in the effort to achieve a balanced budget by 2002. My guess is that not a single program will receive the full amount of funding that its advocates would like. But essentially all programs will be together in the same boat, competing for priority status as we seek to determine how best to allocate the revenues coming into the U.S. Treasury.

This bill is an effort to circumvent this process for one segment of the budget. The debate today is really about whether the transportation trust funds should be exempted from the priority-setting process that tests every other program. A vote for this bill says that spending on transportation programs automatically should receive a higher priority than every other program of the Federal Government.

We have heard good augments today about the value of investing in our national infrastructure. I agree with much of what was said but I disagree with the venue. This debate should be heard in the midst of augments about the value of every other program, not standing alone without programmatic competition for numerous hours on the House floor.

We're talking about much more than the simple bookkeeping activity of moving the trust funds onto a different side of the ledger. The real impact of the bill is in removing trust funds from the statutory budget enforcement mechanisms and, to a lesser extent, the congressional budget process. Currently, spending from the trust funds is subject to the discretionary spending limits or pay-as-you-go rules. The discretionary caps have been quite successful in controlling discretionary spending and have played a major role in the significant deficit reduction we've witnessed in the past 4 years.

In my opinion, we should be expanding the spending caps to cover all programs, not reducing the number of programs subject to the caps as this bill seeks to do for transportation spending. Spending form the trust funds would have greater protection than any other spending program. Even Social Security spending is subject to pay-as-you-go rules.

During the debate Monday evening regarding the tax limitation constitutional amendment, there was a lot of rhetoric about the need to control Federal spending. I cannot understand how any Member who voted to amend the Constitution on Monday evening, or for that matter any Member who claims to care about deficit reduction, can vote for a bill that will make it much easier for Congress to increase spending without accountability.

The Director of the Congressional Budget Office stated that if trust fund spending was exempted from budgetary controls "transportation spending could increase significantly." The General Accounting Office made a similar point: "Whatever the immediate effect on the deficit, exempting one type of spending from the Budget Enforcement Act makes it likely that such spending will increase over time." Similarly, the reserved Fed Chairman Alan Greenspan said that taking trust funds off-budget "could weaken the ability of the Congress to prioritize and control spending * * * [and] could engender cynicism in financial markets and the public at large about the commitment and ability of government to control Federal spending."

This year, much ado has been made about differences in scoring between the CBO and the OMB, but the two are in agreement about this issue. They both have estimated that this bill would allow transportation spending to increase by $20 billion above an inflated baseline and $40 billion above 1995 levels over the next 5 years. I know that the drafters of this legislation claim that the bill is deficit neutral but they are not the referees who score Federal spending; CBO and OMB are the two entities we count on to do that job. At a time when programs for education, health, senior citizens, youth jobs, scientific research and so many other important programs are being cut or given increases well below inflation, I have a hard time justifying a $40 billion increase straight out of the gate for transportation spending.

Finally, granting special status to the trust funds will undermine the principle of shared discipline which is so critical to building consensus for reaching a balanced budget. Supporters of all other Federal programs, understandably, will be far less willing to accept cutbacks in their own programs if transportation, or any other specially anointed program, is exempt from sharing the burden. The credibility of the process will be severely undermined by the contrast of transportation spending receiving a full inflation increase plus as much as $20 billion beyond inflationary increases while other programs losing in actual dollar terms.

H.R. 842 also will make it more difficult to implement a deficit enforcement mechanism along the lines of the one included in the Coalition budget by exempting trust fund spending from sequestration. One of the weaknesses that led to the failure of Gramm-Rudman was that it exempted a large number of programs from sequestration, thereby reducing the number of people who have a stake in reducing the deficit. Taking the trust funds off budget would mean that the transportation industry would not have a stake in ensuring that a balanced budget plan works, because they would not be affected by its failure.

If you are serious about controlling Government spending, if you believe in the importance of a fair budget process, if there are other Federal programs that you rank at least of equal importance with transportation programs, then vote against this bill.

□ 1315

Mr. SHUSTER. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise in support of H.R. 842, the Truth in Budgeting Act.

This bill will accomplish three goals.

First, it will restore honesty with the American taxpayer. The transportation trust funds are comprised of user fees—taxes paid by transportation users with the express understanding that their collection will be used to finance transportation improvements. To have these funds as part of the budget, masking the deficit, and not spent on transportation needs is simply not fair.

Second, the bill will spur economic growth. Transportation represents 17 percent of the American economy. Transportation improvements benefit us all and the use of these surplus funds will go a long way toward providing a boost for America's economy.

Third, every single State will benefit in increased transportation funds from enactment of this bill. Had the transportation trust funds been off budget since 1991, my State of Florida alone would have received an additional $241 million. As a donor State to begin with, this amount would help offset our significant transportation needs.

I urge my colleagues to support this bill and return fairness to these user fees.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Chairman, I rise in strong support of this bill which is critical to the future of our transportation systems.

According to the U.S. Department of Transportation, nearly 25 percent of our Nation's bridges are structurally deficient or functionally obsolete, and over 30 percent of our interstate pavement is in poor or mediocre condition.

The average fleet age for our transit buses is greater than the useful life of those vehicles.

And yet, because of obligation limitations imposed in annual appropriations bills, the ISTEA highway program has been under funded by $6.8 billion over the past 5 years. Let me be clear, this $6.8 billion was fully budgeted for and could have been supported by the highway trust fund. Each Member can look at this table here on the floor and clearly see the funding his or her State has lost.

This is $6.8 billion of contract authority—accounted for and contained in the budget resolution—which States have not been allowed to use for transportation improvements.

The Surface Transportation Subcommittee is now beginning the process of reauthorizing ISTEA. The future budget authority provided and the size of the program will be a determining factor in the type of transportation program we can enact to lead us into the 21st century.

This is a simple fact of life. We must be able to spend the gas taxes we collect on our future transportation program or we will be severely limited in the flexibility and creativity necessary to address today's transportation needs. For example, like more than a majority of House Members, I represent a donor State and want to revise the current outdated and inequitable formulas.

But, this will be hard to do, if not impossible to do, with a shrinking program—a program funded entirely by user fees that may be cut by as much as 40 percent according to some budget projections. This vote is important to the ISTEA reauthorization.

Don't be scared off by exaggerated claims make by opponents of this bill. There is no general fund subsidy of the highway trust fund.

The vast majority of general fund transportation spending that opponents have cited is from the now-defunct revenue sharing program, the community development block grant program, spending by nontransportation agencies, and other specific programs approved by the Appropriations Committee that are totally separate from and hardly relevant to the highway trust fund, the Federal-aid highway program, and this debate today.

In fact, it's the other way around—limitations on trust fund spending have subsidized other general fund spending.

This bill is not a budget buster and it will not automatically increase the deficit by some $30 billion as some have claimed. Appropriate controls and Congressional authority remain in place. But H.R. 842 will go a long way toward ensuring that, in the future, the user fees and taxes we have imposed on the traveling public and which are paid so dutifully by them day in and day out, will be spent for their intended and lawful purpose. Not to do so is dishonest and unfair to the American public.

Vote "yes" on H.R. 842—it's the right thing to do.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, I thank the gentleman from Minnesota for yielding this time to me.

I rise in opposition to this bill, not because I oppose spending the trust fund obligations for the purpose for which they were incurred. In fact, I would favor legislation that would mandate that the trust funds be expended for that very purpose, that would prohibit expenditures from the general fund, that would require us to raise the user fees if we need to spend more money. I am all in favor of that, but that is not what this bill does.

We have limitations placed upon the budget process for one purpose. The whole Budget Act of 1974 that we are operating under was placed there for one purpose, to put fiscal restraints in place so that we would have to make all of the decisions within the same context of a budget.

The purpose for the line-item veto was to allow the President to say here is certain spending that ought not to be spent. There is one area of spending that is exempt from the line-item veto. It is contract authority from the Committee on Transportation and Infrastructure so that they can designate money that has to be spent that cannot be vetoed by the President under line-item veto.

Now, what this bill attempts to do is remove all of that spending from the Committee on Transportation's authority, to remove it from the budget process so that there are no other fiscal restrictions or restraints that would require us to consider all spending within one specific decisionmaking process.

That is bad fiscal policy, it is bad budget policy; I would urge my colleagues to vote against it, and I will submit into the RECORD a letter from the Citizens Against Government Waste explaining why this is a bad bill.

Mr. SHAYS. Mr. Chairman, I yield 6½ minutes to the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget.

Mr. KASICH. Mr. Chairman, it is always a little bit frustrating when we come to a vote on a bill like this, that we wonder whether people who are going to be voting on this, or their staff, are paying attention. Well, I guess, without a rollcall or anything like that, we just rely on the fact that those wonderful staff people have their eyes focused on this chart and what the impact is of this legislation.

Now, this highway trust fund was established in, I believe, 1956, and what we have done is we have added up cumulatively all the money that has ever been collected from taxpayers in highway taxes to pay for roads. We added it all up from 1956 to 1996. The total amount of money collected in highway gasoline taxes to pay for highways totals $214 billion. Now, we added to that that interest that we owe from just the highway section, and that adds up to $21 billion, for a grand total, and think of this as some kind of a telethon, a grand total of what we have raised since 1956, of $235 billion from our taxpayers in fuel tax to fix our roads.

Let me stress that number again: $235 billion total collected, plus interest.

Trust fund spending has been $228 billion. In other words, my colleagues, we collected $214 billion in gas tax money to fix the roads. But consistent with everything else we do in this town, and unlike what families do, instead of spending $214 billion on fixing roads, we spent $228 billion, and then when we add to that the money beyond the trust fund money, that is another $63 billion, another $63 billion, for a grand total, a grand total since 1956, of $291 billion. We have collected and had interest that cumulates $235 billion, and we have spent $291 billion on highways.

Now, anyway, and I have got limited time and we got a whole lot of debate going, let me just do this thought. The simple fact is, as my colleagues know, the argument here, the argument in this body, is somehow the people have been cheated, somehow they have paid a lot of money in gas taxes, and they have not got the roads fixed for the money they paid. Well, that is not true. Frankly, what we have done is, we have one more time gone into the piggy bank of our children. We have gone into their piggy bank to have more money spent on roads.

Now, it should be equal. It is not equal. We have overspent on highways from what we were dedicating revenue to fix roads with. It is not complicated.

Now, if my colleagues want to take this thing off budget, let me just give them the bottom-line impact. To everybody in this Chamber:

If you spend any of this accumulated interest, then what you are doing is you got to do one of two things. You are either going to raise the deficit, which means you got to borrow more money and increase the national debt, or you got to cut some other program. It is not a confusing, complicated deal. It is one or the other. Now, under the current situation, if you want to spend more on roads, and I am not opposed to doing that because roads is infrastructure, and if the roads are not determined by pure politics, they can generally help the economy. But I do not think we ought to put roads above anything else.

I mean we can develop a supercomputerized system, as individual instruction for our children using computer technology. Frankly, that is more effective to me than just making roads a priority.

Look, the reason why we are coming to the floor and what contractors think and what a lot of people think is, as my colleagues know, we did not spend all the money we took in, that we got this shoebox full of cash. We got this shoebox full of cash to build all these roads, and the simple fact of the matter is we "ain't" got no shoebox. We do not have any cash in the back drawer. This involves borrowing. It involves our children. That is what it involves.

So I say to my colleagues, if they want to come to the floor and pull this off budget, fine. They can vote that way. They can vote that way, and just understand the consequences: We either are going to have to borrow more money and drive up the deficit or we are going to have to cut other programs which we struggle to avoid doing in this Chamber, create tougher priorities.

So, I mean, I give a lot of credit to the gentleman from Pennsylvania. I have never seen anybody more tenacious on an issue. He believes in this

program, and I respect him for it. It is not a personal fight with anybody in this Chamber. It really is a matter of whether we are going to get our fiscal house in order and not put one priority ahead of another in times when we have got to choose or raise the national debt.

So I would urge my colleagues to keep our plan on schedule, and the gentleman from Virginia said this will be the end of balanced budgets. I am not going to be that gloomy here today. But it certainly makes our job more difficult. Do not support this bill, reject it.

□ 1330

Do not support this bill. Reject it. We can continue to have robust highway spending if we deem that to be a top priority, but keep this total spending within the decision-making that we all make in this Congress. But no one should come here thinking that somehow we have cash.

This is what we spent, 291. This is what we collected, 235. No one should think that we have underspent or taken our highway money and used it for something else. It just simply is not true. Let us be honest with the public on the way in which we add our numbers up.

Mr. SHUSTER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would respond to the distinguished gentleman, it is very true, if you go back in history, there was substantial general fund money spent on highways and other transportation projects. CDBG grants were spent, revenue sharing was spent. All of this is true, back in history. It also, interestingly, indicates how important transportation is to local communities. Nevertheless, nobody disputes that.

But Mr. Chairman, facts are stubborn things. Does anybody in this body dispute the cold, hard fact that there is over $30 billion in the transportation trust funds today? Nobody disputes it. It is a fact. That is the balance in the trust fund. We should spend that money in a rational, careful way.

Mr. SABO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I listened to the argument of our good friend, the gentleman from Pennsylvania. It would strike me that if one followed that logic, one should say that I think there is a surplus today in the Medicare fund, and we should spend it all today and it would not impact the deficit. That would be about the same logic.

Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I just wanted to follow up on what the gentleman from Ohio [Mr. KASICH] was saying, to make this point. In 12 of the past 15 years, the highway trust fund expended more than it collected in dedicated taxes. In 12 of the years since that trust fund's inception in 1956, the highway trust fund expended more than it collected in both dedicated taxes and interest paid into the trust fund from the general fund.

I repeat that. In 12 years since 1956, it expended more than it collected in both taxes and interest. We are not saying do not spend money on highways. I believe in spending money on highways. I am a strong supporter of that. But count it, just like you count everything else in the budget.

The gentleman from Ohio [Mr. KASICH] is exactly correct. We have had a very large excess expenditure above revenues out of this fund, and people ought to recognize that.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I want to thank the distinguished gentleman for yielding time to me, and commend him and our outstanding chairman of the subcommittee for the great work they have done in bringing this bill to the floor today.

Mr. Chairman, today is our opportunity to restore honesty and truth to the Federal budget by voting to take the transportation trust funds off budget.

Chairman SHUSTER and Ranking Member OBERSTAR deserve high praise for their outstanding efforts to bring this bill to the floor.

Mr. Chairman, it makes no sense to me that we would ask the American people to pay taxes for these transportation trust funds and then not use the money.

These are dedicated funds that should be used for their intended purpose—the improvement of our Nation's transportation system.

Sitting on these dedicated funds which cannot be spent for anything else is simply a fraud on the American people.

We have been lying to the American people by telling them to pay their gas taxes and airline ticket taxes for an improved transportation system and then not investing the money in transportation.

In Philadelphia, we are faced with a vital need to rebuild Interstate 95, our key commuter and freight route that is used by 150,000 vehicles a day.

In the last month, I–95 has been closed and then restricted because of a fire that damaged the structure.

We have had massive traffic jams that have lasted the entire day, disrupted the surrounding neighborhoods, and produced chaos throughout the area.

The Pennsylvania Department of Transportation planned to invest $2 billion to make I–95 the highway of the 21st century.

Just this year, the Penndot plan was reduced to a $176 million resurfacing that will not solve our traffic problems and must be redone in 5 years.

By not investing the money in the trust funds, Washington is telling America's drivers who are sitting in traffic jams to get used to it.

It makes no sense to have a $20 billion balance in the highway trust fund—including $312 million for investment in Pennsylvania—when the money should be used for the reconstruction of I–95 and the many other roads throughout Pennsylvania that badly need improvement.

A vote against H.R. 842 is a vote against using this money to reconstruct I–95 and the many roads like it.

It may be a vote to fund other programs but it is a vote against reconstructing I–95.

In Philadelphia, our transit system, Septa, is an absolutely key part of our regional transportation system, carrying more than 1 million passengers each weekday.

Without Septa, we would have more traffic congestion requiring more roads and more parking facilities.

Right now, Septa is in trouble. Septa needs more money for upgrading track, stations, and equipment.

The entire Philadelphia region loses if Septa is allowed to continue on a downward spiral.

An improved, modernized Septa system benefits everybody in the region.

At the same time we have allowed a $9.6 billion cash balance to build up in the transit account—money that our Nation's transit systems desperately need.

A vote against H.R. 842 is a vote against using this money to help Septa and other transit systems. It is a vote against transit.

It may be a vote to support some other program but it is a vote against transit.

Philadelphia international airport has been trying to get funds to build a new commuter runway that will increase capacity by 40 percent.

Annual operating delays at Philadelphia cost airlines more than $70 million in wasted fuel and labor costs.

At the same time, however, we have allowed a balance of $11 billion to grow in the aviation trust fund.

A vote against H.R. 842 is a vote against funding projects such as the Philadelphia commuter runway.

It may be a vote to use the transportation trust funds for some other program but it is a vote against airport projects.

The inland waterways trust fund and harbor maintenance trust fund are also crucial elements of this bill.

The Nation's ports handle more than 1 billion tons of cargo annually, including 95 percent of our international trade.

Many ports are in a crisis today because of the need to expand capacity to meet new trade demands. It is estimated that $600 million will be needed for ports during the next 5 years to keep pace with the growth of commerce.

The outdated and antiquated locks and dams of our inland waterway system hinder shipments and require additional investment.

More than 40 percent of the locks are more than 50 years old and one is 150 years old.

Mr. Chairman, a vote for H.R. 842 is a vote for honesty in budgeting and for investment in economic growth.

We have told the American people to pay their money for transportation. Not spending the money is fraud.

Our long-term transportation needs are important enough to take the trust funds off

budget and increase our investment. Each $1 billion of investment in infrastructure creates 42,000 jobs.

We should take the trust funds off budget and use the money the American people have already paid.

Mr. Chairman, 6 years ago, we took the Social Security trust fund off budget. This is the exact same situation.

Let's put trust back in the transportation trust funds and pass H.R. 842.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, by passing this legislation, we will be moving smartly from fuel tax fudging to truth in budgeting. How many of the Members would dare to stand at their gas pump and to tell each one of your constituents after you shake his or her hand, do you know that part of the tax that you are paying with each gallon of gas is going toward payment of welfare costs, toward foreign aid? Because that is the result of not spending their fuel tax for the dedicated purpose, just the opposite of what the opponents of this legislation are saying.

The opponents are saying that if we go through with this plan as envisioned by this bill, we will be robbing our social programs of moneys. That means they must be paying for them now through the fuel tax that they are paying. Is that not the obvious, logical conclusion? Truth in budgeting means that the American people, to whom we owe full faith and credit, have a right to expect that their fuel tax goes for nothing but highways.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for yielding time to me, and I also thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee.

Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act and ask unanimous consent to revise and extend my remarks.

Mr. Chairman, I commend the leadership of our committee, Chairman BUD SHUSTER and Ranking Member JIM OBERSTAR, for introducing this legislation to take the transportation trust fund off budget. I want to share with my colleagues why I cosponsored this bill.

President Eisenhower was a visionary when he created the highway trust fund in 1956. He knew that by creating a new trust fund where those who benefit from the transportation program pay for the program, a steady, dependable stream of revenue would ensue. For many years the trust fund worked as promised: motorists paid into the fund and in return they received highway construction and transportation improvements.

But when Congress created a unified budget in 1968, the word trust was removed from the highway trust fund. I looked up the word trust in Webster's Dictionary, and this is what it says: trust is a dependence on something future or reliance on future payment. Webster's also defines trust as: to commit or place in one's care or keeping.

Mr. Chairman, I submit to you that after I read those definitions it became clear to me that the word trust in highway trust fund has no meaning.

Why do I say that? Because over time the Government has collected but withheld and diverted nearly $31 billion in trust fund dollars. This is money that should have been going to our Nation's infrastructure.

Americans have faithfully supported the concept of a highway trust fund by dutifully paying their gasoline tax for 40 years. What have they received in return? 176,000 miles of American highways in mediocre to poor condition. Severe road congestion on 30 percent of our Nation's major roads. A $290 billion backlog of bridge repair work.

Polls show that 72 percent of the American people believe the motor fuel fee is the fairest way to finance highway improvements. They want their money to go toward protecting our investment in our Nation's infrastructure. But this shell game being played with the moneys in the highway trust fund has only delayed this badly needed investment and helped fuel the prevailing cynical attitudes people have toward their elected officials and Government.

Let's stop the charade and pass H.R. 842.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN], the distinguished chairman of the Subcommittee on Aviation.

Mr. SABO. Mr. Chairman, I yield 30 seconds to the gentleman from Tennessee [Mr. DUNCAN].

The CHAIRMAN. The gentleman from Tennessee [Mr. DUNCAN] is recognized for 1½ minutes.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of H.R. 842, introduced by the very capable chairman of the Transportation Committee.

I do not want to repeat many of the comments that have already been made here today. But let me say that this, Mr. Chairman, our Nation needs this legislation.

No one disputes the fact that we need to spend more than we presently are to repair, maintain, upgrade, and improve our Nation's highway and aviation systems.

I have been very fortunate to serve as the chairman of the Aviation Subcommittee for 16 months now, so I will speak to the serious needs in our Nation's aviation and air traffic control system. Air passenger traffic is going to double in the next 10 years, from over 500 million a year now to almost 1 billion 10 years from now.

I am one of the most fiscally conservative Members of this House, so I have been very frugal in what and how we spend the taxes that are sent here from hardworking Americans.

Mr. Chairman, as it has been said earlier, this issue is a question of fairness to the taxpayer.

It is a question of whether or not we should keep our commitment with the people who pay taxes, to this Federal Government, every single day of the year.

Every time a person gets on a plane. He or she pays taxes. Every time a person puts gas in their car, he or she pays taxes.

Many years ago, Congress established a policy, a pact, with the American people. If you pay these taxes, we here in Congress will turn around and spend them on repairing our highways and bridges and we will update our antiquated air traffic control equipment.

Mr. Chairman, the aviation trust fund was established in 1970 to help bring our air traffic control system up to speed. But as we all have seen this has just not been the case.

Last year, air traffic control centers suffered more blank radar scopes, dead radios, downed computers, and failed power systems than in any previous year.

This 30-year-old equipment causes airplanes to be delayed and certainly shakes public confidence in the safety of flying.

There have been air traffic computer failures at FAA centers near Chicago, Dallas, Cleveland, New York, Pittsburgh, Boston, Atlanta, Houston, Oakland, and Miami.

In fact, just a few weeks ago the FAA issued a coast-to-coast grounding for aircraft going to Pittsburgh airport because of an outage.

While these outages have been occurring more and more frequently, the aviation trust fund has taken in billions, at least $5 billion last year alone, not including the $1 billion in interest.

At the end of the last fiscal year, the aviation trust fund has a cash balance of nearly $11 billion.

This enormous balance has not accumulated because of any sound policy reason but rather as an accounting gimmick to help hide the size of the Federal budget deficit.

Mr. Chairman, experts have testified before the Aviation Subcommittee that airport needs over the next 5 years will total $50 billion.

The FAA expects that air travel will increase from over 500 million passengers today, to well over 800 million by the year 2005. This is a 56 percent increase in air travel.

And, the FAA has reported that 23 airports across the Nation exceed 20,000 hours of delay per year.

Unless significant capacity improvements are made, the FAA expects that by the year 2002, 33 airports will experience delays of 20,000 hours or more, costing millions of dollars annually.

In 1995, the aviation trust fund took in $6 billion. The Administration has projected that the aviation trust fund, under current law, will take in $9.2 billion in 2002, a 46 percent increase.

Mr. Chairman, I believe Americans are paying too much already in taxes today.

Moreover, I have never voted for a tax increase since I have had the privilege of serving in this body.

However, in my opinion, if we are not going to spend the taxes we collect for the purpose of which they were intended, then we should return the money to the people.

We must take the transportation trust fund off-budget so that we can spend the aviation taxes to improve the safety of the air traffic control system.

We must pass H.R. 842 today and not wait until a tragic aviation accident embarrasses Congress into taking action.

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

Mr. DUNCAN. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I would ask the gentleman, why is it the trust fund only pays 50 percent of FAA operating costs, when all the studies show that 85 percent is related to civilian air travel? Has not, in effect, general revenue substantially subsidized the operation of FAA over the last several years?

Mr. DUNCAN. To some extent, yes. That is correct, I would say to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the answer to the question is that 75 percent of the overall budget of the FAA is funded out of the trust fund revenues. There is an additional amount that is paid out of general revenues from the DOD budget to account for air traffic control services to the military, and some people, some folks at OMB, account for the operating budget of FAA in a different way in saying that the operating budget, salaries and expenses are 50 percent. But that is an irrelevant argument.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, if we listen to the opponents of this particular bill, we would think that Dwight David Eisenhower was the father of pork in America. Ike was not a pork barrel President, and this is not just truth in budgeting, this is a truth in financing, truth in borrowing.

I should have offered an amendment calling for an investigation into congressional borrowing from trust funds. These user fees are taxes. The American people pay taxes to fix their roads. The money going to this account is already going for other services. It is not true. This a good bill.

Let us talk about this. Maybe we should take the Committee on Appropriations and keep them on budget and take the trust funds off. H.R. 842 does not say these matters still do not go through appropriation. They are still subject to appropriation. The trouble with America today is that everybody has their hands on trust funds. They should all have their own boards of directors. No one should be able to touch them. That Social Security trust fund is financing a debt, and we are not getting the truth on the deficit or the national debt.

There is no justification to use highway money for anything else. There is no justification to keep America second rate. This money has an intended purpose. There is a tax; not a user fee, a tax. That tax, Mr. Chairman, is directed towards maintaining our infrastructure, fixing our roads, and the appropriators still have a say.

The trouble is, if we are going to get some truth out of the whole budgeting process, tell us the truth of the national debt, tell us the truth of the deficit. You have been trying to mask it with this trust fund for too long. Open it up, use it for what it was intended. Anything else is hypocrisy and maybe against the law. Damn it, I wish I had offered that investigation amendment. I yield back the balance of these taxes.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I rise today in support of H.R. 842, and commend Chairman SHUSTER for the work he has done to bring this bill to the floor.

Mr. Chairman, I rise today in support of H.R. 842, legislation to separate the four transportation trust funds from the unified Federal Budget. Before being elected to Congress, I served on a city council and listened to many residents who were concerned about funding basic infrastructure needs. These same citizens are under the mistaken impression that the money they spend every day on gasoline excise taxes will be used to improve roads, bridges, airports, and waterways across the country.

It is simply wrong to use the revenue dedicated to these trust funds for anything other than their original purpose—and we can act today to correct this matter. There are billions of dollars of unmet infrastructure needs in the United States and the sad thing is that we already have the money to pay for these projects—only it is not being spent. The cost to the taxpayer and our Nation to rebuild these roads will only increase if we continue to delay taking the four transportation trust funds off budget. I urge a "yes" vote.

Mr. SABO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, let us be straight about some facts. Since 1981, we have spent more than we have collected in receipts and interest in these funds. The way we measure the deficit is expenditures versus revenue. In 1994 and 1995, the expenditures from the highway trust fund have exceeded total revenue. The same is true in the airport trust fund. They are not subsidizing the balance of the budget.

□ 1345

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. LAHOOD].

Mr. LAHOOD. Mr. Chairman, I would make the comment to the distinguished chairman of the Budget Committee and others who have been promoting a balanced budget that if we take these off-budget and use them for their purpose, we would actually be saving money, that we would not be spending in excess. That would answer their question. But I rise in strong support of this. I commend the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, and the gentleman from Minnesota [Mr. OBERSTAR] for the leadership that they have exhibited over the last several months and years, I would add. This bill is a product of their tremendous efforts to restore fairness and accountability and we must have accountability in the transportation budgeting. In 1994 in my home State of Illinois, the gas tax amounted to $663 million. It is imperative that these trust funds be used for essential improvements and repairs to our infrastructure.

Mr. Chairman, it is time that our highways and airports receive the funding they deserve and this can only be done by moving the trust funds off-budget. Keeping the trust funds as part of the unified budget has had a severe impact on my home State of Illinois and the other States in the country.

I urge my colleagues to support honesty and fairness in the budgeting process and support this bill.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. I thank the gentleman from Minnesota for yielding me this time.

Mr. Chairman, I rise in support of H.R. 842, the Truth in Budgeting Act. For more than 40 years Americans have been contributing to transportation trust funds designed to ensure a safe, efficient, and reliable transportation infrastructure.

Since 1969, these trust funds have been included as part of the unified budget for the purpose of masking the extent of our deficit spending. The budget chairman's chart revealed what's been spent—but no mention of the unmet needs of this Nation. In my State of Missouri, we have more than $1.7 billion in unmet highway needs, including 261 lane miles of 4-lane highway needs, and 136 bridges in need of major repair or replacement.

Mr. Chairman, balancing the budget was a priority when I campaigned for Congress, and I have worked hard to reach that goal. But in our quest for a balanced budget, it makes no sense to let our infrastructure fall into disrepair. Each year we will find ourselves in a greater dilemma if we refuse to seriously address our many transportation needs today.

The Truth in Budgeting Act will remove the transportation trust funds from the artificial constraints that prevent needed money from being released. It will allow for greater investment in our Nation's future, and reward the American people's commitment to a strong transportation infrastructure.

I urge my colleagues to support H.R. 842.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act. I am a proud cosponsor of this much needed legislation, because I believe it reflects a strong commitment to improving and maintaining our Nation's transportation infrastructure.

Very simply, H.R. 842 will take the four Federal transportation trust funds out of the unified budget. This is the same budgetary treatment given the Social Security and U.S. Postal Service trust funds, and it is the right thing to do. Every day, millions of tax dollars are collected through the sale of motor fuel and airline tickets. These taxes are designed to build and maintain our transportation infrastructure system. Unfortunately, because the trust funds are part of the unified budget, their positive balances have been wrongly used to mask deficit spending.

Mr. Chairman, our continued investment in highways, airports, waterways and ports is of critical importance to the 19th Congressional District of Illinois. Taking the four transportation trust funds off budget is a fair way to ensure that tax dollars collected to improve and maintain our transportation infrasture, are used for that purpose. I urge my colleagues to join with me, and the other 224 cosponsors of H.R. 842, in supporting this important legislation.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I support the Truth in Budgeting Act. You may ask why? I would like to give one example.

Federal highway transportation funds were designated to expand the Niblick Bridge in Paso Robles, within my district. The funds were appropriated, yet they could not be used immediately because an environmental impact statement needed to be conducted before the construction of the bridge could commence.

Hundreds of thousands of State and local dollars had been invested in repairing the bridge and conducting the mandated environmental reports to comply with regulations to build the bridge. This took time. In fact, 4 years to be exact. Because all the moneys could not be used immediately, the budgeters wanted to rescind these unprotected dollars to mask the deficit rather than use them for their intended use, which is to repair and strengthen our existing transportation infrastructure within the United States.

Well, I believe that if you collect a tax for a specific purpose, then, by golly, you should use it for that specific purpose. So for that reason, I urge my colleagues to strongly support the Truth in Budgeting Act.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, we have heard, I believe, some really interesting and creative accounting here with the chart from the chairman of the Committee on the Budget and the ranking member. They would have us believe that, over time and currently, that we are spending more than we collect in dedicated taxes to maintain the transportation infrastructure of our country, and they are most interested in balancing the budget and keeping the books straight.

If that were true, then I am confused as to why the Committee on the Budget chairman and the ranking member are not supporting this bill. If it is true that we are now subsidizing these trust funds, I am willing to live with reality. Let us only spend the dedicated taxes that we take in that are levied on the people of the United States, in gas taxes and in ticket taxes and other taxes that support this infrastructure. Let us only spend that.

I am willing to live with that. Are they? No, they are not, because in fact they are taking money out the back door to defray other expenses of the Federal Government. They are borrowing every penny that is accumulated in the trust fund balance, and it has been spent and replaced by IOU's.

It is also interesting to me that in a Congress that is interested in growth and investment, that we do not have a little more discussion from some of those in opposition about what it means to spend money that is invested. If you spend money in a bridge, a highway, in mass transit, that money will provide economic benefits for decades to come. Yet we treat that the same as money spent for a one-time expenditure of something consumable and thrown away by the Federal Government. Does that make any sense? It makes no sense whatsoever.

These funds are raised to be invested to improve the transportation and infrastructure of this country, and no one in this body can tell me or any other Member who is informed that we have met those needs, with bridges falling into the rivers and highways in disrepair and mass transit going unbuilt. We need to get these funds off-budget

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act.

Mr. Chairman, I support this legislation for many reasons because I believe that the infrastructure of our Nation is vital to our economic viability. This is true, and it is backed up by statistics that say that more than 40 percent of highway use is by businesses and small businesses alone.

Mr. Chairman, I have heard from small businesses in my district that are currently paying the largest taxes. They are also the largest job producing segment in my district and in districts all across the country. They make the largest contribution, small businesses do, to these funds, and they want to make sure that these trust funds are restricted and they are not used for other things than they are intended for.

I have heard from a constituent in my district, Melvin Rupp, a small business owner. If those in opposition to this legislation think that the people back home do not know what it is about, then they are sorely mistaken. Mr. Rupp and others in my district have urged me to do what is right, to protect these funds for their intended use, to stop using these funds for masking the deficit and to support a real balanced budget.

I ask strong support for H.R. 842, and thank our chairman and ranking member for the work they have done on it.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I thank the gentleman for this opportunity and rise in support of this bill.

The reason is, when you look at a rural district like I have in northwest Iowa and the tremendous infrastructure demands that we have in an agricultural area, our roads are crumbling. In the last 5 years the State of Iowa has been denied about $87 million that could have gone into roads and bridges, to build infrastructure, because we have decided to spend those dollars someplace else.

I am as conservative as anyone on the floor here as far as trying to balance the budget. If I thought that this was part of the problem, I would not be supporting this. But, in fact, our problem as far as the budget is our addiction to spending more money in social programs and consuming for today and not investing in the future.

What this is all about is putting dollars that are paid by users to go into infrastructure, to go into roads, to try and maintain our economy and to create jobs. I support this bill.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I rise today in strong support of H.R. 842, the Truth in Budgeting Act. This is a measure that will affect every American who buys gasoline in his or her car or buys airline tickets. Americans currently pay an 18.4-cent tax on gasoline and a 10-percent tax on airline tickets. This money, approximately $80 million

a day, is placed into the transportation trust fund and is supposed to be used to pay for urgently needed infrastructure such as maintenance of our highways. Instead, the Federal Government for years has been hoarding much of this tax money and using it to mask the true size of the deficit. This means the Federal Government is essentially stealing from Americans each time they travel.

What does this all mean to Ohio drivers? The Ohio Department of Transportation estimates that Ohio sends about $1 billion in Federal gas taxes to Washington annually. Unfortunately, the State gets back only about $600 million of that money. Of the remaining millions, $345 million is used to hide the size of the deficit while the rest of the money disappears into what ODOT calls a bureaucratic black hole inside the Beltway.

Mr. Chairman, I urge support and passage of H.R. 842.

Mr. SHUSTER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman, as manager, is entitled to close debate.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to oppose this proposal. This issue, Mr. Chairman, ultimately comes down to congressional accountability and integrity. If Congress removes the transportation trust funds from the budget and therefore budget scrutiny, it will set forth a dangerous precedent for the other 160 trust funds under Federal jurisdiction. The progress was made in last year's budget for funding the Pell grants, veterans health care and housing improvements for our military families would be at risk if the transportation trust funds were taken off-budget. If we take this action, where are these cuts going to come from?

Appropriations are not Houdini. If you tie our hands and drop us in a pool, do not expect us to get our heads above water.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. I thank the gentleman for yielding me the time.

Mr. Chairman, I often hear the refrain which I agree with that you ought to treat the Federal budget like you do your family budget, your business budget, maybe even your State or county government budget. I happen to believe in that maxim and I believe in another maxim. You ought to get what you pay for. And if you pay a dedicated tax, you ought to get what it is dedicated to. And if you pay 18.4 cents at the gas pump for roads and bridges and maintenance and construction, you ought to get 18.4 cents worth of roads and bridges and construction. So that is one essential reason that this is such a crucial vote today.

There is another reason. I want to deal with those who say, "If you take this off-budget, then it hurts other areas of the discretionary budget." Well, there is one thing that Republicans and Democrats agree on and that is the need for growth. There is one thing that unfortunately neither the Republican nor Democratic budget has in it, and that is adequate growth. The best I have seen is a 2.5-percent increase every year. The worst is 2.3-percent and neither one is a growth budget. This is growth. The only way you grow is to invest in your country, in your stock, in your physical infrastructure—your roads, your bridges, your water systems, your sewer systems, your airports, your locks and dams. that is how you grow. It has also been documented that building infrastructure also improves productivity, another key to growth. So if you want to grow and we want to make sure that there is adequate money in that budget for all the programs that are so important, you have to support growth. That means you have to support investment. That means you have to support this bill because this does guarantee the investment that is so important.

□ 1400

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, 1½ minutes is not very long. Let me tell you my version of why this is not a good bill.

Mr. Chairman, everybody is for using the gas tax receipts that go into the trust fund for the purpose of highway construction. I am for that. Let me make it very clear. Every cent raised in gas taxes has been spent for highway construction since it was first started in 1956.

Let me tell you my version of what the argument is really about. During the Vietnam war, we transferred some of the highway trust fund money for the war effort. That has now accumulated over the years additional interest, which is technically part of the trust fund. That interest now represents a cash balance of $19 billion. This is the issue. The authorizing committee would like to now have the authority to spend that additional $19 billion that has been accumulated in interest.

Let me tell you very briefly why that is not fair. Since 1956, we have spent approximately $41 billion out of the general fund for road and highway construction. We have spent approximately $41 billion out of the general fund for the construction of mass transit. We have authorized those amounts. That is why the cash balance has in fact already been spent. There should be a tradeoff. The $19 billion should not now be spent to shortchange other spending of the Federal Government and really disrupt our opportunity to balance the budget.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman is recognized for 3 minutes.

Mr. OBERSTAR. Mr. Chairman, we have heard now in the course of this rather lengthy debate from all the bogeymen with their scare arguments about unrestrained spending on transportation projects. The face is that there is restraint. It is written into the highway trust fund language, has been since the beginning in 1956, that this fund is antideficit, that it cannot run a deficit. It has not, and it will not.

But in addition to that, there is additional restraint or further restraint from the Office of Management and Budget, which must review and put its stamp of approval on highway funding requests from the Department of Transportation. There is review by the White House. There is review by the Committee on the Budget. There is review by the Committee on Appropriations. And there will continue to be, under this legislation.

The second argument about interest, you just heard a discourse a moment ago from our good friend from Michigan about interest. Would any of the members of the Committee on Appropriations, would any Member of this body argue that the Federal Government should not pay interest to purchasers of U.S. Treasury securities? Should we not have paid interest on war bonds for World War II or World War I? Should we not pay interest to those domestic and foreign interests that buy U.S. Treasury notes, that in fact underwrite our deficit? Should we welch to those who buy U.S. Treasury notes, not pay interest to them?

No, of course not. Nor should we welch on those highway users and aviation users and waterway users whose tax dollars are used to purchase U.S. Treasury securities and on which interest is owed.

That is what we are talking about here, fairness.

Then, finally, from various Members, that old pork-barrel nostrum, tired old argument, dragged out every time they run out of steam on the merits of the issues. The fact is, this is a fairness issue. People agreed to be taxed to build highways and bridges, to build runways at airports, to deepen our waterways and our ports. It was Abraham Lincoln who first said if you do not have a tax to build a waterway, you will never get the revenue out of that waterway to build this Nation, in 1848 as a Member of this body.

This is a basic fairness issue. You agree to be taxed for a benefit to be derived, and that is what this legislation is all about.

GENERAL IMPORTANCE OF TAKING TRANSPORTATION TRUST FUNDS OFF-BUDGET

Trust fund: Dedicated revenue stream—freeing the Transportation Trust Funds from the artificial and unnecessary constraints of the budget process will allow those desperately needed funds to reverse the deterioration of the Nation's infrastructure; and

Improved infrastructure will create jobs and increase the productivity and efficiency of our industries, thereby enhancing the United States position in this fiercely competitive global economy.

DECLINE IN INFRASTRUCTURE INVESTMENT

Infrastructure investment as a percentage of the gross domestic product [GDP] fell from 1.2 percent in 1980 to 0.8 percent in 1995;

Infrastructure spending as a percentage of Federal spending declined over the past 30 years from a high of 6.3 percent in 1965 to 2.8 percent in 1994;

Infrastructure spending from 1981 to 1992 fell by $12 billion from $43.9 billion in 1980 to $31.9 billion by 1992, in constant dollars;

At the same time, our economic competitors have been devoting substantial resources to their long-term investments: Japan is spending $3 trillion over 10 years to improve its infrastructure; Germany is investing nearly $2 trillion in infrastructure to fully integrate its eastern states into Europe's most powerful economy; and even Taiwan is proposing to spend more than $100 billion over 5 years to improve and expand its infrastructure;

Overall, the U.S. ranks 55th in the world in infrastructure spending, based on 1993 statistics; and

Our lack of investment is affecting our Nation's ability to compete—from 1979 to 1989, the United States productivity growth rate was only 35 percent of the average of other industrialized countries.

REAL LIFE CONSEQUENCES OF DECLINE IN INFRASTRUCTURE INVESTMENT

Our failure to develop our transportation infrastructure has had serious, real-life consequences;

Commuters waste 2 billion hours annually sitting in traffic because of freeway delays—costing our economy $45 billion per year in wasted fuel and lost productivity in our Nation's 50 largest cities alone;

Fifteen locks on the inland waterway system average more than 3 hours of delay per barge ton because of antiquated and outdated locks and dams;

Projected growth will also occur under the budget proposals of the Republican Congress. In fact, that was the case with the budget resolution the Budget Committee brought to the House floor last year;

Taking the Transportation Trust Funds off budget would not add to the deficit; and

In scoring H.R. 842, CBO said, "By itself, taking programs off-budget does not change total spending or revenue estimates for Congressional score keeping purposes."

UNIQUENESS OF TRANSPORTATION TRUST FUNDS

They are wholly self-financed by the user;

They have dedicated revenue sources;

They are self-supporting, operating on a pay-as-you-go basis;

They are deficit-proof, with expenditures limited to receipts

They invest in infrastructure capital programs; and

They finance long-range construction programs, which benefit from certainty in funding.

TAKING THE TRUST FUNDS OFF-BUDGET DOES NOT MEAN WE WOULD LOSE CONTROL OF SPENDING

Taking the Transportation Trust Funds off-budget also does not alter the current authorization and appropriations process;

According to CBO, "The likelihood and amount of potential increase—in transportation investments—are very uncertain because they depend upon the future actions of both the authorizing and appropriations committees;"

Under H.R. 842, the Secretary of Transportation and the Secretary of the Treasury would review Aviation, Inland Waterways and Harbor Maintenance Fund spending annually and reduce proportionately for any trust fund in which projected revenues would exceed authorizations;

That review is similar to the so-called Byrd amendment in the highway program which insures that the Highway Trust Fund can never operate in a deficit;

All Transportation Trust Fund expenditures would be limited to receipts and subject to authorizations legislated by both Houses and signed into law; and

The Appropriations Committee could still continue to include an annual obligation ceiling on transportation programs to control spending further.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I am completely opposed to this amendment because it is such horrible, horrible policy. It misses the fundamental point of how we raise money, of how we tax and why we tax and what the circumstances are for taxation.

The fact is, why do we tax gas? Sure, there is some connection between the tax that is raised and spending on the roads. But we tax gas because we can tax gas, because we are able to tax gas, the same way that we tax tobacco and alcohol and income and tariffs on goods that come into this country. It fundamentally misses the whole point. Once you go into this kind of a policy, you are running down a slippery slope that makes absolutely no sense whatsoever.

This is just terrible, terrible policy. Do we take all of the money that we tax alcohol and tobacco with and put it into the BATF? I do not think so. Do we take all of the money that we use taxing goods that come into this country under tariffs and use it to fund the customs agency? No.

This notion, and maybe what this means is we should not have had a trust fund in the first place. I will grant you that. But the idea that somehow this is separate and that it ought to be absolutely dedicated only to one thing just completely misses the fundamental model of taxation, the fundamental model of why we do this in the first place. When you understand that, then you understand that this whole bogey about interest and we should be paying interest on this phony trust fund that does not exist becomes a nonargument completely.

Mr. SABO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I expect, like in all of these debates, certain things are overstated on both sides. But the reality is, again, there is simply no Santa Claus, no little secret pool of money, that someone can spend that does not impact deficits.

Deficits on a year-to-year basis are based on revenue coming in and outlays going out. The reality is, I listened to the advocates of this proposal, and it sounds like there is going to be a lot more money to spend on highways, but it is not going to cost anything. I do not know where the money is coming from.

The reality is that since 1981 we have spent more on highways that the total collected from the gas tax, even adding in that very generous interest allocation to the highway trust fund.

The reality is that in current years, 1994, 1995, we are spending more than what we are getting in gas tax, more than what the trust fund is getting in this very generous interest allocation to the trust fund. So the gas tax is not subsidizing anything else.

The question is whether we should take some of this surplus in this fund, which accumulated in the seventies, peaked in 1979, and start spending that now beyond current revenues, beyond interest, at a point in time we are trying to move to get our Federal budget balance of revenues and outlays in order.

The advocates say now we are going to do it. We are going to give this program priority over everything else, and if this goes up, the balance of funds coming down, something else has to be cut deeper. That is just simply the reality, if you want to hit a deficit target or try to get in balance.

If you do not want to hit a deficit target year by year, or if you do not want to be in balance within 6 or 7 years, or 5 or 8, whatever one has in mind, then you can do this. But if you have a deficit target in mind, this is a dollar-for-dollar trade-off with other priorities.

So I think we make a mistake when we set up these little kingdoms, removed from the normal budget process, that say you can go ahead and do what you like; removed from all the other arguments, the give-and-take of the legislative process, in setting our priorities on a year-to-year basis.

It is not going to be the end of the world, but it is just a foolish step to take at this point in time, so I would hope the House would defeat this bill.

Mr. SMITH of Michigan. Mr. Chairman, I yield the balance of my time to the gentleman from Connecticut, Mr. SHAYS, one of the distinguished leaders of the Committee on the Budget.

The CHAIRMAN. The gentleman from Connecticut is recognized for 1¾ minutes.

Mr. SHAYS. Mr. Chairman, there are arguments on both sides. It is not so cut and dry that it is so obvious to all of us. But while some call this the Truth in Budgeting Act, and they are right to call it that, there would be some truth in budgeting, I would call it the Unbalanced Budget Act of 1996, or, frankly, the pork barrel bill of 1996, because what it means is we are going to provide $50 billion more and make it available to people who want to spend on roads and bridges.

There is an opportunity cost. If you spend $50 billion more here, you have to do something to compensate. Are we going to cut defense? No. Are we going to raise taxes? Out of the question. So what it means is there will be, in my judgment, continued deficits to the tune of $50 billion.

Mr. Speaker, the Concord Coalition says, "Passage of this legislation would severely jeopardize the chances of balancing the Federal budget and would be detrimental to the budget process."

The National Taxpayers Union says, "Placing these trust funds off budget is nothing less than a ploy to increase spending."

The Citizens Against Government Waste say, "The Truth in Budgeting Act sounds great to the public, but it is simply a ruse to increase the $5 trillion national debt."

The Americans for Tax Reform say, "American taxpayers want real reform of the budget process and not business as usual. They are depending on you to lead the fight in protecting the American taxpayers from the special interests who are trying to escape the scrutiny of fiscal responsibility."

The Committee for Responsible Federal Budget says, "Proponents of H.R. 842 want to make some spending invisible, pretend that it pays for itself, and thus insulate favored programs from regular review and scrutiny."

Citizens for a Sound Economy say, "Shielding the transportation trusts from fiscal scrutiny and accountability perpetuates pork-barrel spending and works counter to all efforts to reduce the deficit control government standing."

This is happening under our Republican watch? We are going to all this to happen, when we have purported to want to balance the budget by the year 2002.

In my judgment, Mr. Speaker, this is a dead end, and I hope we reject it.

The CHAIRMAN. The gentleman from Pennsylvania is entitled to close debate and is recognized for 7 minutes.

Mr. SHUSTER. Mr. Chairman, many of the speakers today who have expressed their opposition to this legislation have said time-and-time again that if this passes, it would be more difficult to balance the budget.

Let us think about that for a minute. I would suggest that that is a clear, implicit, admission that their intention is to continue to use these transportation trust funds to mask the size of the deficit.

Now, nobody has had the courage really to stand up and say that directly, to say, yes, we want to use these transportation trust funds to mask the size of the general fund deficit, but that is the only logical inference one can draw. That is implicit in their statement. They apparently think it is right. Many think it is wrong. Some 224 Members of this body, a majority, have cosponsored this legislation.

My good friend talked about Republicans. Republicans historically in the past have voted, over 60 percent of Republicans, in favor of taking these transportation trust funds off budget, because they see this not only as a financial issue, but as an issue of honesty in government.

Indeed, many of us believe that it is wrong to tell the American people we are going to take your gas tax or we are going to take your airplane ticket tax, promise you we are going to use it for transportation improvements, and then instead not spend the money and use it to mask the size of the general fund deficit.

My good friend from Ohio said there is no difference between these trust fund taxes, these user taxes, and general taxes. He is certainly entitled to his point of view. However, that is not really what we are debating today.

Over the years this Congress has said the trust funds are different. Why would we call them trust funds if they were not any different? They are different because, in our case here today, these user fees are paid for and a promise is made they will be spent for the purpose intended.

Facts are stubborn things, and we have heard an awful lot of rhetoric and even a little bit of myth here today.

□ 1415

We have heard, quote, more money has come in to the trust fund than has gone out. That is interesting. Is there or is there not a $30 billion balance in the trust fund? Does anybody dispute it? Right there on the chart are the balances from the Treasury Department. Does anybody here dispute there is a $30 billion balance in the transportation trust funds? Well, I think not, because that is a fact. Facts are stubborn things.

We have heard that if this passes we will have a blank check for spending. We have heard that spending will be uncontrolled. We have heard this is a Santa Claus. Well, I would suggest that Pinnochio is a more accurate comparison, because this Government has played Pinnochio, lying to the American people and saying that if they pay their gas tax that we will spend it in transportation; pay your aviation ticket tax and we will spend it, and then we have not spent it. A $30 billion balance.

Indeed, we have also heard that the line item veto will not apply here. Well, we have said and I have said in the debate very clearly that the line item veto does apply. However, there seems to be some dispute over that, so I will offer an amendment to make it very clear that the line-item veto does apply. So this is unprotected? Unprotected with a line item veto?

But that is not all, Mr. Chairman. Does anybody dispute the fact that if this passes the Committee on Appropriations still has the jurisdiction and the authority to set the obligational ceiling? I have heard nobody disagree with that. I would expect nobody would because it is a fact. Facts are stubbon things, and the fact is if this passes, the Committee on Appropriations will continue to have the authority to set the ceiling on what can be spent each year.

We have even heard this referred to as an entitlement. Well, facts are stubborn things. It is not an entitlement. That is a fact. This is subject to annual control. The annual control of the Committee on Appropriations, the annual control of the President in his line-item veto.

So, indeed, facts are stubborn things, and there are substantial controls, perhaps the most important of which is, under the law you cannot spend a penny out of these trust funds unless the money is there to pay the bills. This program, these transportation programs are deficit proof.

Oh, if we only had other programs like this that would be deficit proof, then, indeed, we would not have the massive deficit that we have.

We have also heard that the interest technically, technically, is being counted here. Well, I guess it is a small technicality. It is called the law of the land, which says if an individual buys a Government bond they get interest on it. And so the Treasury Department, under the law, must pay that interest.

Indeed, the Social Security trust fund, in its reserves, nearly 50 percent of the reserves in the Social Security trust fund is based on interest. Are we going to tell the American people, aha, we are not really going to count the interest in the Social Security trust fund. Of course not. And let us be equally fair here. Obviously, under the law, the interest must be counted.

We have heard about the so-called special interests that support this. Well, I guess there are 260 million special interests called the American people who will benefit from better highways and better airports, but there are some other special interests. The National Federation of Independent Businesses, the Small Business Legislative Council, the American Farm Bureau, the National Grange, the Air Traffic Controllers, who care about safety. And we all better care about safety and spend some more money to make our

air traffic control system safe. Women First. On and on the list goes.

But let me share with you some other so-called special interests. The National Association of Counties across America. Is that a special interest? The National Conference of State Legislatures. Is that a special interest? The National League of Cities, where our people live in urban areas. Is that a special interest? No. Many, many, many Americans strongly support this because we need fairness, we need honesty in budgeting and we need to live up to our promises to the American people.

And let me also emphasize in closing that while we have heard the argument what about the other trust funds, the transportation trust funds are the only trust funds that are totally user financed, that are deficit proof, that are not entitlements but annually controlled. These are, indeed, different, and for that reason we should vigorously support this legislation.

Mr. CRAMER. Mr. Chairman, I rise in support of the Truth in Budgeting Act of 1996 and in opposition to Mr. MINGE's amendment ending off-budget status of the trust fund if there is funding for transportation projects from general revenue.

Initially, the creation of the transportation trust funds assured our state and local governments a steady, dependable stream of Federal assistance necessary in undertaking long-term projects. Those who benefited from the transportation programs paid for the program.

Today, inclusion of these trust funds in the unified Federal budget has resulted in enormous surpluses—moneys which are desperately needed for improvements to our Nation's transportation systems.

Specifically, I must oppose Mr. MINGE's amendment. It provides off-budget status would cease if any general funds are spent on the construction, rehabilitation, and maintenance of highways or grants-in-aid for airports or for aviation-related facilities, equipment, and research engineering.

This amendment is too broad as it would cover any highway or aviation general-fund spending. For example, if a law coming from a committee, or a report accompanying a law coming from a committee provides general funds for any highway or aviation program, the off-budget status of the transportation trust funds would end.

On the issue of general funds, let me give a few examples: if there were general funds appropriated through EDA or DOD that could be used for highway purposes, then under the amendment the trust funds would no longer be off-budget. Even if there were general funds appropriated for highway or aviation research and development that too would put the trust fund back on-budget.

Mr. Chairman, anyone who supports H.R. 842 should oppose this amendment.

Mrs. KELLY. Mr. Chairman, I rise in strong support of H.R. 842, legislation which will restore honesty and integrity in the manner in which we utilize the transportation trust funds.

H.R. 842 will remove the four transportation trust funds—the highway trust fund, the airport and airway trust fund, the inland waterways trust fund, and the harbor maintenance trust fund—from the totals of the budget submitted by the President and the congressional budget.

In other words, the bill takes these trust funds off budget and puts a stop to the time-worn practice of using them to mask the size of the deficit.

The legislation should be adopted for a number of reasons, Mr. Chairman. Investment in infrastructure means jobs for American companies and American workers. Improved infrastructure also translates into a more productive economy, and boosts our competitiveness in the world market.

The most important reason to pass H.R. 842, however, is trust. Every time a motorist fills up at the gas pump, they do so with the understanding that the Federal gas taxes they are paying will be invested in new and improved roads, bridges, transit systems, and other needed infrastructure improvements. By failing to use these moneys for their intended purpose we are, in effect, violating that trust.

This failure to live up to the public trust comes at a price, as well. It is estimated that New York has lost nearly $390 million between the years of 1992 and 1996 due to the failure to fully fund the program at authorized levels.

Let's keep our promise to the American people, Mr. Chairman, and use the trust fund moneys for the purpose for which they were intended—developing and improving the Nation's roadways, airways, and waterways.

Mr. DOYLE. Mr. Chairman, as a cosponsor of H.R. 842, the Truth in Budgeting Act, I rise today to urge my colleagues to view this legislation not solely as a transportation issue, but as an issue on tax fairness.

The Truth in Budgeting Act would move our Federal transportation trust funds off budget, separate from the Federal unified budget. Currently, with these funds "on-budget" the surpluses are used to mask a portion of our true budget deficit which prevents these funds from being used in the manner they were intended. During this time of severe budgetary pressure, it is critical for State and local governments to receive general funding support, and should benefit equitable from the transportation taxes-user fees they send to Washington to be used for transportation purposes.

As I have the privilege to represent the 18th Congressional District of Pennsylvania, I can most assuredly tell you that my constituents are concerned about funding for vital transportation projects in the southwestern part of our State. Many of you are probably familiar with the equipment problems the towers at the Pittsburgh International Airport have been experiencing. Along with the FAA Revitalization Act, H.R. 2276, this bill will help to ensure that such incidents of grave public and transportation safety will receive the urgent response they demand.

The Truth in Budgeting Act would also enhance our communitys' abilities to plan important infrastructure investments and complete transportation projects. A community's mobility is a measure of its quality of life and the competitiveness of its economy. The efficient, cost effective movement of people and goods is vital for individuals and for the businesses that contribute and bolster our Nation's economy. The decline of the industrial corridor of southwestern Pennsylvania in the 1980's has been well documented. The loss of employment opportunities effected nearly one-half million people from the Mon Valley. A decade later, there remains a significant amount of work to be done to combat this economic devastation.

The Mon Valley Expressway would for the first time provide this region physical and economic access to Pittsburgh. I am confident that the Mon Valley Expressway will prove to be as much of an infrastructure and economic success as I–279, and the East and West Parkways. We cannot afford to not complete economically rejuvenating projects such as the Mon Valley Expressway.

As an advocate of capital budgeting and economic development, I urge my colleagues to support H.R. 842, the Truth in Budgeting Act.

Mr. EWING. Mr. Chairman, I rise today in support of H.R. 842, the Truth in Budgeting Act. Strong and persuasive arguments have been presented on both sides of the transportation trust funds off budget issue. However, I believe the overriding issue is that the American public should receive $1 worth of value for every dollar of dedicated user taxes for transportation improvements collected by the Federal Government and that such funds should not be used to mask the size of the Federal deficit. This is not a debate about balancing the budget, it is a debate about honesty in government! If all of the specific transportation user taxes are not going to be used for transportation improvements, then the amount of user taxes collected for the trust funds should be reduced.

Let's be clear about the debate today. The Budget and Appropriations Committees object to moving the dedicated transportation trust funds off budget because they will lose the ability to apply the unexpended balances in the trust funds back against other total discretionary spending levels in the budget—thereby keeping spending in other budget functions under the legal spending caps. They argue that removing the trust funds from the unified budget will result in more pork barrel spending, drastic cuts in other discretionary programs, and make it impossible to balance the budget.

The truth is most of the funds paid out of the transportation trust funds are disbursed to States through established formulas. The Appropriations Committee can always choose not to fund pork barrel highway demonstration projects. The president will have line-item veto authority starting in 1997. Appropriators and budgeteers are playing shell games when they apply paper excesses in one government account back against real borrowing for real deficit spending in other areas of the budget. Finally, collecting taxes for a dedicated purpose, and then using the taxes to support other unrelated spending is dishonest and not fiscally responsible, and it is certainly not the right way to balance the budget!

Testimony before the Transportation and Infrastructure Committee, from all segments of the transportation community, leave no doubt that the demands upon our Nation's existing transportation infrastructure are going to increase significantly over the next decade.

Since our Nation's transportation infrastructure is already under funded, it stands to reason that this disparity will only continue to grow under the current arrangement. This situation is particularly damaging to States like Illinois, which pays more in taxes than it receives in benefits. When the total appropriated amount is reduced it is donor States, like Illinois, Michigan, New York, and California that are hurt the most, because they must wait until other States are paid their guaranteed allotments before their greater needs are funded. Placing the transportation trust funds off budget is the best way to correct this funding disparity, and why not? The taxpayers of these donor States are already paying for it!

In closing, I want to urge my colleagues to accept the premise, if Congress is going to mandate dedicated transportation user taxes, then Congress has a responsibility to ensure the public that these taxes are being used for their intended purpose—not to hide other deficit spending. The condition of our Nation's transportation infrastructure is critical to our Nation's economic health, let's protect the transportation trust funds. Vote aye on H.R. 842.

Mr. EVANS. Mr. Chairman. I rise today in support of H.R. 842, the Truth in Budgeting Act which would restore our Nation's transportation trust funds to their original purpose of serving the people. This bill would also restore the trust of the American taxpayer who has contributed billions of dollars in taxes and user fees to maintain this country's transportation infrastructure.

We have certainly abused this trust by allowing our Nation's roads, trains, airways, and waterways to deteriorate. Our transportation infrastructure is in desperate need of the money that will be freed by removing the trust fund off budget. According to a recent Department of Transportation report, approximately 30 percent of the interstate pavement on our highways is in poor condition. In fact, there are about $360 billion in unmet highway and bridge needs in this country.

Because of fiscal constraints, the Centennial Bridge in Rock Island County, IL, has fallen into severe disrepair. However, if these trust fund dollars are released for the purposes intended, the bridge authority will be able to make infrastructural improvements needed to keep this major crossing of the Mississippi River safe and viable for years to come.

I also share the outrage of many of my constituents about last year's drastic cuts in transit funding. Hard-working Americans have paid their fair share to help maintain healthy mass transit systems. Mass transit is the lifeblood of our cities and our suburban and rural communities. It provides a way to work for millions of middle- and low-income Americans. We cannot continue to jeopardize their livelihoods by using these transit dollars for other unintended purposes.

We cannot continue to use the billions of dollars accrued in the transportation trust funds used to mask the true size of the deficit at the expense of deteriorating roads, bridges, and tunnels, and failing bus terminals and airports. The American people have suffered long enough. The time has come to allow these funds to rejuvenate our decaying infrastructure. We need to maintain a safe, efficient, and cost effective transportation infrastructure.

This vote presents us the opportunity to meet critical highway and transit needs with honesty and accountability. I urge my colleagues to restore the faith the American people have given us by supporting this Truth In Budgeting Act.

Mr. EMERSON. Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act, because it does just that: it requires Congress to be truthful with the American people about where their money is going. We have made reducing the Federal deficit a major theme of this Congress, and yet some want to continue to use the transportation trust fund to hide the true size of the deficit. Ladies and gentlemen, that is smoke and mirrors, plain and simple. We must be consistent with our approach to tackling this country's fiscal problems. We cannot simultaneously talk about cutting the deficit and eliminating unneeded programs and yet continue to engage in a policy that does not honestly address the true size and nature of our deficit. This Congress needs to be truthful with the American people.

Mr. Speaker, we have been persistent and determined in our attempts to balance the budget because we know that our current spending patterns are taking away from future generations. The same issue applies here. Money set aside for the transportation trust fund should be used for transportation and infrastructure projects that will benefit our children and grandchildren. This money should not be subject to the political whims of the day because it is, quite literally, an investment in this Nation's future. By taking this fund off-budget we are ensuring that the money necessary to maintain and expand our current national transportation system will be available as this country moves into the 21st century. My home State of Missouri continues to fall behind in its infrastructure needs. It is imperative that as Missouri and other States expand their markets abroad and increase their exports that we maintain our vast network of highways, railways, ports, and airports.

Experts from around the country have told us that investment in our transportation system is a key ingredient to America's competitiveness and economic vitality in the next century. However, the 1995 budget resolution reduces transportation spending by 20 percent by the year 2002, precisely the time when our Nation will be in need of major infrastructure repairs. In fact, the Department of Transportation estimates that this country needs to invest an average of $74 billion annually over the next 20 years on transportation projects—that is double what was spent in 1994! Whether or not everyone agrees with these figures, the facts are obvious enough: the United States needs serious investment in our transportation system in the coming decades, and an off-budget trust fund ensures that we have the money that is necessary.

Mr. Speaker, this trust fund is made up entirely from user fees. It is very obvious that those fees should go to pay for infrastructure repairs and nothing else. That is what a user fee is for—to maintain and expand the services that require the fee. To spend it on anything other than what it is intended for is bad policy and downright dishonest, and I reject the notion that we can just take this money and use it as general revenue.

Mr. Speaker, for the safety of our children and to promote the economic growth of our country, we must ensure that the Nation's infrastructure and transportation system is not allowed to decay and collapse. That is why I urge my colleagues to be truthful with the American people and support the Truth in Budgeting Act.

Mr. COSTELLO. Mr. Chairman, I want to express my strong support for the bill, H.R. 842. As a cosponsor of this important legislation, I believe taking the self-financed trust funds off budget is not only appropriate but necessary.

Currently, the accumulated cash balanced of the highway trust fund, the airport and airways trust fund, the harbor maintenance trust fund and the inland waterways trust fund exceeds $30 billion and will reach as high as $77 billion by the year 2002. When these trust funds were credited, the users who contributed to the funds believed their taxes would go toward necessary improvements and maintenance of the Nation's transportation system. Because of the direct connection between the tax imposed and the benefit derived from improvements in transportation infrastructure, taxpayers strongly support the payment of transportation user fees. This support will not continue to exist if the trust funds continue to be used to make the Federal deficit appear smaller.

Taking the transportation trust funds off budget will restore faith with the taxpayers. But this issue is not only about tax fairness, it's also about jobs and economic productivity. Every dollar spent in highway, transit and aviation construction improves a nationwide system upon which the people and commerce of the United States depend. Our transportation system continues to be our Government's best investment. Since the 1950's, as much as 25 percent of America's productivity growth can be credited to infrastructure improvements. For example, recent Department of Transportation studies show that every $1 billion invested in highway construction and enhancements yields 42,000 good high-wage jobs.

These are among the reasons why I am supporting H.R. 842 and why I will work for passage of this important legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act. This legislation is critical to the viability of the Nation's highway program and to ensuring tax fairness.

The transportation trust funds were created with a special obligation between Congress and transportation users—that these user fees would be used to construct, rebuild and maintain our Nation's transportation infrastructure. Currently highway users contribute over $5 billion annually toward deficit reduction. Further reductions in spending from this program will increase trust fund balances and ignore the commitments made to taxpayers.

Mr. Chairman, while budgetary manipulation restrains investment, America's transportation needs continue to grow. The Department of Transportation recently reported that just to maintain current conditions would require an

annual investment of $44.8 billion for highways, $5.1 billion for bridges and $7.3 billion for transit systems. Actual 1993 outlays for these purposes were $34.8 billion by all levels of government. Airport needs alone are estimated at $10 billion annually. It is argued that transportation should make a contribution to reducing the deficit. The truth is, that since 1990 transportation users already have contributed more than $30 billion to deficit reduction through diversion of part of the Federal motor fuels tax to the general fund. Both congressional and administration budget plans would result in transportation spending reductions and increases in trust fund balances to offset the deficit.

Mr. Chairman, concerns have been expressed about the impact on the deficit and other programs of taking the transportation trust funds off budget. These concerns are unfounded. Removal of the trust funds from the unified budget itself will not increase the deficit, will not mandate cuts in other programs, will not restrict the Appropriations Committee's ability to set transportation spending levels. In a written cost estimate the Congressional Budget Office has ruled that taking the trust funds off budget would not result in any change to the deficit. Mr. Chairman, by passing this bill, Congress will retain its pivotal role in setting spending and policy priorities in transportation.

Mr. Chairman, it is necessary only to drive to work these days to be reminded that America's transportation infrastructure needs some heavy duty work. The winter's lingering potholes and the traffic jams are only part of the evidence that not enough is being done to improve the Nation's mobility. It is time to make the situation right and surely not allowing more and more deterioration. But making it right means allowing the balances in the trust funds to be spent down in a responsible manner. It means helping to meet the billions of dollars in unmet needs on highways, bridges, transit systems and airports.

Mr. Chairman, without this legislation it is likely that the balances in the trust funds will continue to increase and there will be fewer resources available for the Nation's transportation infrastructure. The transportation trust funds must be removed from the unified budget so that we can keep our commitments to the highway users and to future generations. I urge my colleagues to support H.R. 842 the Truth in Budgeting Act.

I yield back the balance of my time.

Mr. RAMSTAD. Mr. Chairman, I rise today in opposition to H.R. 842, which would take the transportation trust funds off-budget, thereby giving them special status so the rules that apply to almost all other portions of the budget would not apply.

I certainly appreciate the important role the Federal Government plays in maintaining Federal highways and helping States to build and repair State and local roads, highways, bridges and mass transit projects. I also understand the concerns of States whose citizens contribute more in taxes to the trust funds than they receive back in transportation assistance from the Federal Government.

While at one time I supported this proposal, I now believe that taking the trust funds off-budget is not the most responsible or appropriate solution to the transportation funding problem. I also believe it would cause a budgetary nightmare that would make our efforts to balance the Federal budget—already a Herculean task that we have yet to complete—virtually impossible.

Rather than having some States receive less than their fair share back from the highway trust fund, we should reform the structure by which the Federal Government collects taxes and returns money back to the States for transportation projects. If a State were allowed to keep the money, it would be better able to plan and execute highway construction and upkeep.

The main problem with H.R. 842 is the impact it would have on our efforts to balance the Federal budget. Balancing the budget must be our highest priority. The Congressional Budget Office [CBO] has estimated that taking the trust funds off-budget would increase the Federal budget deficit by more than $20 billion over the next 5 years. That means we would need to find an additional $20 billion in order to balance the budget. Where would the $20 billion in cuts come from? Education? Environmental protection? Medical research?

The Federal Government has spent $6 billion more on transportation projects than it has collected in gas taxes since the creation of the highway trust fund in 1957. The $19 billion surplus everyone talks does not exist in any form other than an accounting entry at the Department of the Treasury.

Because of my overriding concern about the impact this legislation would have on our efforts to balance the Federal budget, I must vote against this bill.

Mr. TRAFICANT. Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act, which would take the Federal transportation trust funds off-budget. I want to commend the chairman of the Transportation and Infrastructure Committee, BUD SHUSTER, and the distinguished ranking member of the committee, JIM OBERSTAR, for their perserverence in getting this important legislation to the House floor.

H.R. 842 takes the highway, aviation, inland waterways, and harbor maintenance trust funds off budget. As one of the bill's original cosponsors I urge all of my colleagues to look past the "sky is falling" rhetoric of some of its opponents and support the bill.

The four transportation trust funds have proven to be an effective way to raise the necessary revenue to pay for many of the varied transportation needs of the country. Unfortunately, the vast revenues generated by the trust funds have been used to mask the true size of the Federal deficit.

Some have argued today—and they've bolstered their arguments with testimonials from some of the Nation's leading economic experts, the same experts, by the way, who brought us NAFTA and GATT, that the transportation trust funds should make a contribution to reducing the deficit. The fact is, since 1990 transportation users already have contributed more than $30 billion to deficit reduction through the diversion of part of the Federal motor fuels tax to the general fund.

There is a huge surplus in the trust funds—surpluses that are projected to grow by leaps and bounds in the years ahead. Under the President's most recent budget plan, the highway trust fund alone would make the third largest contribution to deficit reduction—only Medicare and Medicaid would be cut more.

Let's put this in perspective. According to the Alliance for Truth in Transportation Budgeting, from fiscal years 1996 to 2002, the balances in the highway trust fund will almost triple from $21 billion to $60 billion—an increase of $39 billion. The $39 billion increase will be used on spending in the rest of the Government—these are funds that are supposed to be used only for transportation purposes. There is no justification to collect transportation user fees for the purpose of hiding Government spending in other areas.

This is what today's debate is all about. Are we going to continue diverting the bulk of the balances in the transportation trust funds to shield the true size of the Federal budget deficit, or are we going to spend the revenues generated by the trust funds on their intended purpose? If we don't pass this bill, then we should be honest with the American people and do away with the trust funds and simply call the transportation user fees what they really are: taxes.

The current transportation and infrastructure needs of the country are indeed staggering. The U.S. Department of Transportation estimates the backlog of needs for our Nation's highways and bridges totals $315 billion. Airport investment needs are estimated at $10 billion a year, while it will cost an estimated $8 billion a year simply to maintain the Nation's transit systems.

Even if we spent all of the money generated every year by the transportation trust funds we would not be able to meet all of this Nation's transportation needs.

And H.R. 842 would not result in all of the money in the trust funds being spent every year. Under H.R. 842, spending from the trust funds would still have to go through the normal appropriations process. Congress would still have a final say on how much is spent on transportation.

But H.R. 842 will preserve the fiscal integrity of the trust funds by ensuring that the revenue is spent on transportation projects and not used to mask the size of the federal deficit.

Would H.R. 842 result in more Federal spending on transportation projects? Yes it would, and I say bravo. Keep in mind that this spending is not deficit spending—it is spending that will already have been paid for through the transportation user fees. H.R. 842 will ensure, for the first time, that these user fees are exactly that and not simply another tax that goes in the black hole known as the general fund.

One final note. If any of you are concerned that H.R. 842 will put a squeeze on other needed Federal programs, let me remind Members of two key points:

First, transportation spending would still have to be approved by the Appropriations Committee; and

Second, 42,000 jobs are created in America for every $1 billion invested in Federal transportation projects.

The bottom line is, Congress will never balance the Federal budget unless the American economy continues to grow. Unless the Congress takes action now to make the needed

investments in our Nation's infrastructure, our economy will wilt on the vine, we will continue to lose jobs, and America will cease to be the economic leader of the world.

Vote "yes" on H.R. 842.

Ms. BROWN of Florida. Mr. Chairman, I want to thank the entire leadership of the Transportation and Infrastructure Committee for being so diligent in bringing the issue of investment in our Nation's infrastructure to the attention of the American people. You should be commended for all of your efforts in getting this bill to the floor for a vote, despite the strong opposition of H.R. 842 by powerful Members of the House.

As a cosponsor of H.R. 842, the Truth in Budgeting Act, I believe that moving the trust funds off budget is vital to ensuring that we will be able to meet the vast infrastructure needs of our Nation's transportation systems, provide adequate funding for the National Highway System, and ensure that ISTEA is fully funded.

The current, documented, unmet transportation infrastructure needs of our Nation are enormous. Those needs are $212 billion to fix 265,000 miles of highways which are below acceptable engineering standards; $78 billion to fix 238,000 bridges which are rated as structurally deficient; and $80 billion in public wastewater treatment facility needs.

I represent Florida's Third Congressional District which includes four interstate highways, two international airports, eight regional or commuter airports, a major seaport, and a river used extensively for intrastate commerce.

Every year, I assist these Florida transportation facilities in getting Federal dollars. But there is never enough money to meet all of their needs. I would like to enter into the RECORD a letter that I just received from the FAA talking about severely limited AIP funds and denying a funding request from the Gainesville Regional Airport. The city of Gainesville's airport is not the only airport affected by the AIP funding situation. Of the Nation's top 100 airports, 23 are incredibly congested, and would use additional funds for expansion purposes.

We would be able to address some of these transportation needs if the transportation trust funds are moved off budget. The four transportation trust funds, highway trust fund, aviation trust fund, inland waterways trust fund, and the harbor maintenance trust fund are unique in that they are wholly user financed, invest in transportation infrastructure, and are deficit proof. Taking highway trust funds off budget frees up $1.1 billion for ISTEA spending.

I urge all of my colleagues to support this good bill which will ensure that taxes paid by the American people for more roads, expanded transit systems, safer bridges, updated equipment for our air traffic control centers, adequate number of Coast Guard stations, and for many other transportation purposes are used for those purposes.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, DC, April 5, 1996.

Hon. CORRINE BROWN,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN BROWN: Administrator Hinson has asked me to respond to your letter supporting a request for Airport Improvement Program (AIP) funding to reimburse the city of Gainesville for expenses involved in acquiring property through inverse condemnation.

The city of Gainesville's request for fiscal year (FY) 1996 noise discretionary funds was considered carefully. Because of severely limited AIP funds, including those funds designated for noise compatibility and planning, we rely strongly on our priority-rating system to select projects for funding. This rating system considers the type of work and the activity level of the airport when assigning the priorities. Unfortunately, based on its priority, we do not have sufficient funding to approve a grant for Gainesville's noise project at this time.

I assure you that the Federal Aviation Administration (FAA) will continue to work with the city to provide reimbursement for the land acquisition already completed. Toward that end, we will retain the city's grant application on file for future consideration as funds become available. We are hopeful that reauthorization of the AIP beyond FY 1996 will provide adequate funding and allow us to carry out these intentions.

The FAA continues to support the Gainesville Regional Airport through AIP entitlement funds. A current year project has been approved totaling $1.66 million in Federal funds to continue the expansion and renovation of the terminal building.

If we can be of further assistance, please contact Mr. A. Bradley Mims, Assistant Administrator for Government and Industry Affairs, at 202-267-3277.

Sincerely,

JAMES H. WASHINGTON,
Acting Associate Administrator for Airports.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to H.R. 842 and urge my colleagues to reject this legislation. While I understand and support the need for significant investments in our Nation's transportation infrastructure, I do not think that Congress should be unfairly protecting transportation spending from the current fiscal realities we face. The plain fact is that, if we pass this bill and take the transportation trust funds off-budget, we will be forced to cut remaining domestic discretionary on-budget programs deeply to make up the difference.

Sure, highways, airports, bridges, and roads are critical to the long-term economic strength of the Nation. But are they more important than say, education, health care, or the environment?

The present unified Federal budgeting system includes all Federal spending, revenues, and borrowing within its totals, exempting only Social Security and the Postal Service from its calculations. This system, although not flawless, provides us with the clearest picture currently available regarding the impact of the Federal budget on the economy, and allows us to objectively prioritize and weigh Federal spending needs.

Even Federal Reserve Chairman Alan Greenspan has been vocal in his opposition to moving the transportation trust funds off-budget. He has said such an action "would lead to fragmentation in the budgeting process" and would "weaken the ability of Congress to prioritize and control spending effectively."

If we take transportation trust funds off-budget, who next in Washington will be seeking similar relief? What interest groups will be flooding the hall of Congress seeking similar preferential treatment for their targeted trust fund dollars? One-third of total on-budget Federal spending is in trust fund programs, 160 programs across the board. Should these other programs also be taken off-budget, we would have total chaos in our Federal budgeting process and a completely disjointed view of the government's financial state.

The Office of Management and Budget has also weighed in on this issue, emphasizing that H.R. 842 would result in not only $20 billion in additional transportation spending over the next 5 years, but also offsetting cuts in other programs above and beyond this amount due to the lowering of discretionary spending caps by law to reflect the off-budget status of the transportation trust funds. This is inequitable and surely no way to tackle the tough budgeting choices we in this esteemed body were sent to Washington to make.

Finally let me say that the argument used by proponents of this bill that the Federal Government is somehow misusing highway tax dollars to hide the true size of the deficit and fool the American public is unfounded. In fact, since it was created 40 years ago, the highway trust fund has given more money back to the States than has been paid into the fund through tax revenues. In addition, since 1980, the Federal Government has actually spent about $14 billion more on highway trust fund initiatives than it has collected in taxes.

Again, Mr. Chairman, we need to make tough choices in Congress regarding our spending and investment policies. H.R. 842 exempts transportation from these tough choices. As the old saying goes, you can't have your cake and eat it too. I urge my colleagues to oppose this legislation.

Mr. TORKILDSEN. Mr. Chairman, I rise in opposition to H.R. 842, a bill to move transportation trust funds off budget. This change would increase the deficit and stymie future efforts to balance the budget.

This bill is the equivalent of telling someone to learn how to swim while they're drowning. Moving the trust funds off budget will make sense when Congress has its fiscal house in order, but it should not be implemented when the Federal Government is drowning in a sea of red ink.

Furthermore, the Congressional Budget Office estimates that exempting the transportation trust funds from spending cuts could increase the deficit by over $20 billion over 5 years.

Our goal of balancing the budget must come before attempts to restructure the budget. I am not opposed to moving trust funds off budget, in principle, but we must balance the budget first.

Mr. Chairman, I urge my colleagues to defeat this bill and ensure that our efforts to balance the budget stay on course.

Mr. HOSTETTLER. Mr. Chairman, today we are having a very controversial debate about where the truth in budgeting transportation funds really lies. I rise today in support of H.R. 842, The Truth in Budgeting Act.

Every time you or I pull into a gas station and fill up our cars or pay a tax on an airline ticket, we are sending money to Washington to build new highways and maintain our current transportation systems. Decades ago, these transportation trust funds were established to collect taxes from transportation

users and invest in transportation capital. Today, we find the transportation trust fund balance at $30 billion. The existence of this on-budget trust fund surplus only reinforces the public's belief that they are not getting an honest return for the taxes they pay to Washington. This issue is about tax fairness.

Spending and investment in necessary transportation improvements has been held down to keep the balance of the trust fund artificially high in order to mask the true size of the deficit, this is just not honest. Those who pay into the trust fund should be able to count on those dollars going toward the purpose for which they were intended.

H.R. 842 does not add to the deficit. According to a March 20, 1996 estimate from the Congressional Budget Office, taking programs off budget does not change total spending of the Federal Government and does not affect spending or revenue estimates for congressional scorekeeping purposes.

H.R. 842 does not alter the transportation spending process. Congress will still have to approve every new dollar of trust fund spending.

H.R. 842, however, does assure this: When a taxpayer back home pays gasoline or airline ticket tax to the Federal Government, he knows it is going towards building or improving our national transportation system.

The CHAIRMAN. All time for general debate has expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered as having been read.

During consideration of the bill for amendment the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Budgeting Act".

The CHAIRMAN. Are there any amendments to section 1?

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. SHAYS. Mr. Chairman, reserving the right to object, I request to know why we would be doing it this way. There are only five sections.

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, for the convenience of the Members.

Mr. SHAYS. Mr. Chairman, I would be willing to consider the gentleman's request in the future, but until we consult, I do object.

The CHAIRMAN. Objection is heard.

Are there amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. BUDGETARY TREATMENT OF HIGHWAY TRUST FUND, AIRPORT AND AIRWAY TRUST FUND, INLAND WATERWAYS TRUST FUND, AND HARBOR MAINTENANCE TRUST FUND.

Notwithstanding any other provision of law, the receipts and disbursements of the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit for surplus for purposes of—

(A) the budget of the United States Government as submitted by the President,

(B) the congressional budget (including allocations of budget authority and outlays provided therein), or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

The CHAIRMAN. Are there amendments to section 2?

AMENDMENT OFFERED BY MR. SHUSTER.

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUSTER: Page 3, line 10, insert "except the Line Item Veto Act of 1996" before the comma.

Mr. SHUSTER. During the debate on the rule, Mr. Chairman, some concern was expressed as to whether the Line-Item Veto Act would apply to trust fund spending if this bill passes. We believe it will, and it certainly is our intent that it apply. However, because this question has been raised, I want to make it crystal clear that this is one more of the protections that exist in this legislation and, indeed, this amendment clarifies it, and I offer it on behalf of myself and the gentleman from Florida [Mr. GOSS], to clarify the fact that the line-item veto does apply. This amendment removes any ambiguity.

Mr. ORTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, before stating opposition to the amendment, I would like to inquire about some further explanation of the amendment, and I may not actually oppose the amendment. I have not had an opportunity to see the wording of the amendment.

My inquiry to the chairman would be if it is the intent of this amendment to apply the line-item veto provisions as signed by the President to all expenditures of the trust fund, which would include contract authority as well?

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

Mr. ORTON. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, the answer is yes, just as it applies to anything else.

Mr. ORTON. And so, then, contract authority spending by the Committee on Transportation and Infrastructure would be subject to line-item veto?

Mr. SHUSTER. Mr. Chairman, if the gentleman will continue to yield, that is the way it is today and that is the way it would be under our legislation. The answer is yes.

Mr. ORTON. Only above baseline.

Mr. SHUSTER. It applies just the way the bill currently applies.

Mr. ORTON. Well, Mr. Chairman, that is my concern, because as the gentleman will recall, during the debate of the line-item veto bill I rose to propose an amendment to the line-item veto bill, to apply the line-item veto to contract authority as well. The proponent of the amendment rose and vehemently opposed my amendment. My amendment failed.

Mr. SHUSTER. Mr. Chairman, I would say to the gentleman that the conference report includes all discretionary spending, including contract authority and, therefore, this would apply.

Mr. ORTON. Mr. Chairman, I am happy to hear the gentleman's interpretation of that. That, I think, clarifies, and if, in fact, that is an accurate interpretation, that this would apply to all spending from the trust fund, including all contract authority, not just an amount above the baseline.

Mr. SHUSTER. Mr. Chairman, I would say to the gentleman that it applies the same way the existing law applies today. The gentleman's amendment offered some months ago failed in this body.

Mr. ORTON. But, Mr. Chairman, I would ask if it is the gentleman's interpretation that all contract authority would——

Mr. SHUSTER. No, Mr. Chairman, it is my interpretation that this applies just exactly the way the law applies today.

Mr. ORTON. In other words, Mr. Chairman, the gentleman is saying that this does not apply to contract authority spending.

Mr. SHUSTER. Yes, it does apply to contract authority in the same way that is applied under the current law.

Mr. ORTON. Mr. Chairman, there is a question whether the current law does apply to contract authority, which is the issue I am raising, and that is why I wish for the chairman to be on record.

Mr. SHUSTER. Mr. Chairman, I am told by our counsel it does apply to contract authority.

Mr. ORTON. That is the point I wish to make. And if, in fact, as the gentleman has indicated, Mr. Chairman, that the line-item veto would, not only under current law but under his amendment, apply line-item veto to all contract authority, then I would favor the amendment and urge its adoption.

Mr. SHUSTER. No, not at all, Mr. Chairman. I would say to my friend

that it applies to contract authority in the same way that the current law applies to contract authority, which, indeed, is above the baseline.

Mr. ORTON. Mr. Chairman, may I ask the gentleman to amend his amendment to expand it so that, in fact, it would apply to all contract authority?

Mr. SHUSTER. No, I would not because we have offered this to have it apply exactly as the current law applies.

Mr. ORTON. Then, in fact, Mr. Chairman, I take back the balance of my time and I would simply make the point that if the gentleman is not willing to expand his amendment to make it absolutely clear that the line-item veto applies to all contract authority spending by the committee, then, in fact, the argument that was raised during the debate on the rule is, in fact, applicable.

Because there is a concern that there may be spending that is not covered by line-item veto; that, in fact, that spending may continue to be simply pork barrel spending; it may continue to be authorized under this legislation, so that a committee of Congress can directly authorize contract expenditures, which neither come within the fiscal restraints of the budget act nor comes within the fiscal restraints of the line-item veto, thereby completely avoiding and evading any type of fiscal restraint on that spending.

So, Mr. Chairman, I would oppose the amendment as it stands; would encourage the gentleman to expand the amendment to make it clear that the line-item veto does, in fact, apply to all contract spending by the committee, authorized by the committee; and if, in fact, he would do that, I would support the amendment and urge my colleagues to vote for it.

The CHAIRMAN. The time of the gentleman from Utah [Mr. ORTON] has expired.

(On request of Mr. SHUSTER, and by unanimous consent, Mr. ORTON was allowed to proceed for 3 additional minutes.)

Mr. SHUSTER. Mr. Chairman, if the gentleman will continue to yield, the gentleman is trying to rewrite the line-item veto law. I am informed what we have done here goes as far as we can go within this legislation. It would not be germane for us to attempt to rewrite the line-item veto law in this legislation. So we are simply offering this to conform with the line-item veto law, which is now the law of the land.

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Mr. ORTON. Mr. Chairman, I am simply suggesting that if needed the committee chairman wished to avoid all criticism of this bill as not pertaining under line-item veto, then in fact he could seek to waive the germaneness requirement under unanimous consent, could in fact ask to have that amended expanded.

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

Mr. ORTON. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. If the gentleman can assure me that by doing so I would remove all criticism from this bill, I would certainly seriously consider doing that, but I do not think that is a reality. I thank the gentleman for yielding.

Mr. ORTON. Reclaiming my time, I think it will remove criticism from the amendment and in fact eliminate one of the objections that many people have had to this particular bill.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was unable to be on the floor for the full discussion of the line-item veto. The chairman of the committee and I had a bit of a dialog about it this morning during the rule, and we came down to the conclusion that we were not sure whether we were clear on whether or not the legislation before us would or would not be subject to the line-item veto. In the interest of clarity, we wanted to make absolutely certain that this legislation was subject to the line-item veto as passed by the Congress, as signed by the President into law, and that, I believe, is the purpose of the chairman's amendment.

I certainly support what the chairman is trying to accomplish, if it is as I believe, to clarify that this legislation will be subject to the Line Item Veto Act of 1996, which is the way I read the one-line amendment that he has proposed.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield.

Mr. GOSS. I am happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, this amendment will make this legislation subject to the Line Item Veto Act of 1996, the answer is yes.

Mr. GOSS. I thank the gentleman.

Mr. Chairman, reclaiming my time, I think that that was the clarification that we were all seeking with regard to the line item veto, and I think that to go any further than that, to try and somehow now amend the line item veto, would of course not only be inappropriate but nongermane and beyond the scope and so forth.

Mr. SABO. Mr. Chairman, will the gentleman from Florida yield?

Mr. GOSS. I am happy to yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I am just curious, how could this bill not have the Line Item Veto Act of 1996 apply to it.

Mr. GOSS. Reclaiming my time, my understanding from the Parliamentarian, the need for this amendment follows this reason. The main reason the trust fund bill is now exempt from the Line Item Veto Act is that the President can only exercise the line-item veto if he certifies that cancellation of the item will reduce the deficit. Since the trust fund bill would remove disbursements for purposes of calculating the deficit, the President would be prevented from exercising a veto authority absent compliance with the deficit reduction standard.

I am happy to yield further to the gentleman from Minnesota.

Mr. SABO. Now I understand why the gentleman may need this amendment, because of that language. Do I also understand that the Line Item Veto Act does not apply to contract authority in the same fashion as it applies to other discretionary spending?

Mr. GOSS. Mr. Chairman, I do not want to speak for the Line Item Veto Act. The Line Item Veto Act speaks for itself. As the gentleman knows, we did discretionary authority, new entitlements and targeted tax benefits in line-item veto. So to the extent what we are talking about falls into those areas under the act as written, the answer would be yes.

Mr. SABO. Mr. Chairman, my understanding is the Line Item Veto Act, that its application to contract authority is much more limited than it is to discretionary spending as exists in appropriation bills from year to year. Is that accurate?

Mr. GOSS. Reclaiming my time, I am not sure that it is. Again, I think that I should refer the gentleman to the act the way it is written. I believe it refers to contract authority, and I believe that the proper way to respond to the question is to refer the gentleman to the act. There may be some parliamentary interpretation.

Mr. SABO. I would ask the gentleman from Pennsylvania, is it his understanding that the Line Item Veto Act pertains to contract authority in the same fashion as it does to discretionary appropriated spending or is it a more limited application?

Mr. GOSS. Since the time is mine, I would be very happy to yield to the gentleman if he wishes me to. But I will tell the gentleman that what he is asking is contract authority and direct spending questions are covered already in the act.

Mr. SABO. But I am just curious, to what degree the line-item veto is different for the direct spending of contract authority versus that of appropriated discretionary funds.

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

Mr. GOSS. I am happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, all I can tell the gentleman is, it is our intention and our belief that in fact what we are doing here is saying that the line-item veto shall apply as it applies in the current line-item veto law. If the gentleman has questions about the nuances of that law, this gentleman is not prepared to answer them.

Mr. GOSS. Reclaiming my time, contract authority is not discretionary. It is direct spending, and direct spending is covered but it is not discretionary. I am sorry, that is the way it is.

I yield further to the gentleman from Minnesota.

Mr. SABO. I thank the gentleman for yielding.

It is my understanding that the application of line-item veto to contract authority is much more limited than it is to any discretionary appropriated funds, and that in fact that it only applies to increases in baseline spending.

Mr. GOSS. My time is finished. I am not sure the gentleman's interpretation is correct. But the gentleman is entitled to his interpretation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 2?

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the remainder of the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the remainder of the amendment in the nature of a substitute is as follows:

SEC. 3. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Chapter 471 of title 49, United States Code, is amended—

(1) by redesignating section 47131 as section 47132; and

(2) by inserting after section 47130 the following new section:

"§47131. Safeguards against deficit spending

"(a) ESTIMATES OF UNFUNDED AVIATION AUTHORIZATIONS AND NET AVIATION RECEIPTS.—Not later than March 31 of each year, the Secretary, in consultation with the Secretary of the Treasury, shall estimate—

"(1) the amount which would (but for this section) be the unfunded aviation authorizations at the close of the first fiscal year that begins after that March 31 and

"(2) the net aviation receipts at the close of such fiscal year.

"(b) PROCEDURE IF EXCESS UNFUNDED AVIATION AUTHORIZATIONS.—If the Secretary determines for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

"(c) ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

"(1) DETERMINATION OF PERCENTAGE.—If the Secretary determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary shall determine the percentage which—

"(A) such excess, is of

"(B) the total of the amounts authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year.

"(2) ADJUSTMENT OF AUTHORIZATIONS.—If the Secretary determines a percentage under paragraph (1), each amount authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year shall be reduced by such percentage.

"(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.—

"(1) ADJUSTMENT OF AUTHORIZATIONS.—If, after a reduction has been made under subsection (c)(2), the Secretary determines that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) is less than the amount previously determined, each amount authorized to be appropriated that was reduced under subsection (c)(2) shall be increased, by an equal percentage, to the extent the Secretary determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

"(2) APPORTIONMENT.—The Secretary shall apportion amounts made available for apportionment by paragraph (1).

"(3) PERIOD OF AVAILABILITY.—Any funds apportioned under paragraph (2) shall remain available for the period for which they would be available if such apportionment took effect with the fiscal year in which they are apportioned under paragraph (2).

"(e) REPORTS.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary to Congress.

"(f) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) NET AVIATION RECEIPTS.—The term 'net aviation receipts' means, with respect to any period the excess of—

"(A) the receipts (including interest) of the Airport and Airway Trust Fund during such period, over

"(B) the amounts to be transferred during such period from the Airport and Airway Trust Fund under section 9502(d) of the Internal Revenue Code of 1986 (other than paragraph (1) thereof).

"(2) UNFUNDED AVIATION AUTHORIZATIONS.—The term 'unfunded aviation authorization' means, at any time, the excess (if any) of—

"(A) the total amount authorized to be appropriated from the Airport and Airway Trust Fund which has not been appropriated, over

"(B) the amount available in the Airport and Airway Trust Fund at such time to make such appropriation (after all other unliquidated obligations at such time which are payable from the Airport and Airway Trust Fund have been liquidated).".

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 of title 49, United States Code, is amended by striking

"47131. Annual report."

and inserting the following:

"47131. Safeguards against deficit spending.

"47132. Annual report.".

SEC. 4. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF THE INLAND WATERWAYS TRUST FUND AND HARBOR MAINTENANCE TRUST FUND.

(A) ESTIMATES OF UNFUNDED INLAND WATERWAYS AUTHORIZATIONS AND NET INLAND WATERWAYS RECEIPTS.—Not later than March 31 of each year, the Secretary of the Army, in consultation with the Secretary of the Treasury, shall estimate—

(1) the amount which would (but for this section) be the unfunded inland waterways authorizations and unfunded harbor maintenance authorizations at the close of the first fiscal year that begins after that March 31; and

(2) the net inland waterways receipts and net harbor maintenance receipts at the close of such fiscal year.

(b) PROCEDURE IF EXCESS UNFUNDED INLAND WATERWAYS AUTHORIZATIONS.—If the Secretary of the Army determines with respect to the Inland Waterways Trust Fund or the Harbor Maintenance Trust Fund for any fiscal year that the amount described in subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

(c) ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

(1) DETERMINATION OF PERCENTAGE.—If the Secretary of the Army determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary of the Army shall determine the percentage which—

(A) such excess, is of

(B) the total of the amounts authorized to be appropriated from the Inland Waterways Trust Fund or the Harbor Maintenance Trust Fund, as the case may be, for the next fiscal year.

(2) ADJUSTMENT OF AUTHORIZATIONS.—If the Secretary of the Army determines a percentage under paragraph (1), each amount authorized to be appropriated from the Trust Fund for the next fiscal year shall be reduced by such percentage.

(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.—If, after an adjustment has been made under subsection (c)(2), the Secretary of the Army determines with respect to the Inland Waterways Trust Fund or the Harbor Maintenance Trust Fund that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) with respect to the Trust Fund is less than the amount previously determined, each amount authorized to be appropriated that was reduced under subsection (c)(2) with respect to the Trust Fund shall be increased, by an equal percentage, to the extent the Secretary of the Army determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed with respect to the Trust Fund the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

(e) REPORTS.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary of the Army to Congress.

(f) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) AIRPORT AND AIRWAY TRUST FUND.—The term "Airport and Airway Trust Fund" means the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986.

(2) HARBOR MAINTENANCE TRUST FUND.—The term "Harbor Maintenance Trust Fund" means the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986.

(3) HIGHWAY TRUST FUND.—The term "Highway Trust Fund" means the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986.

(4) INLAND WATERWAYS TRUST FUND.—The term "Inland Waterways Trust Fund" means the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(5) NET HARBOR MAINTENANCE RECEIPTS.—The term "net harbor maintenance receipts" means, with respect to any period, the receipts (including interest) of the Harbor Maintenance Trust Fund during such period.

(6) NET INLAND WATERWAYS RECEIPTS.—The term "net inland waterways receipts" means, with respect to any period, the receipts (including interest) of the Inland Waterways Trust Fund during such period.

(7) UNFUNDED INLAND WATERWAYS AUTHORIZATIONS.—The term "unfunded inland waterways authorizations" means, at any time, the excess (if any) of—

(A) the total amount authorized to be appropriated from the Inland Waterways Trust Fund which has not been appropriated, over

(B) the amount available in the Inland Waterways Trust Fund at such time to make such appropriations.

(8) UNFUNDED HARBOR MAINTENANCE AUTHORIZATIONS.—The term "unfunded harbor maintenance authorizations" means, at any time, the excess (if any) of—

(A) the total amount authorized to be appropriated from the Harbor Maintenance Trust Fund which has not been appropriated, over

(B) the amount available in the Harbor Maintenance Trust Fund at such time to make such appropriations.

SEC. 5. APPLICABILITY.

This Act (including the amendments made by this Act) shall apply to fiscal years beginning after September 30, 1995.

The CHAIRMAN. Are there further amendments to the amendment in the nature of a substitute?

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR:

Page 3, line 10, strike "Notwithstanding" and insert "(a) IN GENERAL.—Notwithstanding".

Page 4, after line 14, insert the following new subsection:

(b) LIMITATION ON INTEREST PAID TO TRUST FUNDS.—

(1) IN GENERAL.—Paragraph (3) of section 9602(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: "The amount of interest credited to the Airport and Airway Trust Fund, the Highway Trust Fund, the Harbor Maintenance Trust Fund, or the Inland Waterways Trust Fund for any fiscal year shall not exceed the amount of interest which would be credited to such Fund if such interest were determined at the average interest rate on 52-week Treasury securities sold to the public during such fiscal year."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to fiscal years beginning after the date of the enactment of this Act.

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, we had during the time of general debate extensive discussion about the role of interest paid on revenues from the highway trust fund that are collected at the pump and then used by the Treasury Department to purchase Treasury notes, as happens with all trust funds in the Federal Government. As I said in my remarks, my closing remarks, would anyone reasonably expect the Federal Government not to honor its obligation to pay interest on Treasury bonds, on our World War I bonds, on World War II bonds, on other securities of the Treasury Department that are purchased by U.S. citizens, by foreign interests, by foreign governments, which buy in great numbers Treasury securities which underwrite the deficit? No, of course not, not expected. So with the trust funds.

Mr. Chairman, those trust funds are used to purchase Treasury securities, and interest is required to be paid. Under current law, the interest earned by the highway trust fund is the average of all interest paid on the public debt. That average runs about 6.6 percent.

The amendment I offer proposes to limit the interest earned on highway trust fund dollars in an amount equal to the rate on a 1-year Federal Treasury note. That number is about 5 percent, just a little above, 5.1 percent.

The effect of the amendment would be to reduce the amount of interest earned by the transportation trust funds, thereby reducing the ever-increasing balance that has accumulated over a period of several years. Now, this is an amendment that I offer for myself, for the Chairman, with whom I have consulted in the preparation of this amendment. This is, again, a demonstration on our part of our good faith to limit in the future the growth of this trust fund and to gradually reduce that amount, not take that surplus all at once off budget, but gradually reduce it over a period of time. To help do that, we propose this limitation on the interest rate because over a period of time, the trust fund is being long-range dollars, have benefited from the longer term interest rate on Treasury securities. So in the spirit of fairness and comity I propose that we make this change.

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

Mr. OBERSTAR. I am happy to yield to my Chairman, the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I understand that this has indeed been worked out with the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Minnesota [Mr. SABO], Members on our side, and I think it is a fair approach and I support it.

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

Mr. OBERSTAR. I yield to my colleague, the gentleman from Minnesota.

Mr. SABO. I thank the gentleman from Minnesota for yielding, and he has a good amendment, we should pass it.

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

Mr. OBERSTAR. I am happy to yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I am happy to support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Michigan: Page 12, after line 22, insert the following:

SEC. 5. APPROPRIATION OF INTEREST EARNINGS OF HIGHWAY TRUST FUND.

(a) PURPOSE.—It is the purpose of this section to offset the approximately $82,000,000,000 that has been appropriated from the general fund of the Treasury for Federal-aid highway and mass transit construction projects.

(b) APPROPRIATION OF INTEREST EARNINGS.—On September 30, 1996, there is hereby appropriated from the Highway Trust Fund to the general fund of the Treasury an amount equal to the aggregate amounts of interest credited to the Highway Trust Fund before such date.

Page 13, line 1, strike "5" and insert "6".

Mr. SHUSTER. Mr. Chairman, I reserve a point of order against the amendment until we know what the amendment is.

Mr. SMITH of Michigan. Mr. Chairman, this is amendment No. 8 printed on page 7723, amendment on page 12 after line 22.

Mr. SHUSTER. Mr. Chairman, I reserve the right to object until we have an opportunity to examine the amendment to see whether it is germane.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order against the amendment.

The gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Chairman, this amendment takes into account the problem of the accumulated interest that is now in the highway trust fund in the amount of $19 billion. Again, the question is, should Congress, in past general fund appropriations for highway purposes, so designate that it was trust fund money rather than the general fund? General fund expenditures since 1956, when we started the highway trust fund, have exceeded $38 billion. The estimate is someplace between $38 billion and $40 billion. This is general fund appropriations for highway purposes that were not designated to come out of the trust fund.

So what we have been doing over the years is spending more and more money out of the general fund, at the same time we were spending every cent that came in from the highway gas tax. So it is reasonable, I am suggesting to my colleagues, to consider that money that has been spent out of the general fund an offset to the $19 billion now owed to the trust fund by the general fund. The accumulated interest on some of the trust fund money diverted in the 1960's is the question in this taking off-budget debate. Some have suggested that that $19 billion is the property of the trust fund and therefore should be spent for roads. I am suggesting that because of the fact that we have now spent approximately $40 billion out of the general fund for roads,

an additional $40 billion out of the general funds for mass transit, that it is reasonable to consider those expenditures as an offset to the interest that has been accumulating which represents approximately $19 billion. This amendment negates that $19 billion.

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I understand that my colleague from Pennsylvania is going to pursue his point of order that this amendment is not germane. It is technically not germane, and, therefore, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan to withdraw his amendment?

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Michigan [Mr. SMITH] is withdrawn.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Michigan: Page 8, lines 10 and 11, strike "the receipts and disbursements of" and insert the following: "the amounts that after the date of the enactment of this Act are received by or disbursed from".

Mr. SHUSTER. Mr. Chairman, I reserve a point of order against this amendment until we have an opportunity to examine it.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

The gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SHUSTER. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from Pennsylvania withdraws his point of order.

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

Mr. SMITH of Michigan. This amendment deals with the same issue. A lot of the concern about taking the Highway Trust Fund off budget is that the additional moneys that have now accumulated in interest and indebtedness from the Highway Trust Fund, in the amount of $20 billion, the Airport and Airway Trust Fund, amounting to additional $11 billion would be spent, thereby taking money away from other programs. This would result in one of two scenarios: Either we borrow more money or we reduce expenditures in other areas.

This amendment provides that the only funds coming off budget would be funds being received into those trust funds from this coming September forward. So what it does is it reserves and keeps on budget the so-called cash account or the accumulated interest and other assumed debt that now exists. It is my suggestion that that is reasonable because this body needs to deal with the question of whether or not those funds have already been paid back. It is my suggestion that, because there has been approximately $40 billion coming out of the general fund for highway construction, because of the fact that there has been another $40 billion coming out of the general fund for mass transit, that we have adequately paid back those funds. Therefore, at this time it seems reasonable that we not transfer these funds off budget and we amend this bill accordingly.

The question of taking the highway trust fund off budget or continuing to expend these moneys under current procedures misses the point of what our ultimate goal should be. I would hope that we all agree that our goal is to spend transportation money from the States in the most effective and efficient way and accommodate the transportation needs of each State.

Detouring gas tax funds through the Federal Government to be returned after paying Federal administration costs is not effective or efficient. Allowing politicians in power to get more than their fair share is not effective or efficient. Not only do we use up vast sums in administration and manipulate funding for political purposes but we send the remaining funds back to the States with Federal regulations and mandates such as the Davis-Bacon Act that add billions of dollars of increased costs to highway and mass transit construction. Gabriel Roth who wrote "Roads in a Market Economy" suggests that a State would have to get back 150% of what it sent to Washington in order to break even because of these Federal mandates. That means that there are only 10 States in the Nation that get back enough from Washington to equal what could be accomplished if the gas tax money stayed in the State to begin with.

If we agree that we want the most efficient use of the available funds for transportation, then I suggest that we leave these funds at the State level in the first place. The Federal Government should retain only funding to provide a transition for those States that are currently benefiting and for transportation safety. Each State would then levy the gas tax locally in order to fund its own transportation system. This would end the process of sending State money to Washington to have some of it drained off in administration, some of it redistributed, and then be forced to beg to get the remainder.

This suggestion is not new. The concept of returning responsibilities to the States has been at the forefront of the welfare debate. Senator MACK of Florida has been a leader on this issue on the Senate side. The Heritage Foundation suggested devolution of the highway program to the States in a report last year. The support for this concept is building.

We should not shy away from examining from time to time each of our Federal programs and see if conditions still warrant the program at all, and if they do, should another level of government be responsible. Having served in local and State government before coming to Congress, I can say that the benefit of the doubt should lie with the government closest to the people. We should not be afraid to examine the proper role of the various level of governments in the highway program. I believe that once one looks into the transportation system in detail, the arguments support a smaller Federal role and a greater State and local role.

This body should vote against this bill that would simply move the inefficient way we expend dollars for transportation infrastructure from one committee to another and truly take the highway trust fund off budget by devolving the responsibility and revenue base back to our States and communities.

Mr. SHUSTER. Mr. Chairman, I rise in strong opposition to this amendment.

There are several reasons why this amendment should be defeated. It is a killer amendment which really has the effect of prohibiting any spending of the accumulated balances in any of the trust funds.

Now, if we believe that it is fundamentally wrong to have a $30 billion balance, money paid in there by the users, and are now saying that it can never be spent, that is just fundamentally wrong. There are other ways to deal with this, more appropriate ways, and indeed the Committee on Appropriations which sets the annual ceiling. If our legislation passes today, the Committee on Appropriations will still set the annual ceiling, and that is the place to make that decision. But to say today that none of the $30 billion that has accumulated can ever be spent is just fundamentally wrong. This would artificially cordon off that nearly $30 billion in accumulated balances and hold them hostage.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield.

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

Mr. SMITH of Michigan. But it is not a question of them not being allowed to be spent. It is a question of them being spent in the same way that it has been spent since the existence of the trust fund in 1956.

Mr. SHUSTER. Mr. Chairman, I do not believe that is what the amendment does. What the amendment does is say you cannot spend it.

Mr. SMITH of Michigan. No, it just does not take them off budget.

Mr. SHUSTER. Mr. Chairman, it does not take them off budget, and the fundamental issue here is that these should be taken off budget. This gets to the heart of the question. Indeed these are user fees paid in there. They should be taken off budget.

But I would be quick to emphasize that limits should be set on what can be spent, and those limits are what should be set by the authorizers and by the appropriators, and in fact for the past year we have been saying we want to sit down with the appropriators and the budgeteers in order to negotiate a compromise on this kind of an issue,

but unfortunately they were never willing to sit down and negotiate with us. So now to come at the last minute with a proposal I think, while I would not want to say it lacks good faith, although others have said that, nevertheless I think that this should be defeated and we should set these limits through the normal process of the authorizing and appropriating committees.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

This amendment is like so many others that look benign but have a poison pill attached. Clearly, this amendment undercuts a vitally important purpose of this legislation, which is to enable the Congress to spend down in a phased and fiscally responsible manner the $30 billion in surplus built up in the highway trust funds and the aviation and the other trust funds.

The $30 billion of surplus that we have been debating about all afternoon, the gentleman would say, oh, sorry, we are not going to spend the surplus, we can just spend what comes in on an annual basis. That is what this debate is all about, about withholding funds and building up these accumulated surpluses that then are sued to mask the deficit.

These surpluses should be off budget with the trust fund. The surpluses have accumulated because of failure to spend the user taxes we agreed to be taxed for that we have agreeably paid for the purpose of building highways and bridges and airports and deepening our waterways and improving our navigation channels. As budgetary conditions permit, the surplus should be devoted to their intended purpose.

The surpluses will not be spent down overnight, as we have repeatedly said in the course of this afternoon's debate. The bill does not exempt funds or the surpluses from the authorization or the appropriation process. We will have complete control over whether and when the surpluses are drawn down. In fact, over the past year the gentleman for Pennsylvania [Mr. SHUSTER] has been working diligently with the Committee on Appropriations and Committee on the Budget leadership to try to work out a plan under which the spend down would occur. It can be done; we have done so in the past in the aviation bill of 1990, the AIP reauthorization bill.

We worked out a very fine accommodation of reasonable accommodation with the Committee on Appropriations, the transportation appropriation subcommittee, the Office of Management and Budget, the Department of Transportation, the Committee on Ways and Means, under which agreement over a period of time, the very complex adjustment, we would draw down the surplus built up in the aviation trust fund, those moneys to be invested in airport runways and taxiways and parking aprons that were needed to relieve congestion at the Nation's airports, and it worked. That money was not all drawn down overnight in one big fell swoop; gradually over a period of time. Unfortunately, now the surpluses have begun to build up again.

So take the trust funds off budget, the surplus will be spent down in a reasonable and responsible fashion under accommodations between our committee and the Committee on Appropriations, working with the Committee on the Budget as well. We do not need this amendment. This really is a killer amendment. It ought to be defeated and ought to be unmasked for what it is: an attempt to gut the bill.

Defeat the Smith amendment.

Mr. LAHOOD. Mr. Chairman, I move to strike the last word.

I just want to emphasize what the distinguished ranking member of the Committee on Transportation and Infrastructure said. If my colleagues vote for the Smith amendment, they kill the bill. This is a killer amendment. The gentleman from Michigan [Mr. SMITH] does not like this bill. So in the option that he has been given he has offered his amendment to simply kill the bill.

We know the purpose of the bill is to take trust funds off budget and permit Congress to set whatever levels of spending it deems appropriate. In the Truth in Budgeting Act this amendment would not allow Congress to determine what trust funds support the aviation and highway system needed.

So I want to support what the ranking member said and advise Members to defeat this amendment because it, in fact, will kill the bill.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words, and with that I yield to my colleague, the gentleman from Michigan [Mr. SMITH] to respond to some of the points made.

Mr. SMITH of Michigan. Mr. Chairman, just very briefly, by not having the so-called cash reserve or the accumulated interest transferred and taken off budget means it will be spent exactly how the total trust fund has been spent since it was first started in 1956. So it is not a question of not spending the money, it is a question of that $30 billion coming under the caps and being spent in such a way through the budget process and the appropriation process as it has always been spent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The amendment was rejected.

The CHAIRMAN. The Committee will rise informally.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. LAHOOD) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

TRUTH IN BUDGETING ACT

The Committee resumed its sitting.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. MINGE

Mr. MINGE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MINGE: At the end of Section 2 insert the following:

(c) PROHIBITION ON EARMARKING OF HIGHWAY TRUST FUND AMOUNTS.—Subsection (a) shall no longer apply with respect to the Highway Trust Fund after the last day of any fiscal year in which amounts are made available for obligation from the Highway Trust Fund for any highway construction project or activity that is specifically designated in a Federal law, a report of a committee accompanying a bill enacted into law, or a joint explanatory statement of conferees accompanying a conference report, as determined by the Director of the Office of Management and Budget.

Mr. MINGE. Mr. Chairman, I yield to the gentleman from California [Mr. ROYCE].

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Mr. ROYCE. Mr. Chairman, I want to point out that this amendment is supported by both supporters and opponents of H.R. 842. Indeed, the authors of the amendment include both proponents and opponents of the bill, as well as those who are as yet undecided. But very simply put, Mr. Chairman, the amendment says that if the highway trust fund is placed off-budget, there will be no earmarks for specific projects. If earmarks occur, the fund comes back on budget.

Why is this amendment important? Because this bill, H.R. 842, this underlying bill, would have the effect of exempting highway trust fund spending from all budgetary controls, including discretionary caps, pay-go rules, and 602(b) allocations. If we are going to give highway funds special protection from budget rules, then it is reasonable to hold highway funding to a high standard of accountability, and that means no earmarking.

Highway users who pay into the trust fund deserve to have those funds expended in the most efficient and fair manner possible. Earmarking disadvantages everyone in every project not on the list, and projects should be judged on their individual merits, not on patronage.

This amendment guards against pork barreling and protects the integrity of

the highway trust fund. Supporters and opponents of the bill should all agree on that point. By way of demonstration, I just want to remind the Members that in 1991, in the highway demonstration projects, 30 percent of those funds went to West Virginia. West Virginia is .7 percent of the population. In 1992, 30 percent went to West Virginia. In 1993, we had one-third of all highway demonstration project dollars going to West Virginia; in 1994, $54 million, which amounted to 43 percent of the highway demonstration dollars; and in 1995, the fiscal year past, Members know the story. West Virginia for two projects got 52 percent of the Senate's money, or 21 percent of the Nation's highway money for demonstration projects.

Mr. Chairman, while the people of western Virginia are fine people, in my view this is unfair, unjust, inequitable. Some might call it highway robbery. Mr. Chairman, I would like to urge all of the Members to vote for the amendment. It is supported by Citizens Against Government Waste.

Mr. MINGE. Mr. Chairman, we have heard a great deal of debate both today and during this session about the problems that we have faced in this institution with earmarking, with demonstration projects, and abuses of this part of the process.

I certainly respect what the chairman of this committee has attempted to do in regulating and limiting inappropriate earmarks and demonstration projects. I also wish to pay tribute to the Committee on Appropriations, and the work of the honorable chairman of the Subcommittee on Surface Transportation and the guidance he has provided this Chamber in stopping the demonstration highway earmarking process.

Mr. Chairman, the purpose of this amendment is to confirm that if the highway trust fund indeed goes off-budget, we no longer engage in this practice. Instead, what we are doing is, we are collecting funds, we are remitting the funds to the States on a formula basis, and the States are then allocating these funds for projects as the States establish their priorities.

Mr. Chairman, I recognize that some people have problems with the way the States function, but I think the day has come when we need to say to the States, "We repose in you a certain level of trust and confidence, and if you abuse that confidence we will hold you to a higher standard," not that we will attempt to determine on our own here in Washington how funds ought to be micromanaged around the country.

Mr. Chairman, this amendment is designed to avoid that temptation and to still comply with the goals that are motivating this basic bill, which is to make these funds available for public highway projects throughout this Nation.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are several reasons why this amendment should be defeated. First, Mr. Chairman, the amendment would have the effect of preventing these trust funds from ever coming off budget, because it goes far beyond what it is purported to do. Let me explain. The amendment places the highway trust fund back on budget if any funds are made available for any highway construction project or activity that is specifically designated.

As the gentleman knows, funds for highway construction projects and activities were made available in ISTEA for fiscal 1997. Thus, this amendment would automatically return the trust funds on budget forever when the fiscal 1997 transportation appropriation bill passes. It is not our bill, it is not our bill which would cause this to kick in.

Second, a return to on-budget treatment is not only triggered by funds made available for highway projects, but also by funds being made available for virtually any purpose under the Federal Aid Highway Program. These include such basic programs as interstate maintenance, the National Highway System, emergency relief, ferry boat construction, rail-highway grade crossings, innovative financing/toll pilot programs, Orange County's private toll roads, among many others.

This provision would also return the trust funds on budget due to action made in bills reported in the past by other committees, other than this Committee on Transportation and Infrastructure. If this amendment were adopted, then another committee could prevent these trust funds from ever coming off budget simply by making funds available for any highway construction purpose in any appropriations bill, for example.

Fourth, the amendment singles out highway construction for special treatment among all types of transportation trust fund spending. Every year there are numerous earmarks for transit projects. In fact, there were over 130 transit earmarks in the fiscal 1996 transportation appropriations bill. There were also over 20 earmarks in that same bill which would not be prohibited by this amendment.

Finally, this amendment is completely unnecessary. Every dollar in the highway trust fund spending is subject to the recently enacted line-item veto. Congress will have ample authority to review any highway authorization bills that make highway trust funds available if such bill is passed, and indeed beyond that, the President could use his line-item veto.

Rather than being satisfied with this procedure, Mr. Chairman, this amendment would vest OMB with line-item veto authority. For all of these reasons, I would urge my colleagues to resoundingly defeat this amendment.

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

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. MINGE. Mr. Chairman, there were two amendments printed in the RECORD. One of them was broader. I would like to make sure we are talking about the same amendment. There is nothing in this one that deals with transit funds.

Mr. SHUSTER. That is correct. That is exactly the point I am making to the gentleman. There is nothing here that deals with transit funds, which is only one of the many reasons this amendment should be defeated.

Mr. MINGE. But something that would happen with respect to transit funds would not be a highway project, unless it was a specific highway project. Therefore, it would not trigger the reaction that the gentleman is attributing to the amendment.

Mr. SHUSTER. What is good for highways ought to be good for transit.

Mr. MINGE. We would like to deal with transit as well, but as we understand the process within the Department of Transportation, the transit trust fund is handled in quite a different fashion.

Mr. SHUSTER. No, it is not. Mr. Chairman, I would inform the gentleman that the transit account is part of the highway trust fund, and indeed is handled as the highway funds are handled as well.

Mr. MINGE. We understand they have a priority system in the Department of Transportation for the transit trust fund. Is that correct?

Mr. SHUSTER. I am sure this Congress does not want to accede to a particular administration; what procedures they may deem wise to use, we may think they are very unwise, so we are not about to turn over to the bureaucrats downtown some procedure which they say they use for transit.

Mr. MINGE. Would the gentleman agree, then, that we should exclude transit because it is not adequately covered at the Department of Transportation?

Mr. SHUSTER. I agree that for many reasons that I have outlined here, that this amendment should be defeated.

Mr. MINGE. We appreciate it, because we did exclude transit for some of the reasons you have mentioned. That should win the gentleman's support for this.

Mr. SHUSTER. Mr. Chairman, I understand that the gentleman has sent our committee a request for a project which we have here, so I find it a bit amusing that the gentleman would now take this position when indeed we have in our possession a letter from the gentleman asking us to fund a special project for him.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is another one of the killer amendments devised by

those who are not in accord with the purpose of taking trust funds off budget. In fact, even some who have originally signed on as sponsor of the bill obviously had second thoughts later on and said they do not want to support this concept, and now they find ways to undermine it, cut it and gut it.

Mr. Chairman, this amendment provides that the trust funds would no longer be off budget if at any time a highway project was specifically mentioned in a bill or a committee report.

What this means in plain English is that the Committee on Appropriations can kill off-budget status for the highway-aviation-waterway trust funds simply by earmarking a project in a bill or a law, in a committee report or in a bill that ultimately becomes law. This hands over to the Committee on Appropriations the total power over the trust funds and their status. What a crazy thing to do.

Mr. Chairman, the gentleman refers to demonstration projects and says he wants to stop pork barreling, and our colleague, the gentleman from California, the gentleman who spoke previously, also talks about pork barrelling. I am not quite sure what they mean by "pork barrel." It usually carries the implication of an individually designated project or fund without merit. That usually is an argument from the perspective of the Speaker. What is meritorious in one district may not be meritorious to a person in another district.

If I may have the attention of the gentleman from California [Mr. ROYCE], is he familiar with the Hacienda Boulevard project? Does the gentleman recall writing to our committee about the merits of the Hacienda Boulevard project? We agreed with the gentleman that it had merit in the 103d Congress, on both sides of the aisle. We thought it was a very meritorious project. We were prepared to support it.

The gentleman is supporting now a provision of law that would gut the ability to help the gentleman achieve a laudatory, necessary, and important purpose that he feels significant for his district, as for my colleague, the gentleman from Minnesota, who also has appealed to our committee in the past on the merits of need in his district.

We are prepared to support those needs, and we have done in the past. Now they come along and say, oh, sorry, we were only kidding. We did not mean it. We are going to give authority to kill the ability of the Committee on Transportation and Infrastructure to help Members respond to transportation needs that are not being met by their State.

In effect, we hand over authority over Federal funds, over tax dollars that we vote for in this body, to States, and let State governments and State highway departments earmark the designate and specify and determine where those dollars are going to go. That is not pork barreling? That is not individual designating? That is fair?

The reason we get bombarded, we Members of this Body get bombarded by our constituents, is that those very State governments are not responding to the needs of highway users in our respective districts. That is why we went through a very elaborate process of joining with State highway departments and the Federal Highway Administration to set up criteria, 17 criteria, by which we would judge whether a project is meritorious or not and ought to be included in a national piece of legislation.

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

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, perhaps what I hear the gentleman saying is that there are those who think that if we designate worthy projects here, that is a terrible thing, but if we shovel the money back to the States, then there are angels in heaven in the State government who makes these dispassionate, objective decisions as to how to spend the money. Politics, that terrible, crass work, politics, never enters into a decision when the States decide how to spend the money that we send to them.

Mr. OBERSTAR. The gentleman is quite right. Actually, the dollars that leave here that go to the State government, and they are sprinkled with holy water and they are absolved of all sin. That is sheer nonsense. If Members believe that, I have some swampland out in Minnesota I would like to sell them.

Mr. Chairman, this is a killer amendment. It is foolish. It ought not to be adopted. We should roundly defeat it.

Mr. NEUMANN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to many things that were just said, and I to a certain degree, find some of them offensive. Let me just explain why. I do support this bill, and I think that the tax dollars that are collected from gasoline taxes should be spent back out on highway projects; but I also support the fact that the people in the State of Wisconsin have a right to receive the tax dollars that they pay into this system back in the State of Wisconsin.

When we permit projects to be earmarked, those projects that are earmarked take away from the overall kitty that is available to be redistributed in a fair manner to the people in the State of Wisconsin. So I support this amendment strongly, and I rise to support this amendment. I support the bill, but I do not want to see earmarks in the bill. The only way that I can see to eliminate the practice of pork barrel spending or earmarking things in the bill is to make sure this amendment actually goes through.

We do not have to look very far. The Almanac of American Politics noted that out of $6.1 billion, with a b, made available for ISTEA projects, one State received over $930 million. One district in that State received $300 million. That is not fair to the State of Wisconsin and it is not fair to the other States around this country.

The purpose of this amendment is to make sure this money gets distributed in a fair, well-thought-out manner around the country and people in States like the State of Wisconsin receive their fair share of the amount of money back.

The part that I disagree with adamantly is that people that are rising that support this bill would somehow have some other meaning. I support this amendment, and I support this amendment because I believe it is in the best interests for the future of this country and the manner in which we distribute these funds.

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

Mr. NEUMANN. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman was not here in the previous Congress or the Congress previous to that, when we went through a very elaborate process in our committee on both sides of the aisle to determine the merits of projects.

Mr. NEUMANN. Mr. Chairman, reclaiming my time, is that the Congress where 30 percent plus of this money was allocated to one State consistently, year after year after year?

□ 1515

That is what this new Congress is all about, is stopping that kind of practice.

Mr. OBERSTAR. That is simply not true.

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

Mr. NEUMANN. I yield to the gentleman from West Virginia.

Mr. RAHALL. I am advised that in the last ISTEA legislation we did, that Wisconsin was adjusted near the end, and it came out very well. So I am not sure what the gentleman's direct concern is here, but certainly in the future in agreeing with this amendment which he wholeheartedly supports, we will be glad to exempt Wisconsin.

Mr. NEUMANN. We would certainly hope that in the future years we make sure that Wisconsin receives a dollar back for every dollar sent in, and that would solve a vast majority of the problems that we have.

Mr. RAHALL. If the gentleman will continue to yield, if he is talking about highway funding formulas then, I believe that is properly addressed when our committee reauthorizes ISTEA at the proper time.

Mr. NEUMANN. We look forward to that redistribution back to the State of

Wisconsin. I would conclude my comments by reiterating that I do support the overall bill, and in theory I support what is being said here, that the tax dollars that are collected at the gas pump from the gasoline users should be spent to build highways and should be reallocated in this manner.

What I do not think should happen is that that money should be pork barreled into certain districts. When we put it into certain districts, it is not available in the general kitty to be reallocated in the general well-thought-out manner that the formula would indicate.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we have been talking about here the Truth in Budgeting Act. I would submit that that label perhaps should apply to amendments as well, and that we ought to say we are for truth in amendments as well, and I would like to advance some criteria in just a moment for what truth in the amendment process should be about.

But let me say to the gentleman from Minnesota, one of the cosponsors of this amendment, very similar to remarks I made earlier in this debate addressed to the chairman of the Appropriations Subcommittee on Transportation, that is, these Members who get up and talk about earmarking projects, talk about pork-barrel projects and proceed to label themselves as pork-busters, knowing the way the press loves to headline and loves to pay such Members attention, I would remind the gentleman, as the gentleman from Pennsylvania [Mr. SHUSTER], our distinguished full committee chairman, has already done, and I am sure he is already aware of letters that he has written our committee requesting projects in the past.

Evidently these projects under the current amendment and under the debate that is being conducted are termed bad and thrown out for political purposes, the money is thrown out for political purposes, but the pending amendment that the gentleman offers should indeed be shown for what it is.

Under the truth in amendments criteria that I would advance, Mr. Chairman, I would say must reveal first the startling transformation that has occurred in the sponsor of this amendment, the gentleman from Minnesota [Mr. MINGE]. There is a highway project in Minnesota which I am sure he is aware. It is a good project. It is called trunk highway 212.

In 1994 the gentleman wrote to me in my then capacity as chairman of the Surface Transportation Subcommittee requesting an earmark of $12 million for this particular project. We were able to help the gentleman, maybe not to the full extent to which he was requesting, but nevertheless in that letter the gentleman from Minnesota noted that the project had already received two other congressional earmarks, both in ISTEA and in the fiscal 1992 appropriation bill.

I think it is strange today that the sponsor of this so-called pork-buster amendment now finds the earmarking of money for highway projects so onerous. But be that as it may, there is a more important reason for opposing this amendment, and that is simply the fact that it makes no sense.

The gentleman notes in his April 16 "Dear Colleague" in support of this amendment that if the trust funds were taken off-budget, highway demonstration projects will be completely exempt from obligation limitations. The truth is that today under the existing process, ISTEA demonstration projects are exempt from the obligation limits set in the appropriation bills. They are exempt from the obligation limits today. So, therefore, the pending amendment makes no sense and I would urge its defeat.

I would say also in response to the gentleman from California, in his earlier rendition of what he termed highway robbery and appropriations of money that have come to West Virginia, my home State, for highway demonstration projects, I am not entirely clear but I believe some of those moneys to which he was referring are out of general revenues, and that is not what we are talking about in this particular legislation today at all. Yes, West Virginia received those projects, yes, we deserved them, but, no, they would not be affected by this particular amendment. They would not be affected by this particular legislation that we are considering because those were revenues that were appropriated out of general funds of the United States, not highway trust funds.

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

Mr. RAHALL. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. This is not the place to fight that battle. The place to fight this battle is when we bring ISTEA to the floor for reauthorization. I am sure there will be a bloody battle, in our committee and on the floor, over the whole question not only of special projects but of the formula which is used to apportion the money to the States. That is the place to fight this battle.

Mr. RAHALL. The distinguished chairman is entirely accurate. That is the format in which we should make that battle and also, in addition to that, we should not be trying to blur the distinction here between general revenues and highway trust fund moneys, either. If the gentleman has a problem with the appropriation process, then let us take that battle to the Committee on Appropriations and battle it out during the appropriation process.

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

Mr. RAHALL. I yield to the gentleman from Minnesota.

Mr. MINGE. I do not believe the gentleman received a letter from me in the 104th Congress requesting any funds for highway projects.

Mr. RAHALL. 103d Congress. If I misspoke, I stand corrected.

Mr. MINGE. And it would be correct to say that in the 104th Congress some of the rules changed, and we no longer had demonstration projects, so that we were not subject to this type of request from our constituents and, as a consequence, the process here in the House changed and we sort of cleaned up our act a little, if you will.

Mr. RAHALL. I know the gentleman is trying to relate his transformation to a possible transformation in the House rules, but we have not had a highway bill this year.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota [Mr. MINGE].

Mr. Chairman, the title of the pending legislation is the "Truth in Budgeting Act."

I would submit that we should apply that label to amendments as well.

Truth in amendments.

The gentleman from Minnesota has labeled himself a porkbuster. I have two "Dear Colleague" letters signed by the gentleman in which he berates so-called porkbarrel highway demonstration projects.

These types of projects are, in his view, apparently bad and as such, the pending amendment would make taking the transportation trust funds off-budget contingent upon there being no further earmarking of funds for a particular project.

Under the Truth in Amendments criteria I am advancing, I find that I must reveal there has been a startling transformation in the gentleman from Minnesota's views as they relate to earmarking of projects.

There is a highway project in Minnesota, and I am sure it is a good project, called "Trunk Highway 212".

Now, in 1994, the gentleman wrote to me in my then capacity as chairman of the Surface Transportation Subcommittee, requesting that I earmark $12 million for that project.

In that letter, the gentleman noted that the project had already received two other Congressional earmarks: in ISTEA and in the fiscal year 1992 appropriation bill.

Let it suffice to say that I find it passingly strange that today, the sponsor of this so-called porkbuster amendment, now finds the earmarking of funds for highway projects so onerous.

Be that as it may, there is one major reason to vote against this amendment.

It makes little to no sense.

The gentleman notes in his April 16 "Dear Colleague" that if the trust funds are taken off-budget, highway demonstration projects will be completely exempt from obligation limitations.

My colleagues, the truth is that today, under the existing, process, ISTEA demonstration projects are exempt from the obligation limitations set in the appropriation bill.

They are exempt from the obligations limitations today.

So I would urge a "no" vote on the pending amendment.

Mr. INGLIS of South Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have a great opportunity today to effectively continue the work that was just described, of eliminating these highway demonstration projects. As I understand it, highway demonstration projects were first designed to demonstrate new road construction techniques. Now they simply demonstrate the Members' ability to bring home the bacon to the district. That is what a demonstration project is all about.

The gentleman from West Virginia has made some point about others requesting demonstration projects. Let me, I guess, establish my credentials on that point.

In 1993, immediately upon being elected to this Congress, I said I would not support a demonstration project in my own district. It created quite a stir, because this is not what Members of Congress are supposed to do. They are supposed to seek the bacon for their district and bring it home. That is how they get reelected, so the story went.

Well, I opposed demonstration projects. I said I would not go to Congress. I said, "If you're choosing somebody to go on a looting mission for one's friends," as George Will has said, "pick somebody else, not me. And if you want to, throw me out after 2 years."

What happened? People in my district said, "That's right, BOB. No more demonstration projects. It's a lousy way to do government." What else did they say? Look at this, interesting thing. George Bush said no demonstration projects until he got into some trouble with reelection. Then Bill Clinton says no to demonstration projects. What do you make of it? President Bush and President Clinton agreeing, no demonstration projects.

So our honorable chairman of the committee over here has taken that action, and I am very excited about that. We need to do it right here. We need to make sure that in this bill we have a fail-safe, so if the committee starts spending demonstration money, it goes back on-budget. It is a nice accountability feature.

I think it would make a whole lot of sense to do that right now in this bill so that we make sure that we do not lapse into that old behavior of demonstration projects being clearly designed to win Members reelection. That is what this is all about, and that is why we have got to eliminate these demonstration projects.

The point was made earlier, it goes to holy water, the gentleman from Minnesota [Mr. OBERSTAR] said, when it goes to the State. I do not know about the holy water, but I do know this. If it goes to Columbia, SC, as a lump of money, in Columbia, SC, we are a relatively small State, we can figure out how to spend it. In 2½ hours you can get from Columbia to anywhere in South Carolina on the road system we have, and you can determine what the priorities are.

If I am given carte blanche to come here and be the demonstration project king, what happens is I start earmarking for my own district, and what happens to JIM CLYBURN's district or JOHN SPRATT's district or FLOYD SPENCE's district? It gets all irrational. It gets into complete politics way removed from the situation.

Columbia has no holy water but it is a small State. We can figure it out as a family. We want to send it back there freely, fairly and then let the State divide it up. That is the way it was designed.

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

Mr. INGLIS of South Carolina. I yield to the gentleman from Wisconsin.

Mr. NEUMANN. Listening to the gentleman, the phrase "trust but verify" comes to mind, that we trust the procedure that has been initiated in this Congress will continue and this is very simply a verification that what we have started, to make government cleaner and better for the American people, will continue. "Trust but verify" just keeps coming to my mind as I listen to the gentleman.

Mr. INGLIS of South Carolina. It says something about the SALT treaties and all that.

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

Mr. INGLIS of South Carolina. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding. If ever there were a man of integrity in this body, it is the gentleman from South Carolina, and if ever there were a gentleman who could do heavy lifting for his district, it is this champion weight lifter who is at the microphone over there.

I am glad to hear that the gentleman has such great confidence in his State government to distribute funds equitably and fairly. I say to the gentleman, I cannot get anywhere in my district in 2½ hours. It is too big.

But there is nothing, in all seriousness, in this legislation that refers to earmarking or designating. That is an issue that will be taken up the next time we have an authorization bill. Furthermore, the language of the gentleman from Minnesota would invite earmarking by the Committee on Appropriations for the simple purpose of killing off-budget status of the highway trust fund.

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

Mr. INGLIS of South Carolina. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. This amendment goes far beyond the issue of special projects. If we want to fight about special projects, ISTEA is the place to do that, not here. But this goes far beyond that. For example, if interstate maintenance, the national highway system, bridge, the ferry boat construction, if any one of these categories were included, it would kick in this amendment. Is that the gentleman's understanding, as well?

Mr. OBERSTAR. Yes.

Mr. INGLIS of South Carolina. If I may reclaim my time, if that were to happen, let us assume the Appropriations Subcommittee on Transportation decided to do such a thing. I would imagine it would be a fairly uncomfortable position and an unenviable position for them to be in, having taken a position against demonstration projects. It would be a rather awkward position.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support this amendment. I do not think it is going to pass. I hope it passes. But what we ought to be doing, and maybe this would be the prelude to next year, is we ought to just take a percentage of the 18.5 cent gasoline tax and turn it back to the States, because I think they know better about where the money ought to be spent than frankly we do in Congress. And when you have a problem in that individual State, then you go defeat that Governor or you change their legislature or you do something.

What the gentleman from Wisconsin was saying was a fact. The great State, my neighbor State of West Virginia, in that 1 year got 47 percent of all the highway demo money out of the Committee on Appropriations. Forty-seven percent.

There are three wonderful, and I like the gentlemen very much, three good Members of Congress and two outstanding Senators. Let me just say that for the record. I have great respect for Senator BYRD. I think he is a good person, a decent person. But the fact remains that that State has three Representatives, got 47 percent of the money and the rest of the country got 53 percent. Texas got nothing. Florida got nothing. California got nothing.

We in the Committee on Appropriations made a decision that was supported on a bipartisan basis, Republicans and Democrats, that we would do away with highway demo projects. Some people thought when I got to be chairman of the committee that we would just do everything for my State, and I said, "That's not why we're here, and we're going to do away with it," because I had watched the way that demonstration projects were determined. It was if you voted a certain way, if you did a certain thing. So I thought it was a good idea, and I thought the Minge amendment and the

gentleman from California have a good idea. We should be changing the formula. Right now we are disbursing the money on 1980 census data, when the world has changed in 1996 in California and South Carolina. And the gentleman from South Carolina, your State gets 87 percent. You do worse than any other State.

□ 1530

So this is a good amendment. Hopefully it will not pit the two committees together. Some people said, "You are here because you have a jurisdictional issue." Let me say, if the highway trust fund is taken off budget and it passes the House and the Senate and is signed by the President, I am going to get out of this committee. It will be a joke. It will be a waste. It will be a fraud.

Second, even if this does not pass, I do not want to be chairman of the Subcommittee on Transportation of the Committee on Appropriations for the rest of my life. I sit publicly in hearings. I may ask the gentleman from Louisiana [Mr. LIVINGSTON], "Hey, put me on another committee." Put me on the Committee on Foreign Operations. I can do other things other than transportation. So it is not a jurisdictional thing.

I commend the gentleman from Pennsylvania [Mr. SHUSTER] for the effective work here, and the gentleman from Minnesota [Mr. OBERSTAR] for the effective work here, but this amendment makes sense.

Nobody should abuse this amendment, make it look like a stupid amendment. It is a good amendment, and I think it is a way the Congress ought to go. Let us reduce the gasoline tax; let us let the States run it. Whatever we keep at the Federal level, let us change on a formula based on census and fairness.

Last, let us not hold anyone accountable who may vote the wrong way because they voted their conscience.

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

Mr. WOLF. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I would just ask the gentleman from Virginia, what was that pledge he made if this became law?

Mr. WOLF. Mr. Chairman, reclaiming my time, I said if this bill becomes law and is signed by the President, I would step down as chairman of the Subcommittee on Appropriations, because I think it would be a fraud to be there.

Mr. RAHALL. I just wanted to hear it repeated.

Mr. WOLF. Is the gentleman looking forward to that date to take my place, my friend? Although West Virginia has lost a little bit under the change with regard to that, the gentleman was not involved in those other things. It came from the other body.

Mr. RAHALL. Mr. Chairman, if the gentleman will yield further, would the gentleman clarify in this particular Member's mind his distinction between highway demonstration projects and earmarking?

Mr. WOLF. Mr. Chairman, a highway demonstration project is the State, and we have found out many times the State does not want the money, but the Congress gives them the money for whatever reasons, and you can fill in the blank what those reasons are. After the money ends, the State stops building it.

We had the GAO look at it, and many of these highway demonstration projects were never completed because the States did not want it. Once they get the money, they use the money, once they run out, they end it.

I would like to give back to the States whereby the Governor of the States can make the decision, and not the handful of people up here based on the fact you like the way the guy voted, or he did not offend you, or whatever the case may be.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. WOLF] has expired.

(By unanimous consent, Mr. WOLF was allowed to proceed for 2 additional minutes.)

Mr. WOLF. Mr. Chairman, I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, as the gentleman is aware, in ISTEA, when I chaired the Subcommittee on Surface Transportation, with the complete cooperation of the gentleman from Wisconsin, Chairman PETRI, and the gentleman from Pennsylvania, Mr. SHUSTER, chairman of the full committee, and the gentleman from Minnesota, Mr. OBERSTAR, or then Chairman Mineta, we developed a set of criteria by which projects had to answer, a long list of questions. One of those questions at the very top was about whether the State supported the project or not. We did not put a project into ISTEA without full 100-percent written testimony from the States that they supported such projects.

As I said earlier, these projects were scrutinized, scrubbed, and there was not a one put in there without State support, not without State support.

Mr. WOLF. Mr. Chairman, reclaiming my time, what happens is though the States say "If I am going to get it, I will take it." Even my own State said we are against these projects, but if everyone else is doing it, can you do it.

So I think it is better that it fits into the overall State's plan. I think the Governor is the best one to determine it and the money ought to go back on a systematic formula.

There are good and decent people on both sides. I am not questioning anybody for the way they do this. I think the amendment makes sense, and I ask strong support for the amendment. I am not going to hold my breath until it passes, but it would be a good thing.

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

Mr. WOLF. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman has been a strong supporter of the Woodrow Wilson Bridge rehabilitation. The gentleman understands that under the language of the amendment of the gentleman from Minnesota [Mr. MINGE] that any project or activity that is specifically designated in Federal law, that the Woodrow Wilson Bridge would specifically be stricken?

Mr. WOLF. The difference is, I would tell the gentleman, the Woodrow Wilson Bridge is the only bridge owned by the Federal Government.

Mr. OBERSTAR. It would still be stricken.

Mr. WOLF. It is in a totally different capacity. The Federal Government and Federal Highway Administration has come up to your committee and said that is their responsibility.

Mr. OBERSTAR. It would still be stricken by this language.

Mr. WOLF. It is a different situation, because it is a federally owned bridge.

Mr. OBERSTAR. It is still in the trust fund.

Mr. WOLF. I urge support of the amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind all Members to avoid personal reference to Members of the Senate.

Mr. ROYCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, yes, we are trying to change the process here so that it is done in the future proportionately on the basis of fuel taxes paid in by the various States and not affected by earmarking. It is because earmarking favors Sates with Members on key committees and communities with the resources to hire Washington advocates at the expense of other States and localities.

State transportation departments, in my view, and State legislatures are in a much closer position of being closer to the people to determine which highway projects are most deserving of funding than Congress. This is my view. Although individual Members may be knowledgeable about projects in their district or State, Congress as a whole is not in a position to make decisions about the merits of individual projects across the country.

Lastly, the process of earmarking funds for demonstration projects encourages the use of transportation funds for high profile politically popular new construction projects at the expense of the less visible but more important repair and maintenance projects.

So I urge and an "aye" vote on the amendment.

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

Mr. ROYCE. I yield to the gentleman from Minnesota.

Mr. MINGE. Mr. Chairman, I would like to also point out, complimenting the gentleman on his remarks, that we have remarkably capable committee leadership in the Committee on Transportation and Infrastructure and many other committees in this Congress. I submit that if some States are not responsibly allocating the Federal funds that come through, that our committees have oversight jurisdiction. It provides us with an opportunity to watch what the States are doing, to correct it with legislative response immediately, if that is what is necessary.

But this is a function that we can play very well, oversight. We have a national vision. But it is very difficult for us to provide the local supervision and the local decisionmaking that is so important in allocating funds between communities, even within our respective districts.

I would also point out that I, and I expect almost every other Member, have from time to time requested a project. I and many other Members have had communities in our districts request support for specific projects. As long as the game plan in Congress is to have demonstration projects or earmarks, it is very difficult to represent an area without playing the game.

I am not here to say that the gentleman from West Virginia or the gentleman from Pennsylvania or my colleague from Minnesota has done anything untoward. I am simply saying, let us engage in the oversight function. Let us not engage in the business where we each beseech the other for some local project and try to evaluate what is going on in each others' districts.

This is an extremely difficult task to perform from Washington. I certainly compliment the gentleman from West Virginia or South Carolina on his resolution to avoid that type of temptation. I know that is a stronger temptation than almost anyone else in this body has been able to withstand.

In closing, I would like to urge the Members of this body to support the amendment. We see this as an opportunity to improve the functioning of our institution and to avoid some of the criticism which unfortunately from time to time has brought our institution into disrepute in the Nation's press.

This, I submit, is a way for America, for the Congress, to improve our function, and to improve the way that we handle the important task of allocating Federal funds.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am here in vigorous opposition to this amendment. I think if you listen to the debate, you focus in on highway demonstration projects. I agree with much of what the gentleman from Wisconsin says and the gentleman from South Carolina. There are too many pork barrel projects. There are too many demonstration projects. But this amendment does not address highway demonstration projects. That is not what this amendment is about.

What this amendment does do is it would gut this legislation. That is why I am opposed to it. This legislation would assure that when people in our States pull up to the gas pump and they pay 18.5 cents a gallon in Federal taxes, which they believe will go to transportation projects, that when that money comes up here, all 18.5 cents goes back. It is not dipped in and taken out and spent on projects that are 1 million years and 1 million miles away from highway projects.

The gentleman from Wisconsin and I agree that this legislation before us is good. This amendment has a good sound to it, and I compliment the gentleman from Wisconsin for bringing it. But when I read it, I realized that it is not what he, I believe, even intended. Because what it would do in fact, I am concerned about these Canadian trailers, where you put three of them together, and a truck can haul trailers longer than a 10-story building. I want to stop that.

But this bill says that if we spend any money to address highway activities, if we try to stop these tractor-trailer trucks longer than a 10-story building, that we cannot do it, because we are obligating money for highway activities, and it goes out the window.

I am concerned about those four teenagers that died in Talladega County, AL, a few months ago at a grade crossing. I would like to address that. Several of us in this body are looking to make grade crossings safer. We would like to commit money to this activity. But it is a highway activity, and with this amendment, it goes out the window.

All someone would have to do that wanted to stop dedicated highway funds from highway projects, all they would have to do is slip something into our bill which was an activity, and it is out the window. So I vigorously oppose this amendment.

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

Mr. BACHUS. I yield to the gentleman from Tennessee.

Mr. DUNCAN. I just want to comment to the gentleman from Alabama, I certainly agree with the points he is making, I might make a couple of comments in addition.

Any highway project at any time probably has been called pork by somebody. So we almost have a choice of doing no highway construction at all in the country or doing projects that possibly somebody, some small minority someplace, is going to call pork. But we have got to do this construction.

All of this legislation we deal with, whatever subject it involves, it has to get specific in many different ways. But we run the risk if this amendment passes that if we get specific in highway legislation from now on, it would put this money back on budget and it would start being used for all these other things, foreign aid and everything else, instead of being used for highway construction and the purposes for which it was designated, which is what the American people want.

So I rise in opposition and join the gentleman from Alabama in his opposition to this amendment.

Mr. BACHUS. Mr. Chairman, reclaiming my time, in conclusion, I want to warn the Members of this body, if you are concerned about those triple trailers, which in negotiations they are trying to turn loose on our highways, and they will kill our senior citizens, and if you are concerned about these string of trailers, if you want to do something about them, that is a highway activity. Read this amendment.

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

Mr. BACHUS. I yield to the gentleman from Alabama.

Mr. CRAMER. Mr. Chairman, I thank my colleague from Alabama. I accept the gentleman's points. I rise in opposition to this amendment as well, and I accept the points the gentleman has made.

I additionally want to say on behalf of Alabama that we have worked very constructively with this committee, with the chairman of the committee, the ranking member of the committee. We have dotted every i, crossed every t. That first question we answered was, our State in support of a specific project? We from the Alabama delegation worked with a delegation with the committee.

So I think many misunderstand this process and misunderstand what we have to do in order to look after certain projects in the State. I just think this is a bad way to accomplish what the sponsors of this amendment want to accomplish, and I would urge my colleagues to oppose this amendment.

Mr. BACHUS. Mr. Chairman, reclaiming my time, I will simply close by saying read the amendment. It not only says highway construction projects, it says any highway activity, totally tying our hands to address important safety issues.

□ 1545

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota (Mr. MINGE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MINGE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 129, noes 298, not voting 5, as follows:

[Roll No. 121]

AYES—129

Allard
Andrews
Archer
Armey
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bereuter
Bilbray
Boehner
Bonilla
Brownback
Bunn
Bunning
Burr
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Coleman
Cooley
Cox
Crane
Cubin
Cunningham
Deal
DeLay
Dicks
Dixon
Doggett
Everett
Foglietta
Foley
Franks (CT)
Frelinghuysen
Funderburk
Furse
Gallegly
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Harman
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hoke
Inglis
Johnson, Sam
Johnston
Jones
Kasich
Kennedy (MA)
Klug
Knollenberg
Kolbe
Largent
Leach
Lightfoot
Linder
Livingston
Luther
Maloney
Manzullo
McCrery
McInnis
Meehan
Meyers
Miller (FL)
Minge
Morella
Myrick
Nethercutt
Neumann
Nussle
Obey
Orton
Packard
Pelosi
Peterson (FL)
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Roemer
Rohrabacher
Roukema
Royce
Salmon
Sanford
Sensenbrenner
Shadegg
Shaw
Shays
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Stark
Stearns
Stenholm
Stockman
Stump
Taylor (NC)
Thornberry
Thurman
Tiahrt
Torkildsen
Walker
Watt (NC)
Waxman
White
Wolf
Yates
Young (FL)
Zimmer

NOES—298

Abercrombie
Ackerman
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Barcia
Barr
Bateman
Beilenson
Bentsen
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Chapman
Chrysler
Clay
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Cremeans
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frisa
Frost
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Green (TX)
Greene (UT)
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Hilliard
Hinchey
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Ney
Norwood
Oberstar
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Richardson
Riggs
Rivers
Roberts
Rogers
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Serrano
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Spence
Spratt
Stokes
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Wamp
Ward
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Williams
Wise
Woolsey
Wynn
Young (AK)
Zeliff

NOT VOTING—5

Fattah
Jackson-Lee (TX)
Nadler
Neal
Wilson

□ 1606

Messrs. BURTON of Indiana, RUSH, CONDIT, KINGSTON, LAFALCE, CREMEANS, DOOLITTLE, and Ms. McKINNEY changed their vote from "aye" to "no."

Messrs. JONES, BILBRAY, BURR, DIXON, EVERETT, and Ms. PELOSI, Ms. HARMAN, and Mr. HALL of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill?

Mr. SHUSTER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman,I rise in support of the Truth in Budgeting Act.

Mr. Chairman, I rise in strong support of H.R. 842, the Truth in Budgeting Act and commend its sponsor, the gentleman from Pennsylvania [Mr. SHUSTER] for his bringing this important measure to the floor.

H.R. 842 transfers the highway, aviation, inland waterways and harbor maintenance trust funds off budget and provides that trust fund balances will not be used in calculations by the Congressional Budget Office regarding the Federal budget.

This bill guarantees that transportation taxes such as, that taxes that our constituents pay when they fill up their gas tank or when they buy an airline ticket are used for their stated purpose, to improve and reinforce our country's transportation infrastructure. Currently cash balances in the transportation trust funds total $30 billion. It is wrong that this funding is being used to mask portions of our Nation's budget deficit as opposed to upgrading our country's transportation infrastructure.

H.R. 842 is a positive step toward ensuring that our highways and airports get the help they need. According to the Congressional Budget Office this is an action that is budget neutral.

Accordingly, Mr. Chairman, I urge our colleagues to support this worthy legislation.

AMENDMENT OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROYCE:

Page 3, line 10, insert "(a) IN GENERAL.—" before "Notwithstanding".

Page 4, after line 14, insert the following:

(b) PROHIBITION ON EARMARKING OF HIGHWAY TRUST FUND AMOUNTS.—Subsection (a) shall no longer apply with respect to the Highway Trust Fund after the last day of any fiscal year in which amounts are made available for obligation from the Highway Trust Fund for any highway construction project or activity that is specifically designated in a Federal law, a report of a committee accompanying a bill enacted into law, or a joint explanatory statement of conferees accompanying a conference report, as determined by the Director of the Office of Management and Budget.

Mr. ROYCE. Mr. Chairman, this amendment is designed to comply with the spirit of the bill by providing for a complete segregation of highway trust funds and general funds. If the Highway Trust Fund is to be dedicated strictly to transportation programs, then the general fund should be dedicated exclusively to nontransportation programs. That is what this amendment does.

This principle should be supported by both supporters and opponents of H.R. 824, and I would just share with my colleagues that taking the transportation trust funds off budget will effectively reduce the amount of discretionary funds available under the discretionary spending limits for nontransportation programs. Allowing transportation projects that should be funded through the trust funds to receive general revenues in addition to trust fund revenues will further exacerbate the squeeze on all other discretionary spending.

It is unfair to both allow transportation programs to be funded off budget outside of the discretionary caps and

also receive funds from general revenues.

I urge an aye vote on the amendment.

The CHAIRMAN. The Chair believes that the incorrect amendment has been designated.

The Clerk will report the amendment offered by the gentleman from California [Mr. ROYCE].

The Clerk read as follows:

Amendment offered by Mr. ROYCE:

At the end of section 2, insert the following:

"(c) PROHIBITION ON FUNDING TRANSPORTATION PROGRAMS FROM GENERAL REVENUE.—Subsection (a) shall no longer be effective after the last day of a fiscal year in which any amounts were made available from the general fund of the Treasury of the United States for construction, rehabilitation and maintenance of highways, except for highways under the direct supervision of a department or agency of the federal government, as determined by the Director of the Office of Management and Budget."

□ 1615

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a well-intentioned amendment, but the consequences of it go far, far beyond what is apparent.

Stop and consider, if $1 from the general fund is spent on a highway, then the whole highway trust fund budget is thrown out. Consider, if my colleagues have a flood in their district, if they have an earthquake in their State and FEMA comes in and FEMA spends $1 to repair the highway from the earthquake or the flood, then this amendment kicks in.

If money goes to my colleagues' local community block grant development, we no longer have any control over that money; and my colleagues' local CDBG decides to spend some of that money on a highway, then this amendment kicks in. If money goes to my colleagues' State or their local community development district, and they decide to spend $1 on a highway, then this amendment kicks in.

So this goes far, far beyond, and for that reason I would urge its defeat.

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

Mr. SHUSTER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, effectively, this amendment does the same thing as the amendment we just voted on. Effectively it is the same old thing.

Mr. SHUSTER. Sure. It is even worse in the sense that they spend $1, FEMA spends $1 on a flood on an emergency. They spend $1 out there in Oklahoma City near the building that was blown up to fix up the street, and this kicks in. It really does not make much sense.

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

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Again I point out to all the supporters of the Appalachian Regional Commission program and Economic Development Administration program, $1 of those moneys going to a highway project kills off-budget status for the highway trust fund.

Mr. SHUSTER. Right.

Mr. MINGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the purpose of this amendment is to say that either we have a highway trust fund that is off budget, that is dedicated to and used to fund the highway projects in the various States around this country, or we do it on the budget; and if we are going to mix general fund moneys for highway purposes with trust fund monies for highway purposes, we altogether too easily can engage in a shell game and the accounting is going to be frustrated.

So the purpose of this amendment is very simple. We are not saying that we should not use funds in the trust fund for highway purposes, we are not trying to eliminate the earmarking, the demonstration projects, such as was considered in the previous vote. We are simply saying let us have it one way or the other.

If we have a disaster, and if there are highway repairs to be made, finance the highway repairs out of the trust fund. If the trust fund is not adequate, we can look at the gasoline tax again.

But this is not an attempt to frustrate the bill. We have spoken with the appropriators. The appropriations subcommittee that has jurisdiction over transportation projects has assured us that they are not interested in somehow delving into this matter and trying to force upon this Chamber some small measure which would end up putting the trust fund back on budget.

I submit that the leadership of the committee, the Committee on Transportation and Infrastructure, is extremely capable. They will know when other committees are attempting to usurp their authority. They will identify this, they will report it to the body, and we can deal with it appropriately.

This is a situation where we are simply trying to say that we need to bring integrity to the accounting process and have the funds within the trust fund and off budget or on budget entirely.

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

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

Mr. ROYCE. Mr. Chairman, according to the Congressional Research Service, over $38 billion has been spent from the general revenue on highway projects since the highway trust fund was created in 1957. These general funds have effectively masked the true cost of Federal highway spending. If these funds had been charged to the highway trust fund, arguably there would not be a surplus.

So this bill that we are going to vote on creates a firewall that would prevent gas tax revenues dedicated to the trust fund from being used for any programs outside the highway trust fund; very well. Then this amendment would create a corresponding firewall preventing transportation projects from being funded by general revenues.

I ask for my colleagues' "aye" vote.

Mr. KIM. Mr. Chairman, I rise in opposition to this amendment because it prohibits general fund expenditures on transportation.

This is not fair because gas taxes pay billions of dollars into the general fund each year.

GAS TAX

If you are not going to allow general fund expenditures for highway projects, then you should send all of the gas tax money to the trust fund.

But that doesn't happen now:

Take the 18.4-cent Federal gas tax: 6.8 cents for social programs/deficit reduction, 2.5 cents for mass transit, 0.1 cents for leaking underground storage tanks and only 12 cents for highways.

Over 30 percent of the gas tax goes to deficit reduction already.

This money should go to the trust fund.

AVIATION

The aviation trust fund is paid for by a 10-percent ticket tax.

This was created to pay for airport capital improvements.

That means airports, new towers, and runways.

The trust fund was not originally designated to pay for FAA operations.

That was always supposed to come out of the general fund.

But over the years, we've taken money out of the trust fund to pay for part of the FAA's operations.

Right now, the trust fund pays for about 70 percent of FAA operations.

If this amendment passes, then we would have to raise the ticket tax.

Perhaps if the sponsor would be willing to send all the gas taxes to the trust fund then I would support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ROYCE].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to the bill?

If there are no further amendments, the question is on 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 CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BARRETT of Nebraska) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 842) to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and

the Harbor Maintenance Trust Fund, pursuant to the House Resolution 396, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SHUSTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 284, noes 143, not voting 5, as follows:

[Roll No. 122]

AYES—284

Abercrombie
Ackerman
Allard
Andrews
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TN)
Bunn
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Chambliss
Chapman
Chenoweth
Chrysler
Clay
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Collins (MI)
Combest
Conyers
Cooley
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Danner
de la Garza
Deal
DeFazio
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (TX)
Filner
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Heineman
Herger
Hilleary
Hilliard
Hinchey
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kelly
Kildee
Kim
King
Kleczka
Klink
Klug
LaHood
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Manton
Martinez
Martini
Mascara
McCarthy
McCollum
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Mica
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Myers
Neumann
Ney
Norwood
Oberstar
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Poshard
Quillen
Quinn
Rahall
Richardson
Riggs
Rivers
Roberts
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Rush
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Serrano
Shaw
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solomon
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Tiahrt
Torricelli
Towns
Traficant
Upton
Volkmer
Vucanovich
Walsh
Wamp
Ward
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Williams
Wise
Woolsey
Wynn
Young (AK)
Zeliff

NOES—143

Archer
Armey
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Berman
Boehner
Bonilla
Bonior
Brown (OH)
Brownback
Bryant (TX)
Bunning
Burr
Castle
Chabot
Christensen
Clayton
Coleman
Collins (IL)
Condit
Cox
Cunningham
Davis
DeLauro
DeLay
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Eshoo
Fazio
Fields (LA)
Flake
Foglietta
Frank (MA)
Franks (CT)
Frelinghuysen
Furse
Goss
Hall (OH)
Hancock
Hayworth
Hefner
Hobson
Hoekstra
Hoke
Houghton
Hoyer
Inglis
Jefferson
Johnson, Sam
Johnston
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kingston
Knollenberg
Kolbe
LaFalce
Lantos
Largent
Lazio
Levin
Livingston
Luther
Maloney
Manzullo
Markey
Matsui
McDade
McInnis
Meehan
Meyers
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moran
Morella
Murtha
Myrick
Neal
Nethercutt
Nussle
Obey
Olver
Orton
Packard
Pelosi
Peterson (FL)
Porter
Portman
Pryce
Radanovich
Ramstad
Reed
Regula
Roemer
Rogers
Roukema
Royce
Sabo
Salmon
Sanford
Schroeder
Sensenbrenner
Shadegg
Shays
Skaggs
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Taylor (NC)
Thornberry
Thurman
Torkildsen
Torres
Velazquez
Vento
Visclosky
Walker
Watt (NC)
Waxman
White
Wolf
Yates
Young (FL)
Zimmer

NOT VOTING—5

Jackson-Lee (TX)
McCrery
Nadler
Rangel
Wilson

□ 1640

Mr. STOKES and Mr. SPENCE changed their vote from "aye" to "no."

Mrs. VUCANOVICH and Ms. DUNN of Washington changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on Wednesday, April 17, 1996, I was away from the floor because of a family medical emergency. Had I been present I would have voted "no" on rollcall No. 121, on H.R. 842; and on rollcall 122, final passage on H.R. 842, I would have voted "yes."

PERSONAL EXPLANATION

Ms. MILLENDER-McDONALD. Mr. Speaker, I inadvertently voted "no" on H.R. 842 the truth-in-budgeting bill, thinking that I was voting on an amendment. Had I known that I was voting on final passage, I would have voted "yes."

PERSONAL EXPLANATION

Mr. RANGEL. Mr. Speaker, I missed rollcall vote 122 because I was at a meeting in a room that the bells did not ring in. Had I been here, I would have voted in the negative.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 45 legislative days within which to revise and extend their remarks on H.R. 842, the bill just passed.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXPRESSING APPRECIATION FOR EFFORTS IN SUPPORT OF H.R. 842

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

Mr. SHUSTER. Mr. Speaker, I want to emphasize the extraordinary bipartisan support on this extraordinary victory here. Without the gentleman from Minnesota [Mr. OBERSTAR] and his colleagues, this simply never could have happened.

Beyond that, however, this has been a battle that we have been dedicated to for so many years, that there are many

former chairmen and ranking members of our committee who I know, those who are still alive have to be smiling, and those who are up there looking down have to be smiling as well.

On our side Bill Harsha, Don Clausen, Gene Snyder, John Paul Hammerschmidt, Jim Howard, God bless him, Glen Anderson, Bob Roe, Norm Mineta, they all contributed to this victory today, and I thank them.

□ 1645

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

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I want to pay tribute, well deserved tribute to the gentleman from Pennsylvania for the leadership he has exhibited on this issue. He has worked tirelessly, brought together a coalition of people of different fiscal views on this issue, geographic views on this issue and brought them together to understand and to pass this very, very important, as the gentleman has stated, long-standing legislation. He has marshaled an extraordinary outpouring of support for a principle that will reestablish the trust of people in Government. The impact reaches far beyond this bill. For that, I salute our chairman.

Mr. SHUSTER. I thank the gentleman.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 735, COMPREHENSIVE TERRORISM PREVENTION ACT OF 1995

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–522) on the resolution (H. Res. 405) waiving points of order against the conference report to accompany the bill (S. 735) to prevent and punish acts of terrorism, and for other purposes, which was referred to the House Calendar and ordered to be printed.

1995 ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. BARRETT of Nebraska) 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 Resources:

To the Congress of the United States:

I transmit herewith the 1995 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 17, 1996.*

1995 ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE HUMANITIES—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 Economic and Educational Opportunities:

To the Congress of the United States:

I am pleased to present to you the 1995 Annual Report of the National Endowment for the Humanities (NEH). For 30 years, this Federal agency has given Americans great opportunities to explore and share with each other our country's vibrant and diverse cultural heritage. Its work supports an impressive array of humanities projects.

These projects have mined every corner of our tradition, unearthing all the distinct and different voices, emotions, and ideas that together make up what is a uniquely American culture. In 1995, they ranged from an award-winning television documentary on President Franklin Delano Roosevelt, the radio production *Wade in the Water*, to preservation projects that will rescue 750,000 important books from obscurity and archive small community newspapers from every State in the Union. *Pandora's Box*, a traveling museum exhibit of women and myth in classical Greece, drew thousands of people.

The humanities have long helped Americans bridge differences, learn to appreciate one another, shore up the foundations of our democracy, and build strong and vital institutions across our country. At a time when our society faces new and profound challenges, when so many Americans feel insecure in the face of change, the presence and accessibility of the humanities in all our lives can be a powerful source of our renewal and our unity as we move forward into the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 17, 1996.*

HOW SERIOUS ARE WE?

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

Mr. GOSS. Mr. Speaker, 8 days ago I stood in the Oval Office as the President signed into law the historic line-item veto. But how serious is the Washington establishment when it comes to enforcing real change?

Today we read the first of what is likely to be many advertisements for Washington insiders pitching a seminar on how to circumvent the line-item veto. For a mere $245, people whose business it is to secure Federal money can learn, among other things:

What can be done to insulate an appropriation, entitlement or tax provision from a line-item veto.

The law hasn't even gone into effect, and already people are seeking ways around it. And, later today, we consider a bill to take an entire category of Federal spending off budget, beyond the reach of the line-item veto.

Mr. Speaker, we crafted a tough and workable line-item veto to control runaway Government spending. How serious are we? I guess Americans will have to watch and see.

Mr. Speaker, I provide for the RECORD the advertisement referred to:

[From the Congress Daily, Apr. 17, 1996]

(Price Waterhouse LLP—Presents)

THE LINE-ITEM VETO: HOW IT WILL AFFECT APPROPRIATIONS, ENTITLEMENTS, AND TAXES

THE EXECUTIVE SEMINAR YOU NEED TO ATTEND!

Bedget and political analysts are calling the line item veto the most significant revision in the legislative process since Gramm-Rudman-Hollings. Many are predicting that it will require substantial changes in the way people in Washington conduct business.

Price Waterhouse LLP's highly respected budget and tax professionals will provide you with what you need to know about the line item veto when you need to know it—NOW! During this solid, no fluff, half-briefing you will learn how the line item veto will work, including answers to these key questions:

Which appropriations or parts of appropriations will be subject to a line item veto?

Who will determine which tax provisions are vulnerable?

What does the law mean when it said that only "new" entitlements will be subject to a line item veto?

How can Congress disallow or override a line item veto?

What can be done to insulate an appropriation, entitlement, or tax provision from a line item veto?

What role will OMB, CBO, and the Joint Committee on Taxation play in the line item veto process?

All of this and much more in just a half day . . . you'll be back in your office in time for lunch. And at only $245 per person (with a substantial discount for more than 4 people from the same organization), this special executive briefing is the easiest and least expensive way for you to learn what you need to know about the new challenges and opportunities the line item veto will create for you and your association or company.

Price Waterhouse LLP's

Line Item-Veto Executive Seminar

Wednesday, May 8, 1996—8:30 a.m. to 11:30 a.m.

Continental Breakfast Starting at 7:30 a.m.

Hyatt Regency Hotel On Capitol Hill, Washington D.C.

To Register, Or For a Copy Of The Full Agenda Call (202) 414–1757

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of May 12, 1995, and

under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECOGNIZING SUCCESSFUL TEEN PREGNANCY PREVENTION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the current debate on welfare reform is accelerating the need to address the issue of out-of-wedlock teen births.

We want to "end welfare as we know it." But, I am afraid we will replace it with welfare as we do not want to know it.

We do not want to enact legislation that leads to a policy of national child abandonment.

Our current social crisis evolved over several generations. Consequently, we must realize that we cannot break this intergenerational cycle or eliminate the crisis overnight.

To break the cycle of teen pregnancy and poverty, we must implement pregnancy prevention programs that educate and support school age youths—10–21—in high risk situations and their family members through comprehensive social and health services, with an emphasis on pregnancy prevention.

I strongly support abstinence education and feel that it is critically important to fund abstinence programs for preteens as well as teenagers. Within 5 years, a concentrated abstinence program for preteens should bring about a decline in the number of teenagers who are sexually active.

However, we cannot ignore the fact that today so many of our teenagers are already sexually active with or without our permission. It is therefore imperative that we also provide funding for contraceptive prevention programs for them.

This evening, I wish to recognize a program in my district that exemplifies the kind of comprehensive social and health services that high risk teenagers need.

For over 13 years, the Division of Adolescent Health Services of Greene County has developed and implemented programs to help teenagers meet and successfully avoid the pitfalls of juvenile delinquency, child abuse, school drop outs, and teen pregnancy. In the past 2 years the program has expanded its services to include primary health care to improve health status of teenagers and to influence healthier behavior and lifestyles. A certified physician's assistant furnishes on-site treatment of acute illnesses, minor injuries, and developmental screenings as well as age-appropriate health education such as nutrition, diet, and personal hygiene.

In addition, early intervention is provided for sexually active teens and teens with alcohol and substance abuse problems.

Other on-site services include: individual counseling, mental health prevention, first aid and family life classes—along with an array of other health and social services.

Off-site referrals are made for family planning with a tracking system to assure follow-up.

The program was started to provide a foundation of support for young teens as they encounter life's changes.

One of the strongest components in this foundation is the TAP Club—Teens Against Pregnancy. Membership is open to all girls in grades 9–12, with membership dues of $5 per year.

Another key component is the Teen Advisory Board. Adults do not view the world from a teenage perspective, therefore, they may not always know what is best for teens. Realizing this, the Green County Program established a Teen Advisory Board in 1985.

Ms. Helen Hill serves as the director of the Division of Adolescent Health Services of Greene County. From the beginning, she has been a guiding force through both the planning stage, and the implementation stages, and for over 13 years has successfully run the program that is known throughout North Carolina as the original school-based health model. It is also known as a program that truly works.

She not only has improved the quality of life and enhanced the opportunities of the county's teenagers but her efforts have meant a better quality of life for all Greene County's citizens. At the same time she has saved county, State, and Federal Government funds. She has saved the taxpayers money. Ms. Helen deserves our applause.

True welfare reform should end the need for monetary benefits if it eliminates programs and funding. A small percentage of the total funding currently paid to teen parents should be earmarked for contraceptive prevention programs. Every dollar spent on contraceptive prevention will be multiplied many times over in the Federal tax dollars that will be saved by preventing teen pregnancy.

The Division of Adolescent Health Services of Greene County is a shining example of what we can do.

Mr. Speaker, this is truly an outstanding program and I recommend it for all my colleagues.

Mr. ROEMER. Mr. Speaker, each year more than one million teenage girls become pregnant. Four out of 10 will become pregnant before the age of 20 with half of them giving birth and very few marrying the father. These numbers pose a serious problem not only to the young parents and the child, but to the larger community as well.

There are a number of programs working to assist young mothers and their children, including financial assistance and child care. These are important programs and we must continue to improve them. What we must also do is begin to more adequately address the issue of how to keep teenagers from becoming pregnant. As the old saying goes, "An ounce of prevention is worth a pound of cure." While we will never erase teen pregnancy completely, it is essential to create successful prevention programs.

In an environment of shrinking Federal Government involvement, State and local governments must begin to work in conjunction with their communities to provide the programs necessary to assist young teens in making responsible life choices. In response to this trend, the Progressive Policy Institute in cooperation with the Democratic Leadership Council has developed a seven part framework to help communities and local governments better understand the problem and begin to solve it. While this framework does not have all the answers, it provides a basic format on which to build successful programs catering to the needs of a particular locale.

The seven strategies are 1. Build state and local coalitions 2. Launch a sustained campaign to change attitudes. 3. Second chance homes for teen mothers. 4. Hold fathers accountable, and value their contributions to their children. 5. Crack down on sexual predators. 6. Reform foster care and adoption laws. 7. Create opportunities and incentives for young people at risk of becoming parents too soon.

Local communities can play a vital role in the actions and attitudes of young teens. Support from schools, churches, and civic organizations can offer both assistance and alternatives to teens. Each community must decide where to focus its attention; whether through education, offering part-time jobs, more after school activities, or mentoring programs. A number of communities already have resources in place, such as the Boys and Girls Club or 4–H. We need to draw from those resources, learn from them, and make them more effective.

I know that if all levels of government, various organizations, communities, and the public at large pull together, we can begin to address this important issue. Parenthood is an exceptionally important responsibility and we must prevent or delay that responsibility until teens are mature enough to accept it and the wonders that accompany it.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am proud to join my colleagues in celebrating the efforts of communities across the country in fighting teen pregnancy. At a time when we are constantly bombarded with dismal statistics on teenage births, it is particularly important to recognize those individuals who have stopped talking about teen pregnancy prevention and have committed to action. The Latino Peer Council in my State of

Rhode Island is a shining example of this commitment to action. Together, these young men and women are reaching out to the students who will follow in their footsteps in striving for better, brighter futures.

The Latino Peer Council was initiated in the summer of 1994 as the State was facing the highest teen birthrate in the Northeast. With teenage pregnancies particularly prevalent within the Latino- and African-American communities in Rhode Island, the Latino Council was developed to focus upon the specific needs of Hispanic families. The council is comprised of eight high school students who are trained by community educators to inform and educate their peers, teachers, and parents on teenage pregnancy, sexually transmitted diseases, AIDS, safe sex, birth control, relationships and abstinence.

Using humorous skits and lively discussions, the peer educators have effectively touched their fellow youths in the community. Through their leadership, they set an example not only to Latino teenagers but all young adults from every ethnic and racial background. At the same time, these students are cultivating leadership skills that will carry them throughout school, their careers and their lives. The Peer Educators build their confidence and develop a strong sense of self while engaging in public speaking and community education.

The Latino Peer Council is effective because of its innovative approach to tackling unplanned pregnancy. Shunning antique methods of teaching sexual health and awareness, the council presents teens as competent, responsible, intelligent leaders that share similar experiences with those whom they are educating. Teens are communicating with other teens about the issues and concerns that they face growing up in today's world. In this Congress we have heard a lot about "personal responsibility." I am proud to recognize today a group of teenagers talking, educating and taking responsibility not only for themselves, but for an entire generation.

Efforts like those of the peer educators are essential to building bridges between youngsters and adults that will ensure that the next generation is successful both personally and professionally. Keeping the lines of communication open between teens and adults is crucial to effective pregnancy prevention and family planning. If adults and teens can share, communicate and most importantly, understand one another, half of the battle has been won. I am proud of the Latino Peer Council for rising to the occasion. I urge other communities to start listening to their young people and working with them to put an end to teen pregnancy.

I would also like to salute the teen pregnancy prevention initiatives of Thundermist Health Clinic in Woonsocket, RI. Services like the Health Hut that provides family planning services to pre-teens at Woonsocket Middle School to the Mentoring Program that coaches and guides young mothers not to repeat their mistakes, are strengthening families and the greater community.

I want to thank the gentlewoman from North Carolina for highlighting this important issue and for providing us the opportunity to focus on the strengths of our youngsters—an area that receives too little attention.

Mrs. MORELLA. Mr. Speaker, members on both sides of the aisle and on both sides of the choice issue agree that we must reduce teenage pregnancy. Its costs are enormous; it is costly to the Government, costly to the futures of the young mothers, and costly to our society. It is clear that reducing teenage pregnancy will only be successful when parents, educators, community leaders, the business community and Congress make a serious commitment and become involved.

Costs associated with teenage pregnancy drain limited Federal, State and local resources. Each year, more than one million American teenage girls become pregnant. The teenage pregnancy rate for women under 20 has increased by more than 20 percent since 1970. Teenage mothers are more likely to be uneducated, unskilled and unmarried. Their children are at higher risk for prematurity, low-birth weight and birth defects.

Women who bear children outside of marriage and meet income requirements are eligible for AFDC benefits, food stamps, Medicaid, housing assistance and other benefits, and teenage mothers are particularly likely to need these benefits.

And what about the costs to the teenagers themselves? The opportunities forgone to teens who become pregnant are enormous. Certainly many career paths become nearly impossible for a teenage mother to attain. High school graduation becomes less important that the children's daily needs; teenage mothers have a 60 percent chance of graduating from high school by age 25, compared to 90 percent of those who postpone childbearing. The economic situation of most teenage mothers is such that most find themselves limited to low-income neighborhoods that are less likely to have good schools, safe drug-free streets and positive role models. And we know that teenage mothers are the most likely to the single parents and have an especially difficult time collecting child support.

Teenage pregnancy is costly to society in terms of lost productivity and in terms of the cycle of dependency that is passed on from generation to generation. Teens from poorer families are more likely to initiate sexual intercourse at a younger age and less likely to use contraception.

What should we do? It is clear to me that Congress does not have all of the answers, and cannot provide help where it is needed most: at home and in the community.

One example of effective community involvement is Best Friends, an organization designed to reduce teenage pregnancy. I have met with Elayne Bennett, the founder of the Best Friends, and she shared many encouraging stories with me. In 29 public schools across the country, including schools in Montgomery County, MD, the Best Friends Program has been a wonderful success. Of the 600 Washington girls who have participate for 2 years or more, 1.1 percent, have become pregnant, as opposed to the 25 percent citywide rate for girls 13 to 18. The Best Friends Program is not a quick fix. It works because its mentors make a long-term investment in junior high and high school girls, taking them on outings, teaching them new skills, and going to weekly classes with them. The Best Friends Program builds teenage girls' self-confidence and teaches them that there are other options.

The Federal Government does, however, have an important role to play in the area of education, girls' sports, and community activities. These things all play an important role in reducing teenage pregnancy because they build self-esteem and present young girls with options for the future, making them much more likely to avoid teen pregnancy.

We have spent a significant amount of time this Congress debating welfare reform—deciding how limited resources should be used and how to most effectively move AFDC recipients from welfare to work. Reducing teen pregnancy must be part of the solution, and indeed, it has been a part of the debate—but few constructive solutions have emerged. Some Members advocate a family cap, a provision to deny benefits to welfare recipients who have additional children while on welfare.

Despite the heated debate over illegitimacy that we have heard in the context of welfare reform, answering the question of whether the welfare system increases nonmarital childbearing is very difficult. Some studies have shown that welfare has no effect on nonmarital childbearing while others have shown significant effects. Whether or not Government benefits actually lead to an increase in teen pregnancies, we do know that the teenage pregnancies that occur—for whatever the reason—are very expensive. While curbing teen pregnancy certainly needs to be addressed in the context of welfare reform, these punitive solutions are not the answer. Mr. Speaker, we have not spent enough time developing real solutions to reducing teenage pregnancy—solutions that involve prevention strategies, education and self-esteem building, community partnerships, and family planning.

We must also improve and increase efforts at the Federal level to prevent teenage pregnancy. There are very few Federal programs to reduce teenage pregnancy, and they are not comprehensive. Fully funding the title X Family Planning Program is one of the most direct ways that Congress can help prevent unintended pregnancies; publicly subsidized family planning services prevent an estimated 1.2 million unintended pregnancies annually in the United States. Title X, however, directs its dollars to critical health services for women of all ages, and only 20 percent goes toward adolescents. Although title X was threatened during the fiscal year 1996 appropriations process, a majority of Members recognized how important it is. No title X funds can be used for abortion services; clinics have always been prohibited from using title X funds for abortions. What title X does do is provide quality health care for low-income women—including teenagers—who are at risk of becoming pregnant. The Centers for Disease Control also has small grant to implement 13 community projects to examine ways to reduce teenage pregnancies, but its effects have been limited due to its size. The Adolescent and Family Life Act provides a small grant that goes toward care and parenting for adolescent mothers and adoption assistance, but most of the money goes toward an abstinence-only education. These programs help, but clearly they are not enough.

Adolescent pregnancy prevention is not only about family planning. We must examine the

reasons teenage girls become pregnant. What is it about our society that makes teenage girls think that to be loved, they must have a child of their own? Why do so many girls think that no opportunities worth waiting to have children will be available to them? Surely we can do better. Educational opportunities build self-esteem, as do girls' sports and community activities. Improving our education system, building our communities, increasing job opportunities, and giving young girls something to look forward to all will reduce teen pregnancy.

We all share the responsibility for preventing teen pregnancies. Parents, communities, religious organizations, State and local governments all have an important role to play, and many are making important progress toward reducing teen pregnancies.

Each year in Maryland over 8,500 adolescents give birth. I applaud the work done by the Governor's Council on Adolescent Pregnancy to combat this problem. The council promotes the reduction of unplanned adolescent pregnancies through strategies carried out in collaboration with state and local agencies and private and no profit groups. A sustained media campaign, including television, radio, and print media has been an integral part of efforts to raise awareness about adolescent pregnancy. Maryland has also developed programs to help teen parents prevent further early childbearing and programs to help teenage parents learn parenting skills and continue their education. It is important that we don't only focus on prevention, but focus on helping teenage parents improve their lives.

I applaud the efforts of the bipartisan National Campaign To Reduce Teenage Pregnancy, and I hope their recommendations provide new ideas and energy. I look forward to a hearing at the end of the month on teenage pregnancy in the Government Reform and Oversight's Human Resources Subcommittee

This is only the beginning of a dialog between the Congress, our communities, state and local governments and educators about how to reduce teen pregnancy. We know that providing teens with a solid education, teaching them how to avoid pregnancy and giving them hope for the future works. Now we must work together to achieve these goals.

A TRIBUTE TO RUSH LIMBAUGH, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, I rise today to pay tribute to a distinguished and gentle man from southeast Missouri, a man who embodied what is right and good about this great Nation, Rush Hudson Limbaugh, Sr., a gentle man who earned the affectionate disinction, patriarch of southeast Missouri.

Mr. Limbaugh passed away last week at the honorable age of 104 in his Cape Girardeau home of Sylvan Lane. He had a long and valuable life. His passing will inevitably leave a tremendous void. He was a dear friend and mentor of mine, and of countless others, from all walks of life.

What made Mr. Limbaugh such a special person was his uniquely simple character. Those who had the privilege to come in contact with him certainly were amazed at his breadth of knowledge and command of oratory skills. No question, Rush Hudson Limbaugh Sr. was a living testament to the american dream. But he was without pretense, truly a humble man, a devout Republican and a very committed democrat.

Born in rural Bollinger County, about 90 miles southwest of St. Louis, Mr. Limbaugh was the product of a one-room primary school. As with everything he approached in life, he excelled in his education. In fact, through diligence, organization, and keen focus, he put himself through high school, paying most of his expenses by doing carpenter work and farm labor. Following high school, he went to college at the University of Missouri at Columbia. His work on the university farm and various odd jobs, such as firing furnaces, carpentry, waiting tables, caring for animals, and assisting a Methodist minister all helped to foot the bill for his continuing education.

He always stressed that the more you can learn, the better off you would be. His list of personal accomplishments help to prove that he was indeed a man who lived by his own words and convictions. He prepared himself well, worked hard, and made his family, community, and country proud.

Among his most notable achievements, Mr. Limbaugh left this world last week as the oldest practicing attorney in the United States. That's right, at 104 years of age, Rush Hudson Limbaugh Sr. still went into the office at least twice a week to the Limbaugh, Russell, Payne and Howard law firm that he founded 50 years ago in Cape Girardeau. To help put his 80 years of service in perspective, he started practicing law in 1916 at the age of 24 when Woodrow Wilson was President.

Not only was Mr. Limbaugh a scholar in the law, but also in history, in political theory and Judeo-Christian tradition. He and I shared a pleasure of never-endingly researching Abraham Lincoln. When we would get together, inevitably a discussion about Lincoln would come up, and we both looked forward to swapping new stories or novel tales about our Nation's 16th President.

I would be remiss if I didn't mention Mr. Limbaugh's many contributions to our community and our Nation. He was a servant of the Methodist church, the Boy Scouts, and the Salvation Army among others. In 1958, one of his personal highlights came when the U.S. State Department invited him to lecture in a newly liberated India before lawyers, judges, and university students about constitutional government and the American judicial system. They were so impressed with his commentary and remarks that the All India Law Teachers Association subsequently honored him.

We will all dearly miss Mr. Limbaugh, the patriarch of the Limbaugh family, of Cape Girardeau and of southeast Missouri. Many folks know about his now famous national radio talk show grandson, Rush Limbaugh III. "Pop," as his family would call him, also is responsible for the great legal legacy of Limbaugh lawyers whom include son, a U.S. District Judge, a grandson, Justice of the Missouri Supreme Court, another grandson, a prominent attorney in southeast Missouri and throughout the Midwest, a son and grandchildren who are educators.

Throughout his extraordinary life, he was always true to his roots—hard working, composed, dedicated, and most of all humble. His life and character epitomize that America is the land of opportunity for those who have the heart and the will to make the most of it.

Rush Hudson Limbaugh Sr. was indeed a legend in his time.

[From the Southeast Missourian]

400 ATTEND LIMBAUGH FUNERAL

(By Chuck Miller)

The patriarch of the Limbaugh family was laid to rest Thursday afternoon next to his bride, who died almost 19 years before him.

For the most part, the funeral service for Rush Hudson Limbaugh Sr. was of typical United Methodist fanfare, probably the way the Limbaugh would have wanted it. The most extraordinary aspects of the service were the cross-section of people that paid their last respects and the "van loads" of flowers sent in remembrance of a man whose legal career spanned more years than most people's lives.

Limbaugh, 104, died Monday, April 8, 1996, at his home on Sylvan Lane. He practiced law for more than 80 years.

State officials, judges, community leaders and others—about 400 people in all—gathered at Centenary United Methodist Church for the service. The minister, the Rev. Dr. Neil Stein, delivered the eulogy.

Besides the eulogy, a violinist began the service, a soloist sang a Christian hymn and a trumpeter performed "Amazing Grace." It was a relatively simple service for a man who gained international fame as a lawyer and who lived through the Space Age and witnessed this country fight six wars. But Limbaugh enjoyed living a simple life in Cape Girardeau.

In addition to family members such as a U.S. district judge and nationally known radio and TV talkshow host, Secretary of State Bekki Cook, a former associate in the law firm Limbaugh founded, and State Auditor Margaret Kelly attended the ceremony.

Three justices from the Missouri Supreme Court also attended the service. One of the justices, Stephen N. Limbaugh Jr., was bidding farewell to his grandfather. Chief Justice John Holstein and Justice William Price also paid their respects.

A host of other officials from state representatives and senators to city leaders and lawyers also attended.

"No one can really tell the story of the life of Rush Hudson Limbaugh," Stein said. "He

joined this church in 1911, before most of us came into being."

The minister said Limbaugh was a man who made everything—family, clients and God—take center stage in his life. "A grandson told me that Pop—that's what everyone called him—made each of them feel they were the most important one in his life," he said.

"Even though he is gone physically," Stein said, "it makes no sense to stop living up to his standard."

Limbaugh lived a long and quality life, Stein said, because of his ability to adapt to new things. "Most people resist change, but Rush never aged," he said.

The minister quoted a line from a book Limbaugh wrote but never published about his life with his wife, Bee. "On the night of her death, he wrote, 'For the first time in 63 years I was utterly alone except for the memories of the greatest soul I had ever known,'" said Stein.

A long funeral procession to Lorimier Cemetery followed the service.

[From the Southeast Missourian]

RUSH H. LIMBAUGH DIES AT AGE OF 104

(By Jay Eastick)

In 1902, on a small farm along the Little Muddy Creek in Bollinger County, a passion for the law first stirred in a 10-year-old boy.

A Daniel Webster oration the boy memorized had inspired him to become a lawyer. Fourteen years later, he set out on a legal career that spanned eight decades.

On Monday, the lifetime love affair between the man and the law ended.

Rush Hudson Limbaugh, one of Cape Girardeau's favorite sons and the nation's oldest practicing lawyer, died Monday afternoon at his home at 635 Sylvan Lane. He was 104.

Funeral arrangements are pending at Ford and Sons Mt. Auburn Chapel in Cape Girardeau.

Limbaugh's interest in law never waned and even in recent months, he headed into work about twice a week at the Limbaugh, Russell, Payne and Howard law firm that he founded 50 years ago in Cape Girardeau.

His love of the law now is a family legacy.

His son Rush H. Limbaugh Jr., who died in 1990, practiced law with him, along with another son, Stephen N. Limbaugh, who now is a federal judge in St. Louis.

Stephen practiced law with his father for 30 years before President Ronald Reagan appointed him to the federal bench.

"I remember him most of all as a tremendous inspiration as a lawyer and a teacher, not only from a professional point of view, but in our relationship as well," Stephen said Monday.

He always has been most impressed with his father's even temperament. Although he could be a "very fiery advocate" for his clients, the elder Limbaugh was able always to maintain his composure and craft solutions to legal quandaries, Stephen said.

Despite his own stellar legal career, Stephen said he "couldn't possibly ever measure up" to his father's stature.

The Limbaugh legal legacy extends to a third generation.

Four of his grandsons followed in his footsteps and pursued legal careers. John and Dan, sons of Rush's son, Manley, both are lawyers. Stephen's son, Stephen Jr., now is a Missouri Supreme Court judge, and Rush Jr.'s son, David, practices law at the firm his grandfather started.

David said his grandfather wouldn't want his family boasting about him. "But he was an extraordinary man, exemplary in every way, yet very humble," he said.

"He was a devoted Christian, a lawyer's lawyer, a community servant and a gentle and kind man whose family was the very center of his life.

David said the loss of his grandfather was "made easier with the knowledge that he led a rich and fulfilling life and that he is now residing in a happier, more peaceful place."

Rush Limbaugh's oratorical skills were passed down to his most famous progeny, Rush H. Limbaugh III, who hosts the nation's most-listened to radio talk show as well as a syndicated half-hour television show. He also is the author of two best-selling books.

By any measure, Rush Limbaugh's was a full life. His vita runs to several pages and reflects a commitment to excellence and the highest code of legal ethics.

He was known by his peers as a superb lawyer. More than that, he is remembered by those who knew him as an uncommon man, someone who combined public distinction with private character.

And so colleagues, when asked to name Limbaugh's achievements, are as likely to point to his work as a Sunday school teacher or scout leader as they are to his many career distinctions.

A former president of the Missouri Bar, charter member of the Missouri Bar Foundation and member of the American Bar Foundation, among other professional organizations, Limbaugh also was a member of the Cape Girardeau Board of Education, the Salvation Army Advisory Board and was chairman of the Cape Girardeau County Republican Committee.

He had been honored by the American Security Council, the All India Law Teachers Association, and the University of Missouri. He also was named "Mr. Cape Girardeau" by the Golden Eagles Marching Band of Southeast Missouri State University, and was an Honorary Citizen of "Father Flanagan's Boy's Town.

In 1985, then Missouri Gov. John Ashcroft declared May 17 "Rush H. Limbaugh Day" in the state in honor of the Cape Girardeau laywer.

At a dinner that night, President Reagan remarked in a letter that Limbaugh's contributions "read like a virtual who's who of accomplishment." U.S. Supreme Court Justice Lewis Powell called Limbaugh a "great credit of the legal profession."

Ashcroft, now a U.S. Senator from Missouri, said Monday that Limbaugh "set an example" for all who knew him.

"Rush Limbaugh exemplified the character, commitment and vision that has led this great state from the 1900s through the Great Depression, up until today," Ashcroft said. "He understood the promise of America because he embodied it."

One of the highlights of his career came in 1958, when the U.S. State Department invited Limbaugh to lecture in a newly liberated India before lawyers, judges and university students on the subject of constitutional government and the American judicial system.

The product of a one-room primary school in rural Bollinger County, Limbaugh attended Millersville High School before transferring to the Normal School in Cape Girardeau, where he paid most of his expenses doing carpenter work and farm labor.

At Normal School, he was elected to the Benton Literary Society, for which he won numerous oration and debating awards. In 1912, he was awarded the gold medal for participation in the Interstate Normal Oratorical Contest at Emporia, Kan.

He paid his way through college at the University of Missouri at Columbia by working on the university farm and various odd jobs—firing furnaces, carpenter work, waiting tables, caring for animals and assisting a Methodist minister.

At college, his oratory skills won him more awards and helped to hone the skills he later would employ in the courtroom.

He argued more than 60 cases before the Missouri Supreme Court and many prominent civil cases, Limbaugh was a specialist in probate law and helped draft the 1955 Probate Code of Missouri.

Limbaugh also tried cases before the Interstate Commerce Commission, the U.S. Labor Board, the Internal Revenue Appellate Division and trial and appellate agencies of the U.S. Coast Guard.

[From the Southeast Missourian, April 9, 1996]

COLLEAGUES CALL LIMBAUGH A LAWYER'S LAWYER

(By Chuck Miller)

Friends and colleagues of Rush Hudson Limbaugh, 104, said within hours of his death that other people should measure their personal and professional lives by the standard he lived by.

A Cape Girardeau Icon who also achieved international fame as a lawyer touting American jurisprudence abroad, Limbaugh died Monday afternoon.

"It's a sad day for Cape Girardeau," said U.S. Rep. Bill Emerson, "Mr. Limbaugh had a long and valuable life. His passing will inevitably leave a tremendous void. He was a dear friend and mentor of mine."

Emerson said he and Limbaugh shared a hobby of researching Abraham Lincoln. When the two men would meet, they would swap a new story about America's 16th president. "That was one thing we looked forward to," he said.

Emerson said one of his fondest memories always will be the dedication of a new school in Winona. The federal government funded half of the project, he said, and a Winona banker, represented by Limbaugh at age 96, funded the other half of the project.

"So it was Rush Limbaugh and Bill Emerson on the back of a flatbed truck for the dedication," he said. "And he made the most remarkable, beautiful statement: He was quoting off the top of his head about the importance of a public education. He just wove it together so beautifully.

"He was a legend in his time."

Cape Girardeau Mayor Al Spalding III said Limbaugh "made" Cape Girardeau in many ways.

"He put us on the map in a lot of respects," he said. "We hate to see his passing. He paid his dues and helped a lot of young attorneys over the years, which we're all grateful for."

A man devoted to his wife, community and his career was how John Blue, the former managing editor of the Southeast Missourian, described Limbaugh.

"He was president of the Rotary when I joined in 1949," Blue said. "He was one of our better presidents. He also was a top lawyer and a great orator. There was no hemming or hawing with him; it was just forthright speech."

Blue credited Cape Girardeau's growth in the 1920s and 1930s to Limbaugh the community leader. "We experienced phenomenal growth then, and he was responsible for that," he said.

Al Lowes, a Cape Girardeau attorney, landed Limbaugh, a past president of the Missouri Bar as a lawyer's lawyer.

"He was a top-notch, all-around lawyer," he said. "He was extremely hardworking and ethical. He was really the epitome of what a lawyer ought to be."

Lowes said other aspiring lawyers should look to Limbaugh and his career when entering the profession. "You just couldn't have asked for a finer man to have been a lawyer," he said.

Another attorney, former state Sen. Al Spradling Jr., agreed: "He has to be one of the most outstanding lawyers that Cape Girardeau ever had. He had more honors bestowed upon him than any other lawyer in Southeast Missouri. He was honored by the Missouri Bar more than any attorney in Southeast Missouri."

Spradling said before he ever went to law school he was a gopher for the only meeting of the Missouri Bar held in Cape Girardeau.

"He was responsible for the Missouri Bar having a meeting in Cape Girardeau because he was president," he said. "It was the first and the last time the Missouri Bar has had a meeting here."

In addition to achieving the top spot in the Missouri Bar, Limbaugh also was a special envoy to India, touting American jurisprudence to that nation during President Dwight Eisenhower's administration.

But even though his legal career took him around the world, he continued to reside in Cape Girardeau where his law practice began in 1916.

Don Thomasson, another Cape Girardeau attorney, said he met Limbaugh in 1953 while serving as prosecutor in Marble Hill.

"I saw him sitting in Ward's Cafe," he said. "I thought he was God. He was such a gentleman and a great attorney."

Thomasson said he remembered speaking at a celebration a decade ago honoring Limbaugh for 75 years of practicing law.

"A few of us said some good words about Mr. Rush," he said, "and then he spoke. He sounded far more intelligent than any of us."

Morley Swingle, the Cape Girardeau County prosecutor, asked Limbaugh for help while compiling photographs and biographical sketches of every prosecutor who served in Cape Girardeau County, a position created in 1886.

"Rush Limbaugh personally knew every single prosecuting attorney," he said.

Swingle said he didn't have a picture for one of the prosecutors, Robert Whitelaw, who served in the late 1890s. But he did have a picture of a group of unknown county officials taken about the same time as Whitelaw was prosecutor.

"I took the photograph to Mr. Limbaugh," he said. "He got his magnifying glass out, looked at the picture and said, 'No, he's not in this batch."

Swingle said Limbaugh was an influence on his life because of his love for the law and the court system.

"He also was the very epitome of what one strives to be as a public speaker," he said.

[From the Southeast Missourian, April 10, 1996]

RUSH LIMBAUGH: A LIFE OF SERVICE TO CITY, COUNTRY

A decade or so ago, a high-ranking resident of Washington, D.C., was visiting relatives in Cape Girardeau. His hosts insisted on taking him to meet Cape's most distinguished citizen, Rush Hudson Limbaugh, Sr. When the visiting chief of staff to a U.S. senator met the elderly gentleman, who graciously received him at home, Limbaugh inquired as to his guest's hometown. "Oh, you won't know it—you can't possibly have heard of it," responded the visitor. "I'm from a little town in upstate New York." Limbaugh pressed his visitor for the name. Told the answer, he descended upon his visitor with encyclopedic thoroughness, delivering a detailed rendition of the strategic importance of that town in the Revolutionary War, how it related to the world-decisive Battle of Saratoga, and what this meant in the war for American independence. Awestruck—having heard facts about his own hometown he didn't know—the visitor departed, shaking his head in amazement. Longtime friends of Limbaugh will understand the visitor's reaction. Among people who have had the privilege of knowing him these many years, astonishment and amazement long ago became commonplace.

"Pop," said a certain nationally syndicated radio talk show host to a rare studio guest four and a half years ago, "Who was president the year you were born?" "Benjamin Harrison," came the reply, without a second's hesitation. When he was a guest on his grandson's national radio show that afternoon in September 1991 on the occasion of his 100th birthday, Limbaugh was rounding out only his first century. He was still going to the office and billing hours as the nation's oldest practicing attorney. That broadcast originated from Kansas City because Limbaugh was there with family to attend the annual meeting of the Missouri Bar Association, of which he and a son were former presidents.

A NATIONAL TREASURE

On that centennial, in a firm voice that belied his years, Limbaugh continued, describing to an astonished national audience a boyhood devotion to his first contemporary political hero: Teddy Roosevelt. On in detail Limbaugh went, describing what a heroic figure TR was, how crucial his decisive action in sending the American naval fleet worldwide, what this meant for an America beginning to emerge from 19th century isolation into the first rank of world powers, and why, therefore he, Limbaugh, followed the magnificent TR out of the Republican Party to join the Bull Moose insurgency in the great campaign of 1912. Through a living, breathing history text was an audience of millions introduced to a national treasure whom we here in Missouri, and especially Cape Girardeau, had long valued so highly.

Glowingly, the accolades pour in—from judges, congressmen, senators, fellow members of the bar, Rotarians, friends far and wide. Family man as brother, husband, father, grandfather, great-grandfather. Author of a legal textbook and of numerous articles. Accomplished orator. Leading Methodist layman and Sunday School teacher. Paul Harris Fellow of Rotary International. Life emeritus trustee of the Missouri Historical Society and its former president. Patriarch of a family of lawyers and Republicans. Limbaugh was a scholar in the law, in history, in political theory and in the Judeo-Christian tradition of ordered liberty. A scholar of the life of Patrick Henry, from memory he could quote William Makepeace Thackeray and Blackstone and so many others.

In 1985, family and friends packed into a local motel banquet room to honor Limbaugh at a surprise dinner celebration sponsored by local Rotarians. Tributes were read from President Ronald Reagan and from Justice Lewis Powell of the U.S. Supreme Court, long a Limbaugh friend. What stands out in the memory, though, is the address of the guest of honor. Few who were present that night will ever forget the throat-catching sense of excitement he evoked when he arose, without notes, for extemporaneous remarks. In a voice choked with emotion, Limbaugh told his audience that they didn't so much honor him as they did members of his family who, after his father's early death, "went without substance so that I could be the first in the family to leave the farm and go to Cape to the Normal School."

THE OPPORTUNITY OF EDUCATION

Limbaugh often spoke of his excitement upon traveling to Cape Girardeau—a day's ride by horse-drawn wagon—and glimpsing the spires of the school's main building. Here was a chance at education. From this hilltop, a great world beckoned. Prepare yourself, work hard, make your family proud, and you could accomplish anything. This, after all, is America, and this school, he told an audience at the university's 1973 centennial, is nothing less than "the fulfillment of a great national purpose."

How richly he added to this school, this community, this state and this nation. Few, then, there are of whom it can be said, as it can of Rush Hudson Limbaugh Sr., "Well done, good and faithful servant. Enter into my kingdom." Somehow, we all know Limbaugh heard those words this week when the Lord called him home.

[From the Southeast Missourian, Apr. 10, 1996]

RUSH LIMBAUGH, SR.

Funeral service for Rush Hudson Limbaugh Sr., 635 Sylvan Lane, will be held at 2 p.m. Thursday at Centenary United Methodist Church. Dr. Neil Stein will officiate, with burial in Lorimier Cemetery.

Friends may call at Ford and Sons Mt. Auburn Chapel from 4–8 p.m. today, and Thursday from 10–11:30 a.m.

Limbaugh, 104, died Monday, April 8, 1996, at his home.

He was born Sept. 27, 1891, near Sedgewickville, son of Joseph H. and Susan Presnell Limbaugh. He and Beulah "Bee" Seabaugh were married Aug. 19, 1914, in Cape Girardeau. She died Sept. 2, 1977.

Limbaugh, the oldest practicing attorney in the United States, had practiced law since 1916. He founded the law firm of Limbaugh, Russell, Payne and Howard 50 years ago. He was a member of Centenary Church.

Survivors include two sons, Manley Limbaugh of Chester, Ill., Stephen Limbaugh of St. Louis; 10 grandchildren, and 19 great-grandchildren.

He was preceded in death by a son, two daughters, four brothers and three sisters.

REACTION TO VETO OF BILL BANNING PARTIAL-BIRTH ABORTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I was disappointed and appalled when President Clinton vetoed the partial birth abortion bill. The President's veto is in direct opposition to the will of the House and the Senate. Even more important, the President's veto is in direct opposition to the will of the majority of the American people.

No one really is sure how many partial birth abortions are performed or how many abortionists are using the method. However, we do know that the overwhelming majority are performed on perfectly normal and healthy babies.

Clearly this is an issue that crosses party lines. The bill passed the House with 214 Republicans and 72 Democrats voting for the legislation, and in the Senate with 45 Republicans and 9 Democrats. Yet the President has the gall to go against the American people.

In recent polls, national polls of registered voters conducted in December by the Tarrance Group, 71 percent favored the bill that we passed. In another poll, 65 percent of pro-choice Americans supported the ban, the partial birth abortion ban. Specifically, 78 percent of women voters support the ban that the House and the Senate passed.

Mr. Speaker, I would like to read for the RECORD a statement by Ralph Reed regarding the veto of the partial birth abortion ban, and I quote:

> Bill Clinton has taken his veto pen and pointed it like a dagger at the hearts of the innocent unborn. His veto is a brazen betrayal of his solemn promise to make abortion rare. It is an insult to millions of people of faith who consider abortion to be the taking of innocent human life. It will be very hard, if not impossible, for Bill Clinton to look Roman Catholic and Evangelical voters in the eye and ask for their support in November.

I further quote Ralph Reed and the Christian Coalition.

> I am proud to add my voice to those Roman Catholic bishops who are so courageous, and implore President Clinton to sign this legislation. The partial birth abortion is when a child's brains are removed and the baby is systematically executed as it comes down the birth canal. By allowing this procedure to continue unchecked, President Clinton has disappointed and deeply offended one of the largest voting blocks in the electorate. Bill Clinton has done more today than jeopardize the lives of unborn children. He has jeopardized his own reelection chances.

□ 1700

Mr. Speaker, just one more letter I would like to make reference to before closing, because to the American people, this is an important issue to try to protect the life of the healthy unborn. This is from the Catholic Bishops and also from the Catholic Cardinals, and I happen to be Catholic.

"Your veto of this bill is beyond comprehension for those who hold human life sacred."

I further quote and read from the letter from the Catholic Bishops and Cardinals: "Mr. President, you and you alone had the choice of whether or not to allow children almost completely born to be killed brutally in partial birth abortions. Members of both Houses of Congress made their choices. They said no to partial birth abortions. American women voters have made their choices. According to a February 1996 poll by Fairbanks Mullin & Associates, 78 percent of women voters said no to partial birth abortions."

Further stated in the letter from the Bishops and the Cardinals, "We will also urge Catholics and other people of good will, including the 65 percent of self-described pro-choice voters who oppose partial birth abortions, to do all they can to urge the Congress to override this shameful veto."

Mr. Speaker, I thank you for allowing me this time. I think this is one of the most important issues that this Congress has had the privilege to debate. Again, I think it is appalling and discouraging and disappointing that the President of the United States vetoed the bill that was passed by the House and Senate to protect the healthy unborn.

FURTHER TRIBUTE TO THE LATE HONORABLE RON BROWN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, last evening our colleague, the gentlewoman from North Carolina, Representative EVA CLAYTON, called a special order to honor the memory of and celebrate the life of Secretary of Commerce Secretary Ron Brown. There were so many of us who wanted to participate that we have some overflow this evening. I am among those. I want to acknowledge the leadership of the gentlewoman in calling that special order. She asked us to focus not only on our personal, but our professional relationships with Ron Brown in remembering him.

First, I would like to say, Mr. Speaker, that our country suffered a staggering tragedy with the loss of our distinguished Commerce Secretary, Ron Brown. How he would enjoy seeing some of the tributes to him that were written in the past week. The Washington Post says "Best in the Business." Another headline, "Brown, a Pioneer at Home In Black and White America. Ex-Party Chief Had Key Role in Clinton Win." Indeed he did.

Another headline, "Builder of Bridges." How he would like to have seen this headline, "Devoted To Mission Until the End." "Ron Brown's contribution to his people," "Changing the face of America's executive suites, still lily white, is a tribute worthy of Brown."

And the list goes on and on of Ron Brown's contributions. Commerce Secretary Ron Brown showed endearing enthusiasm for whatever task he undertook. How true that is.

I call these to your attention, Mr. Speaker, and to the attention of our colleagues, because I know that Ron Brown would have enjoyed them. I hope that they are a source of comfort to the Brown family.

Our colleague the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, when she made her presentation last evening mentioned some of the other people who, unfortunately, also lost their lives in the tragedy, and I would like to call attention to three others who I am familiar with. The First Lady attended the funeral of Adam Darling, an optimistic and interested person in politics who went on to work at the Commerce Department under Ron Brown's leadership. I note with particular sadness the death of Bill Morton, a dynamic and brilliant young man who devoted his life to advancing minorities in public service. And in our community in San Francisco, we are particularly grief stricken by the death of Don Terner, the BRIDGE Housing Corporation executive, who was a member of the delegation.

Don Terner is a great lost to the San Francisco Bay Area and the affordable housing community nationwide. In his life, he gave dignity and hope to American families by providing shelter. Don Terner died as he had lived, bringing hope to people in need.

Now I would like to return my focus to Secretary Ron Brown. I had the privilege of working with Ron Brown since the early eighties, when we worked together putting together the 1984 Democratic Convention in San Francisco, but also working on the delegate selection process. In the convention in 1992, I served as cochair with Governor Romer of the Platform Committee. I mention those two relationships with Ron because in both of those instances, whether it was participation in the party, in the delegate selection process, or whether it was policy formation in putting together a platform, Ron Brown gave no tolerance to discrimination. Our party would be open and our policy would be open to all people in our society. Indeed, I believe that is a hallmark of the Clinton administration, and Ron Brown's influence was surely felt there.

I hope it is a comfort to all of the families of all of the people in the delegation, I hope it is a comfort to their loved ones that they are mourned by an entire Nation, that they died in a mission of peace, bringing humanitarian and economic assistance to the Balkans, and that their sacrifice will never be forgotten.

I want to particularly commend Alma Brown and extend sympathy to her and to Michael and to Tracy, Ron and Alma's children. Across the world, people saw Alma Brown as dignified in her sadness. I happened to be in Indonesia when we got the news, and even at that distance, the press was one of great admiration and, of course, sympathy for Alma. But she led us through this tragic time, through this sadness,

in a way that I know would have made Ron Brown very, very proud. But, of course, he knew that about Alma.

So I would say that as we mourn, the leaders of the delegation, we must also remember the patriotic members of the military on the flight and the members of the Commerce Department staff. The prayers of my family I know will always be with the Brown family, as well as with the families of this mission of peace.

THE NATIONAL CAMPAIGN TO REDUCE TEEN PREGNANCY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. THURMAN] is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, I would like to thank the gentlewoman from North Carolina for organizing tonight's special orders. I would also like to commend her for her leadership in urging Members to become more actively involved in President Clinton's National Campaign To Reduce Teen Pregnancy.

First, we must face a distressing reality. More and more teens in our Nation are getting pregnant every year. Births to mothers under the age of 18 are on the rise, and we must work together to address this crisis.

The statistics in my home State of Florida are disturbing. Florida ranks 10th in the Nation in births to children aged 10 to 14 and 16th for teens between the ages of 15 to 19. Even more disheartening is the fact that of Florida's 17,641 teen births in 1994, almost 1 in 5 were repeat pregnancies.

Yes—these figures are alarming. However, there is hope. In fact, some promising programs in my district have demonstrated success in preventing teen pregnancy. Tonight, I would like to highlight these successful programs—programs which offer preventive strategies to solve the dilemma of teen pregnancy. Rather than continue the punitive approach Congress has taken with the welfare debate, citizens in my district are taking positive action.

I am very excited that almost every county in my district has established a teen pregnancy task force. Made up of a cross-section of the community—teachers, public health nurses, parents, teens, and representatives from local civic groups and organizations—the task forces work together to increase awareness and education.

Let me tell you about the effective programs in my district. In Alachua County, for example, Planned Parenthood of North Central Florida has teamed up with the Alachua County Public Health Unit to develop an exciting pilot program called Planned Parenthood "in the "Hood."

Although just 4 years old, this wonderful program is an excellent example of the unique partnerships which can be formed when the entire community works together to tackle a program. "In the 'Hood" has begun to conquer the obstacles that teens typically face when attempting to use traditional health care services.

"In the 'Hood's" approach is unique because teens deal with one personal counselor throughout their ordeal, not just a faceless voice at the other end of a telephone line. Through home visits, one-on-one counseling, and follow-up with teens, "In the 'Hood" has become a model of innovative community dedication. Through active involvement and personal contact with teens, the "In the 'Hood" counselor has become both a role model and mentor for teens who have been fortunate enough to participate in this program.

More importantly, the program works. In 1994, of those teens who participated in this program, only 12.5 percent became pregnant for the first time, while 61 percent of those who participated in traditional programs had first-time pregnancies.

One of the most troubling realities associated with adolescent pregnancy is what comes after the birth of the child. Inevitably, many children who have children don't finish school. Therefore, they have limited job prospects, reduced earning capacity, and, in the end, often depend of public welfare to make ends meet.

Before coming to Congress, I taught middle-school math in Dunnellon, FL. I have seen the tragedy of promising young students becoming pregnant and dropping out of school—abandoning their dreams of college and a successful future. I know it makes sense for schools to emphasize pregnancy prevention in their curriculum to prevent this tremendous waste of potential.

Citrus County, in a collaborative effort between its Public Health Unit and School Board, is doing just that. As 1 of 11 pilot sites in Florida to receive what is known as an Education Now and Babies Later grant, [ENABL], Citrus County has been able to participate in Postpone Sexual Involvement, a multifaceted program designed to get to the heart of the teen pregnancy problem.

The Postpone Sexual Involvement Program begins with direct education of 5th and 6th graders, with major emphasis placed on abstinence. Through the program's curriculum, young people are taught both the consequences of early pregnancy and how to deal with peer pressure; it teaches them confidence so that they can say "no" to sexual involvement and have their "no" accepted. This program also involves parents by creating a curriculum that gives parents the tools necessary to discuss candidly the issue of sex and the need to postpone sexual involvement.

In addition to the many successful programs I have already mentioned, this discussion would be incomplete without a reference to a very successful teen parenting program in Pasco County. During my tenure in the Florida Senate, I became actively involved in the Youth and Family Alternatives Teen Parenting Program. This program is designed to provide pregnant adolescents the education and support they need. Through home visits, this program aims at assisting, supporting and educating young mothers during and after their pregnancies.

Mr. Speaker, in all of the successful programs I have been involved with, the key to their success has been getting the whole community involved: students, parents, teachers, churches and Government. This makes sense. Teen pregnancy is a problem for an entire community, not just one woman, or one family. We must continue to work together to solve this terrible problem. I am delighted we have the opportunity tonight to take an important step in this positive direction.

I have lots more I could say, Mr. Speaker. I hopefully will have an opportunity to continue this as time goes on. I have much more that I could offer than just in 5 minutes.

SUPPORT PARTIAL BIRTH ABORTION BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. FUNDERBURK] is recognized for 5 minutes.

Mr. FUNDERBURK. Mr. Speaker, I want to strongly express my support for the partial birth abortion ban. I consider this procedure a horrible one that people would not support if they saw it.

Mr. Speaker, President Clinton's veto of the partial birth abortion ban, which passed Congress with overwhelming support, shows once again his absolute loyalty to the most extreme abortion advocates. H.R. 1833 passed both Houses with wider margins than almost any bill this session.

Polls have revealed that the vast majority of Americans, more than two-thirds, support restrictions on abortion. Among just women, the numbers are even higher who support restrictions, especially in these late term abortions. These numbers tell a story that every man and woman of conscience understands. People do not want to see life casually ended, and they do not accept abortion as the highest and best offering of our Constitution. They are troubled by a 1.5 million-person death count every year. They are even more troubled by a gruesome procedure covered by this legislation, an abortion in which a child's brains are removed and the baby is systematically executed as it comes down the birth canal.

□ 1715

This is one of the most horrific medical procedures in the world today. President Clinton has disappointed and deeply offended one of the largest voting blocks in the American electorate. The overwhelming success of pro-life candidates in the last election, both Democrat and Republican, underscores the troubled electorate's concern for run away abortion rights turned into societal wrongs.

Bill Clinton has again aligned himself with the most extremist elements of the abortion lobby, those who see no value in life poised on the edge of birth. The President said he wants abortion to be rare, but he seems to see no life worth saving, not even a fully viable child whose living brain tissue issue is vacuumed out causing painful death.

Partial birth abortions take place on babies from 20 weeks up until 40 weeks. The House Committee on the Judiciary has compiled documentation of the practice of this procedure by physicians of its being used on living human fetuses, of the pain that these children likely incur and of its use for elective purposes. In describing one such partial birth abortion she witnessed, nurse Brenda Shafer stated, the baby's body was moving. His little fingers were clasped together. He was kicking his feet all the while his little head was still stuck inside.

In a Christian Coalition letter to Congress, they stated Americans across the Nation are now aware of this inhumane practice and please cast your vote on the side of protecting these little babies from this painful death. Enactment of a ban on partial birth abortions is a key element of the Christian Coalition's contract with the American family. A partial birth abortion ban act is the right thing to do and I support it.

THE INCREASED NEED FOR CIVILITY IN OUR SOCIETY TODAY SHOULD START IN CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I want to shift gears for a second. I can be as partisan as anybody can, I think, and probably have been, but it has also become increasingly clear to me that there is a need for a nonpartisan approach to this institution, this institution called Congress.

There is a need for Members, all of us, to be thinking carefully about the messages that we send to the public, because if we say it enough times about ourselves, then after a while people begin to believe us. And the messages that go forth about this institution, Republican and Democrat alike sending them, I might add, I think have caused a lot of people to wonder.

The fact of the matter is that each of the Members who chose to run for this institution chose to run. And I believe deeply that Members who are here believe in what they are doing. It is in that capacity, then, that we need to make sure that we communicate the best of this institution as well as our constantly trying to change it.

I listened to a debate the other day on a contentious issue. It was not necessarily Republican or Democrat, it was just a very, very contentious issue. And I heard from both sides the charges back and forth of, well, this person is in the pocket of so-and-so, or this person who just spoke is speaking up for such-and-such a group. As it rang back and forth I thought how does this debate come across to those who are watching and listening. And the answer is these folks must know what they are talking about and maybe they are all in the pockets of so-and-so.

My feeling is, and I believe the way most people here feel, is that Members of Congress are not in the pockets of anybody and that they are here wrestling with some honest to goodness difficult questions.

I look around this Chamber and what I see in these seats is this is where the Nation comes together. This is the crossroads of the country and this is where the country comes to try to work out its problems. Somebody from California or someone who lives on the seacoast may not know what it is like to live up a mountain hollow in West Virginia. By the same token, I have to learn what it is like to live in many other parts of the country and the problems that are faced there, and sometimes that is a slow process and sometimes it requires a lot of deliberation. So it is a process of trying to come to a consensus and understand one another.

I will say this. This is probably about as divergent a Congress as I have ever had the privilege to serve in terms of political views, ranging from the extreme conservative to the extreme liberal. But I also know that the best hope that this country has is to be able to work this out within the confines of this institution. That is why it exists. It is called Congress. Congress means coming together. Obviously, with the divergent viewpoints we all have, it may take a little longer to come together.

We can have vigorous debate. We have to have that debate. We can have tough aggressive partisanship. But I also ask that we be thinking about respect for this institution. Because if we are truly leaders, and people elect us to be leaders, then that means people are following our example. And if we are in here wrestling around and calling each other names, then I wonder whether or not that becomes the commonplace form or method of operation or mode of communication for those of our contstituents. If it is okay for those folks in Congress, it must be okay for me.

There is a need for civility, an increased need for civility in our society today, and I think one place it needs to begin is here in Congress.

PRESIDENT CLINTON TAKES EXTREME POSITION ON VETO OF PARTIAL BIRTH ABORTION BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. CHABOT] is recognized for 5 minutes.

Mr. CHABOT. Mr. Speaker, like many of my colleagues, I am unapologetically pro-life. Recently we were joined by a number of our pro-choice colleagues in voting to outlaw partial birth abortions. Those folks also believed the procedure to be violent and gruesome and in no way consistent with their views that some abortions ought to be legal.

President Clinton, on the other hand, who has often said that he personally opposes abortion, says that he believes abortion ought to be legal but rare. In this particular instance I think he has finally shown his true colors. He has reached out to the most radical of the pro-abortion lobby by vetoing the partial birth abortion bill. The veto was a slap in the face to all of those who respect human life.

The President has shown once and for all that he favors abortion on demand, even in the final weeks of pregnancy, and that is a tragically extreme position.

I would remind my colleagues that the partial birth abortion ban was supported by 288 Members of this body, both Republicans and Democrats. Most thoughtful legislators did not consider the bill to be controversial and agreed it was something long overdue, a prohibition on a particularly grotesque and inhumane practice, yet the President did not see it that way.

Let us recap for a moment what it is we are talking about here. A partial birth abortion is performed by using forceps to pull a living baby, feet first, through the birth canal until the baby's body is exposed, leaving the head just within the uterus. The abortionist then forces surgical scissors into the base of the skull, creating an incision through which he then inserts a suction tube to evacuate the brain tissue from the baby. This causes the skull to collapse, allowing the baby to be pulled from the birth canal.

The Partial Birth Abortion Ban Act would outlaw such abortions. The President, who says that abortions should be rare, says that there is no question this is a gruesome procedure. The President says that abortions should be rare, but he vetoed this particular legislation. I think that was outrageous.

Mr. Speaker, I will say one thing for the President, however, he has been consistent. He says one thing and then does another. He promised to end welfare as we know it. He vetoed welfare reform. He promised the middle-class tax cut and then he vetoed the middle-class tax cut that was passed by this Congress. He said that abortion should be rare, but his record shows that he supports abortions on demand at any time for any reason.

I would agree with Robert Casey, the former Democratic Governor of Pennsylvania, who said President Clinton says he wants abortions to be safe, legal, and rare, but he has helped make it safe, legal, and everywhere. Yesterday Cleveland Bishop Anthony Pilla, president of the National Conference of Catholic Bishops, joined by eight American cardinals, sent an extremely thoughtful, strongly worded letter to President Clinton in response to the President's veto, and I would like to quote from that letter at this time.

In the letter the bishop stated as follows: Your veto of this bill is beyond comprehension for those who hold human life sacred. It will ensure the continued use of the most heinous act to kill a tiny infant just seconds from taking his or her first breath outside the womb.

And the letter goes on: At the veto ceremony, you told the American people that you had no choice but to veto the bill. Mr. President, you and you alone have a choice of whether or not to allow children almost completely born to be killed brutally in partial birth abortions. Members of both Houses of Congress made their choice. They said no to partial birth abortions. Your choice was to say yes and to allow this killing more akin to infanticide than abortion to continue.

That is what the Catholic bishops had to say to the President of the United States. It would be an understatement to say that I am disappointed and saddened by President Clinton's unconscionable veto of the partial birth abortion ban. I think my sentiments are shared by many, including a large number of people who consider themselves to be pro-choice, and I cannot stress in strong enough terms my hope that this Congress when it is given the opportunity will vote to override the President's veto.

Mr. Speaker, we cast hundreds of votes in this body every year. This vote will not be forgotten and we hope that we override this terrible veto the President made.

TRIBUTE TO OUR FALLEN FRIEND, RON BROWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. RANGEL] is recognized for 5 minutes.

Mr. RANGEL. Mr. Speaker, later on this evening, the gentleman from New Jersey, DON PAYNE, and other Members of Congress will continue to pay tribute to my fallen buddy, Ron Brown, but I just want to share some views as I saw Ron and 33 other coffins arrive in Dover, these flag-draped coffins covering the bodies of people that were in the business of selling the United States of America, and then heard the tributes that were paid to all of them, as well as attending at Arlington cemetery.

As the bands were playing and the flags were unfurled and the cannons were blasting, I could only think what a great country we live in and how many things we just take for granted; that here a young American who comes from one of the poorest communities can, in such a short period of time, capture the love and gain the respect of not only the President of the United States but so many Americans from seashore to seashore, and, at the same time, to know that in so many foreign countries, some not as friendly as we wish that they would be, that they lowered their flags at half mast for this great American, Ron Brown.

I think that when we start thinking about loving America, we have to think about what kind of person could love his country so much that he would try to climb mountains that other people would not even attempt, not only to show how great America was and what products we wanted to sell, and not how superior we were, but to actually talk with trade ministers and prime ministers and presidents in terms of the needs of their country. The poverty, the disease, the sickness, the hunger, the unemployment, the joblessness, and to be able to say to that country that America was there as a friend that wanted to help.

This was a part of the world that we never spent that much time in. This was the part of the world that we had to develop markets in. This was the part of the world that we had to increase their ability to have disposable income so that as we had once done in Europe under the Marshall plan, that we could regain the leadership that we have possessed since World War II. And how they loved him, because it was not just selling America, it was the interest he had in them.

I saw at the funeral Ambassadors that had flown in from Mexico, India, South Africa. They spoke, they talked, they loved, they cared. And I said what a wonderful country it is that we have in the United States of America, people that come from every country in the world.

□ 1730

Unlike other countries where you just look at the country and you can feel just the narrow culture interest that they have, there is no country in the world that we cannot reach and show that Americans come from all over. To see what investing in the education of a Ron Brown, or Ron Gonzalez, or Ron Lee, or the women that have been denied the opportunity to show, to be given the opportunity to show that they are Americans, this is a great country, and go abroad and find out that they are making friends for us, as well as creating trade.

Mr. Speaker, I have received notices, as well as telephone calls, from Senator DOLE and from Haley Barbor, who is the chair of the Republican Party, to say to me, as they have said to others, this issue is too big to look at party labels. It is too big to look at the color of American skins. It is American to be able to say that we can make our country a greater place, create more jobs if only we cared enough to train our people for these type of opportunities and to share our talents with so many other countries in the world.

RIGHTFUL ROLE OF GOVERNMENT TO DEFEND THE DEFENSELESS

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from New York [Mr. FORBES] is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, I appreciate the sentiments of my colleague from New York.

Mr. Speaker, I take the well today to talk a little bit about an issue I think that is of great and paramount importance to both sides of the aisle that serve in this august body. For the last 15 months, we have watched as the House of Representatives struggles with public policy questions. What is the rightful role of government? To what extent do we fund these programs? What programs work? What programs do not work?

For 15 months, it has been a very healthy, although at times contentious, debate. It gets at the very heart of what democracy is all about. Taking these issues to the American people, to the floor of the House of Representatives and having a good give and take. We are trying to understand, as we are on the threshold of a new millennium, where to take America. What are our priorities? And I would say, Mr. Speaker, that as we think about those priorities, we think about a government that most of us would like to be benevolent, caring, there for those who cannot help themselves.

We need to think of the question that gets at the heart of the highest, most precious part of the human experience, and I speak with reference to those moments when a young woman and her husband, a young man and wife, learn the terrific news that there is going to be a birth of a child. Their excitement, their love, their exhilaration is unmatched by almost anything else that one could experience in life, and I do not think there is an American, whether they be described as pro-choice or

pro-life, that cannot appreciate that very important and most precious moment in the human experience.

It leaves me, Mr. Speaker, mystified, wondering if the rightful role of government is not to step forward, to indeed protect the most defenseless among us, that nurturing, growing life within the womb, that most precious experience in a woman's existence. What is the rightful role of government, I ask, if not to protect that defenseless life? Yet we had an issue, and I speak principally to the issue of the late-term partial birth abortion ban, and the question of government's rightful role to step in at a period when this baby, growing within the womb, is 4½ months along, or on the eve of a birth. Yet this procedure continues and will continue because a bill that was sent to the White House was rejected. Despite the safeguard stipulating that there must be an absolute threat to the life of the mother, the President chose to veto this bill. The same president who as Governor could have been at one point described as pro-life now sides with the radical left on this issue.

Mr. Speaker, I ask again, what is the rightful role of government if not to step forward at these most important moments to defend the defenseless, to step forward for our children? Is there anything so precious in life, in society as the birth of a child, as the potential growth of a new human life? And yet, this partial birth abortion procedure, which some say is a rare occasion, well, I would say one occasion is too many. There are, as I have been told, some very infrequent times when the life of the mother is so threatened that this procedure is performed. But I am also told that the American Medical Association, its college of legislative people and the 12 doctors therein, have said that this is an unnecessary procedure.

Mr. Speaker, as I yield the podium, I would just ask that if the rightful role of government is not to defend the defenseless, to defend precious life, then what is the role of government?

THE TRADE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, over the weekend, here in Washington there was a public relations blitz organized by the administration to tell us and the world how United States trade relations with Japan have improved. National Economic Council Chair Laura Tyson went so far as to state we have had a great record of success with the Japanese in the area of trade with our exports increasing by one-third since 1993, and we have seen the trade deficit come down, she said, for the first time in 5 years, so we have a strong record of success.

Well, you know, people can twist numbers in amazing ways. If the administration had such a strong record of success, why has the United States trade deficit with Japan worsened during the Clinton watch and become even worse than during the Bush years when the United States trade deficit with Japan reached all-time highs? Look at the facts.

During the first 3 years of the Bush administration, the United States trade deficit with Japan reached over $133.5 billion. During the first 3 years of the Clinton administration, our trade deficit with Japan has soared to over $185 billion. That is $50 billion worse, according to my math, and a 39-percent increase. Wishing a problem away certainly will not make it so, and Japan knows it. Our Nation gains nothing by denial.

Facts again: During the Bush years, the 4 years, the total trade deficit with Japan reached over $183 billion, an all-time record. President Clinton has racked up that amount in just his first 3 years. In fact, during the Clinton watch, the trade deficit with Japan has rung in at all time record highs each year, $60 billion in the red in 1993, $65.7 billion in the red in 1994, and $60 billion in the red in 1995. We cannot project what the United States-Japan trade deficit will be this year, but all indicators are that the total for the 4 years of Clinton's time will easily be over $230 billion to the deficit side of the ledger.

Let us take a look at the automotive sector, which still accounts for over half of the deficit with Japan, more exports coming over here, fewer of our imports going into their market.

Remember when President Bush journeyed to Japan late in his Presidency and became ill at the official dinner held during the automotive trade rift? This is not a new problem. I personally have been working on opening Japan's market to United States goods for over a decade. I can tell Members Japan's auto market largely remains closed. They continue to believe we are not really serious.

United States auto manufacturers still have less than 1 measly percent of Japan's auto market, yet Japan holds upwards of one-third of our market. Think about this. With our low interest rates, the value of our dollar against the yen has fallen 40 percent since 1990, which means that our products are 40 percent cheaper in Japan. Yet we gained only one-third of 1 percent additional market penetration in Japan in 1995.

While we were able to sell about 58,000 cars there last year, Japan has sold over 100 times that amount in our country over the last decade. When I ask my local auto people, how are you doing, they smile and they look down.

In a recent survey of United States auto parts suppliers to Japanese customers, two-thirds of our suppliers say they are working hard to crack Japan's market with roughly half of those responding saying they are currently achieving either limited success, sporadic success or no success at all in really opening that market.

Can you imagine, in the second largest marketplace in the world, if we could get trade reciprocity with Japan, the amount of jobs we could create in this country, in shipping, in distribution, in manufacturing, in parts, et cetera? Compare the limited success of United States auto and auto parts manufacturers to crack Japan's market to the administration's exaggerated claims.

Friends, let us stop the denial. You cannot look at these numbers and not know that trade is going one way and not the other. We have scaled an ant hill in our efforts to open Japan's market. Now all that is left is the mountain of red ink to scale.

MORE ON THE PRESIDENT'S VETO OF PARTIAL BIRTH ABORTION BAN BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, a great Democrat who came from my State, perhaps one of the most articulate spokesmen for the Democratic Party over the last 30 or 40 years, Hubert Humphrey, once said that if you love your God, you must love his children.

Mr. Speaker, I rise today to talk about the tragedy of the partial birth abortion issue and what the President has done with his veto. I rise to congratulate the National Conference of Catholic Bishops because I think they have, in very strong words, expressed on behalf not only of Catholics but I think of millions of Americans that have conscience of both political parties the outrage of this grisly procedure and the action of the President by vetoing it, keeping it legal here in the United States.

This is not a Republican issue. It is not a Democrat issue. It certainly is not just a Catholic issue. I think it is an issue about our basic humanity and how we treat the most vulnerable among us.

I would like to read for the RECORD a letter from a gentleman in Texas. For those who may be watching, I would be happy to make available to them a copy of this letter as well as a letter from the National Conference of Catholic Bishops, because they are both extremely powerful letters. I think all Americans should have an opportunity to read them.

□ 1745

I want to read this for the record, Mr. Speaker:

Hon. BILL CLINTON.

DEAR MR. PRESIDENT: On Wednesday evening, when I learned that you had vetoed the partial birth abortion bill, I felt stunned and angry, but mostly I felt betrayed. Betrayal is a strong word. However, President Clinton, this is the anguish that I and many Democrats across the nation feel now.

As a dedicated Democrat, I believed Bill Clinton during the primary campaign in Texas in 1992 and in the general election as our nominee when you vowed to protect the rights of individuals and to forge an era of the new Democrat, an era that would avoid the extremism of either side.

I campaigned for that Bill Clinton and stood proudly in the cold in Washington at your inauguration when you gave your message of hope for those who have no voice. But Wednesday, with your veto, you ignored the rights of the innocent little children and literally sentenced them, thousands probably before this madness is brought to an end, to their deaths.

Unlike the debate over abortion that has been ongoing for decades, this procedure is clearly the brutal taking of a human life. The right-to-choose position of the Democratic Party has largely been driven by the belief that a fetus cannot survive outside the mother's womb. But in this case, medical evidence is clear that these babies could survive, but are destroyed in the most vicious and inhumane way possible. Our society demands that even dogs be destroyed in a more humane fashion.

For what purpose, Mr. President, did you do this? To satisfy a minority of extremists whose votes you would have gotten anyway? And please, consider again your rationalization that you acted to "protect the safety of the mother," when the bill permitted an exception if a doctor deemed the procedure was necessary to save the mother's life. You know full well that the bill would not have received the support of the Council on Legislation of the American Medical Society and 73 Democrats in the house if it did not. Mr. President, with all due respect, there is no valid reason for your action, ethically or politically. And it is certainly inconsistent with your positions that you have taken.

Your presence and comments in Oklahoma last week on the anniversary of the bombing tragedy reflected your deep concern for those who perished, especially the children. Yet, you signed the death certificate on Wednesday for countless equally innocent children. Several weeks ago I saw you visibly shaken when speaking of the mass murder of the children in Scotland. You had a chance, with your vote, to prevent a much greater tragedy. Mr. President, you chose instead to trade those future lives for votes that you perceive are crucial to your reelection.

In the past three years I have seen you time and time again speak out to the thousands, maybe millions, of young Americans who have been lost to the streets in a life of murder, destruction and mayhem, of drugs and disease.

Mr. Speaker, I would like to put the full text of this letter in the RECORD.

The letter referred to is as follows:

EL PASO, TX,
April 12, 1996.

Hon. BILL CLINTON,
President of the United States, Washington, DC.

DEAR PRESIDENT CLINTON: Wednesday evening when I learned that you had vetoed the partial-birth abortion bill, I felt stunned and angry. But mostly, I felt betrayed.

Betrayal is a strong word. However, President Clinton, this is the anguish that I and many Democrats across the nation feel now. As a dedicated Democrat, I believed Bill Clinton during the primary campaign in Texas in 1992, and in the general election as our nominee when you vowed to protect the rights of individuals and to forge an era of the New Democrat. An era that would avoid extremism of either side. I campaigned for that Bill Clinton and stood proudly in the cold in Washington at your inauguration when you gave your message of hope for those who had no voice. But Wednesday, with your veto, you ignored the rights of innocent little children and literally sentenced them (thousands probably before this madness is brought to an end) to their deaths.

Unlike the debate over abortion that has been ongoing for decades, this procedure is clearly the brutal taking of a human life. The right-to-choose position of the Democratic Party has largely been driven by the belief that a fetus cannot survive outside the mother's womb. But in this case, medical evidence is clear that these babies could survive—but are destroyed in the most vicious and inhumane way possible. Our society demands that even dogs be destroyed in a more humane fashion.

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In the past three years I have seen you time and time again speak out to the thousands, maybe millions of young Americans who have been lost to the streets in a life of murder, destruction and mayhem, of drugs and disease. You have pleaded with them to have respect for human life. But with this veto, you did the opposite. And we, as party officials, have been put in the untenable position of having to live with that decision.

Mr. President, I cannot and will not support this action. Therefore, I cannot in good conscience support your candidacy.

As I contempleted this matter over these past days, I was reminded of the words of the late President Kennedy when he said, "Sometimes party loyalty asks too much." Thus, it is with regret and sorrow that on this date, I have submitted my resignation as a member of the Texas State Democratic Executive Committee and Chair of the Mexican-American Caucus. I have informed our State Chairman, Bill White. While I do not intend to actively support of vote for any Republican or Independent candidate. I will be asking other Democrats to consider withholding their support of your candidacy while continuing to support Democrats for other offices.

Very truly yours,

JOSE R. KENNARD,
State Committeeman, District 29.

PARTIAL-BIRTH ABORTIONS

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 noticed how many of my fellow colleagues here this afternoon had been speaking about the outrageous and repugnant veto of the legislation overwhelmingly passed in both Houses of the U.S. Congress regarding partial-birth execution-style abortion.

During the debate I tried to get pro-life Members on both sides of the aisle in the oldest party of America, the great Democratic Party, and the grand old party over here, I tried to get them all to use this expression execution-style because the attack to the child, and it is a child that is almost always viable, can survive outside the womb even if it is what we called disabled, that the attack is similar to the Cosa Nostra, or organized crime, attack, sometimes with a .22 pistol, to keep down the sound to the base of the skull. This is a common assault, whether it was with sword, ax, or during the Chinese revolution, Stalin's purges, or Hitler's henchmen.

For example, at the trench at Babyar in the Ukraine, or many of the labor camps with sick people, Japanese warlords directed soldiers executing our men and our Filipino allies on the Bataan death march 54 years ago.

This execution to the base of the skull, it was used in the Balkans all this last 4-year period of horrible ethnic cleansing and human rights violations, a bullet or a knife to the base of the skull.

And here in debate in one of these two houses was a woman, no less, an elected woman, talking about defending that this was important to the life of the mother. And somebody got up who served in this House honorably for 8 years, Senator BOB SMITH, and said, wait a minute, if it is for the life of the mother, why is the abortionist holding the baby in the birth canal? Why is he interrupting the birth process? This is conversely to what you are saying, endangering the mother's life. It is truly infanticide.

And I think that to let people know how unprecedented it is, as it says in a front-page story in the Washington Times, and I have not looked at the Post today and the New York Times to see whether they buried it, but it is a front-page story about all eight U.S. Catholic cardinals hitting Clinton on abortion, and I am going to yield to the gentleman from California [Mr. HUNTER] and then read as much as I

can of the bishop's letter and submit the rest, ask unanimous consent to submit the rest, for the RECORD, and I will return to the floor, as I am sure the gentleman from Minnesota [Mr. GUTKNECHT] will and the gentleman from California [Mr. HUNTER] will many times on this.

This has got to rip apart Stephanopoulos' so-called Catholic plan to win the election in 202 days.

Mr. HUNTER. I do not want to take much time from my friend.

Mr. DORNAN. You are not taking it from me, but from eight cardinals; go ahead, though.

Mr. HUNTER. In that case, I feel better.

But let me just thank him, thank BOB DORNAN, for all the great work that he has done on behalf of unborn children and the fact that you are carrying this fight, as you have carried it for many, many years on the House floor, and I agree with you that the President has gone too far, that he stepped too far even for people who are able to look the other way on this issue in his party, and I hope that it is going to pull people off of this bandwagon that the President is putting together for his 1996 presidential campaign.

Mr. DORNAN. Well, you know our colleague, Mr. SMITH from New Jersey, has been here. He is a classmate of yours, for 16 years almost, but he has this angelic face. I almost said he looked like an acolyte, and, therefore, he can stand where you are at this mike or down in the well and say tougher things than most of us can say.

He has been calling Clinton for 3½ years the abortion President. Nobody has ever jumped up and taken down his words, and I have refrained from doing that until this moment. But this shows, beyond all shadow of doubt, that Mr. Clinton is not a new Democrat, he is not a moderate Democrat, he is not even a run-of-the-mill liberal like many of our honorable friends on the other side of the aisle who are proud of their liberal philosophy, believe in a larger Federal Government than we do, basically to help the poor, to help children.

We have hurt children more on this House floor in the last 2 years than I ever dreamed it here in the House, and I do not question their good will, but I noticed that most of them who are sincere liberals of principle, classic liberals, are also against this partial birth.

So I will put in the cardinal's letter, Mr. Speaker, and then read it slowly tomorrow from today's RECORD.

NATIONAL CONFERENCE OF CATHOLIC BISHOPS, OFFICE OF THE PRESIDENT,

Washington, DC, April 16, 1996.

President WILLIAM CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: It is with deep sorrow and dismay that we respond to your April 10 veto of the Partial-Birth Abortion Ban Act.

Your veto of this bill is beyond comprehension for those who hold human life sacred. It will ensure the continued use of the most heinous act to kill a tiny infant just seconds from taking his or her first breath outside the womb.

At the veto ceremony you told the American people that you "had no choice but to veto the bill." Mr. President, you and you alone had the choice of whether or not to allow children, almost completely born, to be killed brutally in partial-birth abortions. Members of both Houses of Congress made their choice. They said No to partial-birth abortions. American women voters have made their choice. According to a February 1996 poll by Fairbank, Maslin, Aaullin & Associates, 78 percent of women voters said No to partial-birth abortions. Your choice was to say Yes and to allow this killing more akin to infanticide than abortion to continue.

During the veto ceremony you said you had asked Congress to change H.R. 1833 to allow partial-birth abortions to be done for "serious adverse health consequences" to the mother. You added that if Congress had included that exception, "everyone in the world will know what we're talking about.

On the contrary, Mr. President, not everyone in the world would know that "health," as the courts define it in the context of abortion, means virtually anything that has to do with a woman's overall "well being." For example, most people have no idea that if a woman has an abortion because she is not married, the law considers that an abortion for a "health" reason.

Similarly, if a woman is "too young" or "too old," if she is emotionally upset by pregnancy, or if pregnancy interferes with schooling or career, the law considers those situations as "health" reasons for abortion. In other words, as you know and we know, an exception for "health" means abortion on demand.

You say there is a difference between a "health" exception and an exception for "serious adverse health consequences." Mr. President, what is the difference—legally—between a woman's being too young and being "seriously" too young? What is the difference—legally—between being emotionally upset and being "seriously" emotionally upset? From your study of this issue, Mr. President, you must know that most partial-birth abortions are done for reasons that are purely elective.

It was instructive that the veto ceremony included no physician able to explain how a woman's physical health is protected by almost fully delivering her living child, and then killing that child in the most inhumane manner imaginable before completing the delivery. As a matter of fact, a partial-birth abortion presents a health risk to the woman. Dr. Warren Hern, who wrote the most widely used textbook on how to perform abortions, has said of partial-birth abortions: "I would dispute any statement that this is the safest procedure to use."

Mr. President, all abortions are lethal for unborn children, and many are unsafe for their mothers. This is even more evident in the late-term, partial-birth abortion, in which children are killed cruelly, their mothers placed at risk, and the society that condones it brutalized in the process.

As Catholic bishops and as citizens of the United States, we strenuously oppose and condemn your veto of H.R. 1833 which will allow partial-birth abortions to continue.

In the coming weeks and months, each of us, as well as our bishops' conference, will do all we can to educate people about partial-birth abortions. We will inform them that partial-birth abortions will continue because you chose to veto H.R. 1833.

We will also urge Catholics and other people of good will—including the 65% of self-described "pro-choice" voters who oppose partial-birth abortions—to do all that they can to urge Congress to override this shameful veto.

Mr. President, your action on this matter takes our nation to a critical turning point in its treatment of helpless human beings inside and outside the womb. It moves our nation one step further toward acceptance of infanticide. Combined with the two recent federal appeals court decisions seeking to legitimize assisted suicide, it sounds the alarm that public officials are moving our society ever more rapidly to embrace a culture of death.

Writing this response to you in unison is, on our part, virtually unprecedented. It will, we hope, underscore our resolve to be unremitting and unambiguous in our defense of human life.

Sincerely yours,

Cardinal Joseph Bernardin, Archbishop of Chicago; Cardinal James Hickey, Archbishop of Washington; Cardinal Bernard Law, Archbishop of Boston; Cardinal Adam Maida, Archbishop of Detroit; Cardinal Anthony Bevilacqua, Archbishop of Philadelphia; Cardinal William Keeler, Archbishop of Baltimore; Cardinal Roger Mahony, Archbishop of Los Angeles; Cardinal John O'Connor, Archbishop of New York; Most Rev. Anthony Pilla, President, National Conference of Catholic Bishops.

MILITARY AIRCRAFT SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, yesterday I convened a panel of the procurement subcommittee of the Committee on National Security to investigate the series of tragic mishaps with respect to F-14 crashed and Aviate B Harrier Marine Corps fighter aircraft crashes that have occurred since the beginning of the year, and, Mr. Speaker, it is very clear to us and to my friend, Mr. DORNAN. who has quite a bit of time in an Air Force cockpit, and my good friend, Mr. CUNNINGHAM, my seatmate from San Diego, that it is dangerous to be a pilot in the U.S. Air Force, the U.S. Navy, the U.S. Marine Corps; it is more dangerous to be a pilot when you have a government that will not pay the money that has to be paid to make that aircraft as safe as it can possibly be made.

The testimony from the U.S. Marine Corps yesterday was that Harriers are tough aircraft to fly. Almost one-third of the entire Harrier air inventory, aircraft inventory, has crashed since its inception, and we have had three tragic crashes this year of these Harrier Jumpjets. The Marine Corps told us yesterday that we could make that

plane 50 percent more safe than it is right now, and we do that by remanufacturing the aircraft and adding safety features. They told us that the Clinton administration has decided not to make 24 of those aircraft as safe as they can be, and when we asked why, we were told because of budgetary constraints.

So, Mr. Speaker, for the first time, we are seeing the Clinton defense budget come apart at the seams. We are seeing a defense budget which is costing us; it has been cut so drastically. by 72 percent in the area of modernization, that we are not able to make these aircraft, these Harrier aircraft, as safe as they can be for Marine pilots.

Well, Mr. Speaker, the Republicans are coming to their rescue. I have talked with the chairman of the full committee, our good friend, FLOYD SPENCE, and he concurs that we will fix all 24 of those aircraft that right now the Clinton administration does not plan to upgrade with safety upgrades so that the pilots will be more secure than they are flying the aircraft right now.

So I want to announce, as the chairman of the procurement subcommittee, that the Republican markup will reflect upgrades, it will cost about $26 million per plane for all 24 of the Harrier aircraft that the Clinton administration has decided, in their infinite wisdom, not to fund.

Additionally, on the F-14, and an F-14 crashed today, the Republicans are going to be adding about $83 million for several items that will make that aircraft safer. We are going to come up with a digital flight control system; we are going to install that. We are also going to come up with a system that indicates when the engine is getting overloaded and will advise people in the cockpit that they have to take action fairly quickly. Those are two safety upgrades that we will be funding in the procurement subcommittee for the F-14.

So, Mr. Speaker, the Republicans are riding to the rescue in national defense, and Mr. Perry, Secretary Perry, has come down to the House Armed Services Committee and told us that everything is fine with defense. These massive cuts that the Clinton administration has been making according to Dr. Perry have not harmed national defense at all.

Well, Mr. Speaker, the Clinton defense budget is coming apart at the seams, and these recent crashes and the lack of initiative on the part of the Clinton administration to make these planes as safe as they can be is only the tip of the iceberg, but the Republicans are going to fix these aircraft. We are going to be making these Harriers as safe as they can possibly be, and we will be funding upgrades to the F-14's to make them as safe as they can be.

I am happy to yield to my friend.

Mr. DORNAN. I flew the Harrier for the fourth time last August 8. Outstanding pilots down at Cherry Point and also at Yuma. It is a unique aircraft. It has stolen the show at every air show for over 2½ decades. But it is a difficult airplane to fly. And I will join in this fight, and I can guarantee you we will prevail.

I did not know an F-14 crashed today. Where did that happen?

Mr. HUNTER. That happened on the East Coast, I think at Oceana.

Mr. DORNAN. Right. Well, we will do the best we can.

Mr. HUNTER. That was an F-14B model crashed today.

Mr. DORNAN. Right. If we were in Israel, there would be no question that their first line of defense would get what they needed to be safe.

□ 1800

ADVANCES BROUGHT ABOUT BY REPUBLICANS

The SPEAKER pro tempore (Mr. METCALF). Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, when I came to Congress 3 years ago, I was really appalled, like many other Americans, to find out that Congress really did not have to live under the laws that they imposed on everyone else.

I remember, when I ordered signs for my district office, I attempted to comply with the Americans with Disabilities Act. Then I came back to Washington and was shocked to find out that in Washington, they did not comply with the ADA Act, and they did not comply with the rest of the rules and regulations.

It was ironic, shortly thereafter, that I had visiting constituents from my district and around the country who were visually impaired. I really was embarrassed to see those folks try to find their way around this place, this maze, without any proper, even common courtesy identification for those with a disability.

I wrote on February 26, 1993, to the Democrat committee chairman who was in charge of the House oversight at that time. Mr. Speaker, I include that letter for the RECORD.

The letter referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 26, 1993.

Hon. CHARLIE ROSE,
Chairman, Committee on House Administration, The Capitol, Washington, DC.

DEAR REPRESENTATIVE ROSE: My recent experience in ordering signage for my district offices in Central Florida has prompted me to ask why the House of Representatives should not comply with a simple and necessary provision of the Americans with Disability Act with regard to use of braille for blind and visually impaired people.

After laborious efforts to get local district office signs approved by the committee on House Administration, the sign company informed me that ADA regulations also required that the suite numbers be in braille. After inquiring with committee staff as to why this was not addressed in the Congressional Handbook, I was informed that the House was exempt from the regulation. I did, however, request the addition of braille to my signs.

It was ironic in that the same week this happened, representatives for the blind and visually impaired around the country were visiting their Members of Congress and no Member suites in the House Office Buildings are equipped with braille signs.

I would like to request that House rules add braille directional signs located in the interior of local district offices and in the House offices buildings. I urge that consideration be given to this much needed service to our visually impaired citizens.

Sincerely,

JOHN L. MICA,
Member of Congress.

Rather than reading the whole letter that I wrote to the chairman of the Committee on House Oversight, I will summarize it. I told him our experience, that here we are, a Congress telling people to comply with the laws, and I just had these folks with visual infirmities and disabilities in the hallways, trying to find their way around the Capitol. Why could we not at least give them the courtesy of labeling our offices in compliance with ADA? I never got a reply. I brought it up again, and I asked and begged.

The American people made some changes here then. On the first day of the 104th Congress we passed, remember, the Congressional Accountability Act. That said that every Member of Congress and Congress must comply with the laws they impose on everyone else. Most people do not know that that is now the law. Sometimes around here there are great battles and little victories.

I am here tonight to tell you about one little victory. Here is the little victory. Going up around the Capitol Building and in my office, and I am so proud of this little improvement, little victory, are these signs. They are placed in compliance with ADA. If you are visually impaired, you can even find out whose office you are in. This is a small success, but we said when we took control of this Congress we were going to make some changes. We were going to make Congress obey these laws. This is one little victory that I am so proud of.

Not only did we do that, but how thrilled I was today to also find another sign which was going up. Heaven forbid we should have maps that should help those visually impaired to find their way around the maze of the Capitol Building, but we have these, and actually your can put your hands across these, and those visually impaired and who read Braille, they can find their way around this maze.

So Republicans said they would make changes, and they are making changes. I know this is not changing the world

as we know it; it is not changing everything, our freshman program, but it is a beginning.

There are some other things that people probably do not know about what we have done with the Congress and the congressional budget. I want to take a minute to thank, first of all, the gentleman from California, BILL THOMAS, who is chairman of the Committee on House Oversight, for his actions and leadership on this issue and other issues.

Mr. Speaker, the Republicans said they would cut the cost of operating this Congress, the legislative branch, and they did. We cut a quarter of a billion, $250 million, out of our budget. That is done.

Republicans said they would cut congressional staff, and we reduced the staff on the Hill somewhere in the neighborhood of 2,000 positions. I chaired the Civil Service Subcommittee, which was three subcommittees before. It had 54 staffers. We operate it with 7. We said we were going to make changes. We did make those changes. Republicans said they would privatize capital operations, and we did.

EARTH DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, my purpose tonight is to talk about Earth Day and the lessons of Earth Day and what it means for us now in 1996. I think many of our constituents know that Earth Day is 26 years old now. It will take place this year on April 22, and the first Earth Day was in April 1970.

The reason we are concerned and the reason that several Democrats are here tonight to talk about Earth Day is because we are very concerned that this Congress, under the Republican leadership of the gentleman from Georgia, NEWT GINGRICH, has essentially tried to roll back the bipartisan effort that has been made in the House of Representatives, in the Senate, by Presidents of both parties over the last 25 years to try to improve our laws and our enforcement with regard to environmental protection.

In the last 14 or 15 months or so that we have been here in this Congress, we have seen day after day, week after week, efforts by Speaker GINGRICH and the Republican leadership to weaken the laws that have been on the books, and to provide less funding for enforcement and investigation against polluters who are violating those laws.

Before I go on, though, I will yield to the gentlewoman from Florida [Mrs. MEEK] who would also like to address this issue. I am very pleased she is here tonight, because I know how important Earth Day is to her, and how important environmental protection is to her.

Mrs. MEEK of Florida. Mr. Speaker, I thank my colleague, the gentleman from New Jersey [Mr. PALLONE].

Mr. Speaker, in recognition of Earth Day, I rise to talk about some of the successes and failures since the first Earth Day in 1970. I have a vivid recollection of Earth Day and what it has done for all populations.

As a result of the increased awareness of environmental problems that was a direct result of Earth Day, the landmark legislation to create the Environmental Protection Agency passed the United States Senate in 1970 without a single dissenting vote, ushering in a new era of America's stewardship of our air, our water, and our land.

Mr. Speaker, we have made great strides over the years in cleaning up our air and our water. My home State of Florida has been a national leader in protecting these precious resources. But there are those who have been left out in the rising tide of environmental quality, which has not lifted all of the boats.

Mr. Speaker, since that original Earth Day, we have learned that racial minorities and low-income people experience high-than-average exposures to selected air pollutants, hazardous waste facilities, and to contaminated fish and agricultural pesticides in the workplace.

In 1992, a National Law Journal Investigation found that penalties against pollution law violators in minority areas were lower than those imposed for a violation in largely nonminority area. They also found the government took longer to address these hazards in the communities. In additional, they found that the racial imbalance occurred whether the community was wealthy poor.

Discrimination against racial or ethnic groups and against the poor in environmental efforts cannot be condoned. The effort to fight this discrimination is known as the environmental justice movement. It is becoming a very strong movement.

Many of my colleagues know, as most of the country knows, that the current Republican leadership has assaulted the environment to serve special interests at the expense of the land, the water, the air, and the health of the people of the United States. Through budget cuts and legislative riders, the Republicans have targeted not only the environment, but also the minority groups and the poor. Not only is their so-called environmental agenda good for polluters, it is bad for the environment, and it is worse for poor people in poor communities.

Mr. Speaker, we need clean air and clean water, just as any other person needs it, as much as the people from other communities. The poor just as much as the rich need dangerous waste sites cleaned up. Poor people do not have air filters, water filters, or vacation homes to escape from these environmental hazards. They do not have lobbyists or money to donate to influential committee members to slant legislation in their favor. But we need to open our ears here in the Congress and listen to these people as we consider environmental laws in Congress.

Polluted sites in poor urban areas often stand for years as health and environmental hazards. I know this because of the district I serve. They are eyesores, they are a breeding ground for crime, and places where development of industry and jobs should be revitalizing the community, but these environmental hazards are there preventing this.

At the same time, new businesses are developing areas far from the cities and the city labor pool, destroying vegetation and wildlife, and duplicating investments in infrastructure that have already been made in these urban and poor areas. This makes no sense, no environmental sense and no common sense, Mr. Speaker.

Dangerous waste sites must be cleaned up. I have introduced, last year, a bill, H.R. 1381, the Comprehensive Economic and Environmental Recovery Act of 1995, that would help achieve this goal. My bill and a lot of others would provide low-interest loans to stimulate voluntary cleanup of contaminated areas in targeted urban areas, and ensure that local people are hired to do the work. My bill also includes provisions for a training program so that local people can learn the skills necessary for environmental remediation.

Mr. Speaker, I am not the only one who has sponsored such legislation, but this Congress needs to pay that more attention. The gentleman from Michigan, Mr. DINGELL, one of our colleagues, in his Superfund Reform Act of 1995 had provisions that would address this environmental justice. Unfortunately, Mr. Speaker, these sections were not included in the Republican bill, thereby setting back the cause of environmental justice.

One provision of the Dingell bill would have required that the EPA study priority-setting, response actions, and public participation at waste sites to determine whether EPA's conduct was fair and equitable to the population, to the race, to the ethnicity and income characteristics of affected communities.

Why are Republicans unwilling to even allow a study of this issue? What are they afraid of finding out? Another provision in the Dingell bill similar to my provision would authorize a demonstration program for recruitment and training of local people in remediation activities and encourage the hiring of disadvantaged persons from the affected community who have been trained in remediation skills.

Again, this provision was not included in the Republican bill. Poor and minority communities do not deserve to be the dumping ground for the country. My home State of Florida has shown leadership in environmental justice by establishing a commission to collect information and address this issue head on. In this Congress, however, we are regressing, as I see it, moving backward, as we are in so many environmental areas. We would be even further behind if it were not for the strong support of the President for environmental justice and for improving the environment

For example, his executive order on environmental justice will address that problem. This year, as we celebrate Earth Day, let us remember that environmental protection decisions should not be based on race, ethnicity, creed, or on wealth. Let us recommit ourselves to an effective and fair environmental policy so that the tide of environmental quality will rise and lift all boats. We do pay attention to that as Earth Day descends upon us. I thank the gentleman very much.

Mr. PALLONE. Mr. Speaker, if the gentlewoman will just let me comment briefly on some of the themes she mentioned, because I think they were very important, first of all it is interesting, coming from the State of New Jersey, which of course is a very densely populated State, New Jerseyans tend to think of Florida as having more open space, more pristine area. It is not always the case, but that is the general impression.

The fact that you are here talking about some of the urban areas and eyesores, I do not even tend to think that is true in the State of Florida, but obviously it is, and it goes to point out to me how universal the concerns are about the environment.

The other thing I wanted to mention is that I think it is so crucial to stress the need to have Federal programs to help with the cost of cleanup. The gentlewoman mentioned specifically, I think she was making reference to the Superfund program or something like that.

One of the biggest criticisms that I had of the Republican leadership is when the Superfund bill came up for reauthorization before our Committee on Commerce, we had Republicans who were making statements to the effect that "We do not really need the Superfund anymore, because that can be dealt with by the States and the localities. They can deal with those hazardous waste sites, they can come up with better ways of funding and providing cleanup of hazardous waste sites on the State or local level."

I know that is simply not true. New Jersey, which has probably done more than any other State to clean up sites that are not on the Superfund list, nonetheless continues to have problems in terms of coming up with the financing, and particularly when we are dealing with urban areas where the property tax base is not there; for them to find the money to do that kind of cleanup is just not going to happen, which is why we need a Superfund program.

I also appreciate the fact that the gentlewoman brought up this whole issue of environmental justice and that movement, because too often I think people associate the environmental movement with rich people or the elite, and you point out very well that that is simply not the case, that people who live in urban areas, poor areas, have just as much, if not maybe more, to be concerned about when it comes to environmental cleanup.

The last theme, if I could mention it, the whole idea with regard to jobs and the environment; your point that when we clean up sites, when we deal with environmental protection, we are creating jobs, that is so true. One of the biggest criticisms I have of the Republican leadership is that they constantly try to juxtapose the environment versus jobs; that somehow they are mutually exclusive, and to the extent we clean up the environment, we displace people. That is simply not true.

□ 1815

The fact of the matter is that environmental protection and the progress we have made over the last 26 years since Earth Day in 1970 has really actually created more jobs and created a better economy and allowed for more job creation. I appreciate the gentlewoman's coming here tonight and expressing her views.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. I thank the gentleman from New Jersey [Mr. PALLONE]. I guess I am here to warn the American people about what I call 1-day environmentalism. Interest in Earth Day really has to be continued and kept in people's minds throughout the year. It is a yearlong problem to keep protecting the environment and we need to do that.

I would be the first, Mr. PALLONE, to say that the environment is not a partisan issue. Americans, regardless of their political persuasion, want and need clean air to breathe and clear water to drink. They are concerned about it.

There are many Republican Members in this body who are strong environmental leaders, but the Republican leadership of the Congress has not been friendly to the environment. I think that that is the point that we need to stress, that it is the way we do things beyond the bills that are introduced. We have to look at what happens behind the closed doors or in the economy, in the budget deliberations.

I think that the Republican leadership learned very quickly that the American people did not want a frontal attack on the environmental laws, because the American people believe that the environment needs to be protected and they also feel confident that we have passed a lot of laws that have protected the environment. So instead the leadership, under the disguise of what they call deficit reduction and balancing the budget, in fact put environmental laws on a starvation diet.

What happened was, rather than having a debate about environmental laws, whether they were important, whether we wanted them, whether we could afford them, what happened instead was that there was a slashing of the funds for the enforcement of environmental laws, and we all know in every community that you cannot enforce laws if you do not have the money there to do that.

For example, I do not know if people around the country know that the Environmental Protection Agency's budget was cut by 21 percent and their law enforcement account was cut by even more, by 25 percent. What does this mean?

It means that the people who we hire to protect the environment have not had the opportunity nor the budget to go out and even inspect the facilities they are supposed to inspect. That means the American people's health is put at risk, and yet they are perhaps not aware that these things are going on because they have not seen the law actually taken down, so I ask that the American people look very carefully at these budget decisions.

I was pleased that the gentleman mentioned this whole issue of jobs and the environment. I have a report here that was put together by a whole group of very well known economists, and it is called "Economic Well-Being and Environmental Protection in the Pacific Northwest."

What these economists show—and they are not Republicans or Democrats, they are economists—what they show is that there is a direct link between a clean environment and a healthy economy, that those two things go completely together. Of course we have seen that particularly in the Northwest.

The Northwest, the population is growing rapidly, and one of the reasons over and over and over again given by people who move into the Northwest is they come there because of our wonderful environment and the fact that we are on the cutting edge of environmental protection laws. So people are moving to that.

I find that some of the Republican leadership have forgotten why we have Earth Day, why we have these laws. I remember when the Cuyahoga River caught fire. Can you imagine a great, powerful river so polluted that it

caught fire? It was the stimulus for the Clean Water Act.

In my own State, we have a great river called the Willamette River that flows through the biggest city in Oregon. Just a few years ago that river was unsafe to swim in, our children couldn't use it, there were no salmon in that river.

Thanks to the Clean Water Act, that has been reversed. We now have a clean river, we have salmon in that river. But if we cut the budget as the Republican leadership is suggesting, we will not be able to enforce those wonderful laws that have protected our environment and our people.

So I think that we really have to focus on these cuts. These cuts in the budget are, in my view, extreme and unwise and they are underhanded. If we are going to say that everyone agrees that we must protect the environment, we must be green all the way through. We cannot be green on Earth Day, put on a little green hat, put on a little green tie, a little green suit and say, look, we are pro the environment.

What we really have to do is say we are pro the environment when it comes to making those hard decisions on the budget. We cannot go behind closed doors where the American people are not there and cut these budgets and ravage these environmental laws.

So I challenge the leadership to put their money where their mouth is on Earth Day and start funding these environmental laws again, because then we will indeed be a clean environment and we will give the American people what poll after poll shows they want. They want these laws to be in place.

I am very glad you are doing an Earth Day event, but I do think we need to say it goes further than 1 day. It goes throughout the year, and we need to be honest with the American people.

I thank the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. I appreciate what the gentlewoman from Oregon [Ms. FURSE] said. The gentlewoman again points out some very important themes, I think, that we need to stress for Earth Day.

First of all, there has been tremendous progress. You talk about clean water. My district is totally on the water, either on the Atlantic Ocean or the Raritan Bay or the Raritan River.

In the late 1980's, 1988, 1989, when I was first elected and came down here, we had beach closings. Some of the beaches were closed the entire summer because of the wash-ups that were coming from New York and north Jersey. Now that is totally changed. In the last few years the water has been relatively pristine.

A lot of it has just been because of Federal grants and loans to the local municipalities, to the counties, to upgrade their sewage treatment plants. Money is a very important factor here. I think a lot of people deemphasize money, but when you talk about clean water action money means a lot, because money means you can build the treatment plants, that you can do the enforcement, go out and catch the polluters, you can do the investigations.

When the Republican leadership starts to cut back as they have on these grants, we are getting less loans now for clean water because of cutbacks with these stopgap spending measures. We have less environmental cops on the beat, so to speak, less investigation being done, and the direct result of that is that we are going to see more pollution going into our waterways reversing, hopefully not too much, but reversing the trend of the last 25 years.

The other thing that I wanted to point out that you stressed, I think, as well is that the problem that we face is with the Republican leadership. I think that when Americans went out and voted for a new majority, a new Republican majority in 1994, none of them, or very few of them, thought that they were electing a Republican majority that was going to put into leadership positions people that were going to make an antienvironmental agenda part of their program here in the House of Representatives. That is what we have seen with Speaker GINGRICH, with DICK ARMEY, with some of the other Members who are in the Republican leadership. They have on a daily basis put forward legislation that would weaken environmental laws. It is not so much the individual perhaps Republicans that are doing this but the leadership. But they are the elected leadership and we have to hold them responsible for what is happening down here. It is a fact that this is what they are doing. I want to thank the gentlewoman for joining us here today.

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

Mr. PALLONE. I yield to the gentleman from West Virginia.

Mr. WISE. I thank the gentleman from New Jersey for doing this once again. You have been a tireless fighter in environmental causes. Let me just say I too join as everyone in this Chamber, Republican and Democrat, in appreciating the progress that has been made over the last 25 years and also saying we do not want it rolled back. But what happens is people forget how the progress was made. The progress was made by being willing to fund the environmental programs that are passed, the progress was made by being able to do the enforcement, the progress was made by people standing up and saying here are a set of standards and we are going to vigilantly enforce them. The problem is if you cut back the enforcement 25 percent, what message are you sending out? I too like everyone in this Chamber have my own memories of the Kanawha River in Charleston, WA, in which when I was growing up you were warned not to swim in it, children getting meningitis every summer, and the pollution that was in those rivers. Today because of an effort made across the board, from environmentalists to industry, to government, the result is that the Kanawha is clean again and that for the first time fresh water fish are being pulled out of it, for the first time people are now feeling good about the Kanawha. Same thing with our air. The air used to be atrocious in the Kanawha Valley with the second highest number of solid particulates in the country 25 years ago. That is no longer the case. Everyone delights in that. So no one wants to roll back the clock. The only problem is the way you keep the clock ticking is to make sure that you keep the enforcement going and that you keep the EPA able to do its job. Earth Day fascinates me, hearing everyone say that we are all going to go out and plant a tree or do something and I do not make light of planting trees but trees cannot overcome a lot that is being done to the environment. But Earth Day in some ways has become the Easter service of environmentalism, the one day where everybody shows up, the one day where everybody brings a shovel, wears a bonnet, and comes out and celebrates. But the problem is you have got to be in the church or in the movement every day, every week. And so Earth Day can remind us. Indeed, just like Easter, it is good to have people coming out and renewing those ties. But then the test is whether or not that carriers over to the next day and to the next week.

There is a point that I think ought to be made. Sometimes I hear the talk of burdensome regulation but it should be made that to step back now is actually bad for business. We have a number of companies in the Kanawha Valley and in West Virginia that have spent great sums to comply with the law and indeed many of our companies have greatly reduced emissions voluntarily far beyond what was required. What kind of message do we send out now if you say we are going to step back, that we are not going to fund enforcement so that that person who has always been skating right on the edge, who has not been willing to make the commitment, who has always played a bit fast and loose or who simply has not been willing to upgrade as fast as others have, they suddenly get rewarded? We give them a bonus for having never been as enthusiastic as others in the business community have been?

The thing that has impressed me in talking to our chemical industry at home is they understand the progress that has been made and they are committed to continuing to make it. But it gets a lot harder for them to justify if they see somebody else that may get

off the hook now because that EPA inspector can get by now once every 6 years or something along those lines and only under the rarest circumstances. I support a tough enforcement program. That is why I voted against cutting the funding 25 percent.

There is a controversial pulp mill, for instance, that is now being debated, whether or not to construct in my area. Some say that it ought not to be built, others urge that it should. Regardless of how you feel, the best way to determine what the environmental impact will be is with a strong EPA. That is why I voted for the funding that would give the EPA the ability to continue doing its studies that are so necessary.

Environmentalism is good for business and indeed we are seeing more and more businesses learn that and make profits from it as well.

Finally, I just want to say, I do not think anybody want to hurt anybody but if you have got a doubt as to whether or not there needs to be continued rigid enforcement, just look at your tap in your kitchen or the faucet where you children brush their teeth and ask, am I totally confident about what is coming out of that tap and will I be totally confident if these cuts go through? Ask the victims and their families in Milwaukee, where 100 people died just a couple of years ago from cryptosporidium in the water supply. Ask those who have been under a boil water order, which is not uncommon. I wonder why it is regrettably that bottled water seems to be a growth industry in our supermarkets. What that tells me is that the job is not only not finished but it must be even more aggressively pursued.

So we have made progress, everybody agrees on that. But there is a price to progress and there is a need to make sure we keep the progress that we have made as well and to continue to progress. I thank the gentleman for all he has done to keep that in front of the American people.

□ 1830

Mr. PALLONE. I appreciate the gentleman's remarks. If I could just add again a couple of things that you pointed out and bring them back to this issue of what the Republican leadership has been doing in this House, one of the things that we keep hearing from the Speaker and Republican leadership is we do not need the national laws, the environmental protection on the national level, because the States are doing a good job. Twenty-five years after Earth Day we can send those responsibilities, if you will, to enforce the environment, to protect the environment, back to the States.

As the gentleman so well points out, if each individual State has different laws when it comes to Superfund or clean water or whatever it happens to be, that does not solve the problem, because you get forum shopping; in other words, where a company will say "I will not go to West Virginia. I will go to another State, because they have weaker laws." And if each State starts competing, if you will have to have weaker environmental protection to attract industry or whatever, then the common denominator gets lower and lower.

Mr. WISE. I am from West Virginia and the gentleman is from New Jersey. Both are centers for the chemical industry. If you want to start a race for the bottom, pitting us against each other, each State having to set its own standards, as opposed to having a minimum Federal standard that at least sets the minimum benchmark, we all lose in that regard.

Mr. PALLONE. I yield such time to the gentlewoman from California [Ms. PELOSI] who has been an outspoken protector of the environment here in the House.

Ms. PELOSI. I thank the gentleman for yielding, and for his leadership on this important issue, and for calling this special order this evening.

I would like to follow up with the colloquy you were having with the gentleman from West Virginia [Mr. WISE] on the idea that we absolutely do need Federal standards. Not only do we need them, because you would have a race to the bottom as States might wish to attract certain kinds of industries which would not have to comply with State law, but also because pollution knows no State boundary. Without minimum environmental standards set by Federal law and Federal enforcement actions, the health of our communities, the environment and economy would be compromised across the board.

Testimony submitted by the Citizens Panel of the Chesapeake Bay shows that Federal oversight and enforcement helped States work cooperatively to address environmental problems. Before the creation of the EPA, the six States on the Chesapeake Bay watershed allowed the waters to become severely polluted. Without a strong Federal enforcement presence, citizens in States like Virginia, which had cut its environmental budget by 26 percent, would have little recourse against pollution coming from other States.

It is hard for young people to remember or even to know how it was before the EPA and before Earth Day. In the 40 years that the Democrats have been in control of Congress, great progress, as the gentleman has indicated, has been made. Twenty-five years ago my own beautiful San Francisco Bay could be smelled before it could be seen. I hate to tell you that. Major rivers caught on fire from industrial pollution. The Great Lakes resembled stagnant toxic pools rather than centers for recreation and commerce.

Since then, national environmental laws have led to cleaner air, safe drinking water, and better controls of toxic waste and hazards. But the work is far from done, and the Republican assault on environmental budget will hamper such efforts.

Due to recent cuts, the EPA has halted 68 waste cleanups in communities around the Nation. In New Jersey, your State, Mr. PALLONE, 81 Superfund sites need to be cleaned up.

I had an able article from a California paper, "Strapped EPA limits cleanups. With funds cut off, agency slashes staff, narrows work to 10 of the most hazardous sites in California." This means that the head of the EPA in our region has kept a skeletal crew of 35 to 40, down from 900, to oversee the most serious problems and to tend to the other business.

So we are faced with a terrible, terrible choice. This is not about only endangered species; this is about endangering the health of the people of our country, endangering our children. We are talking here about clean air, clean water, safe drinking water.

I once has a volunteer in one of my campaigns, and when we asked her why she was attracted too come into a campaign, she said, "I realize that politics has something to do with clean air and clean water, and I guess I have to be involved in politics, at least as long as I breathe air and drink water." And that is so true.

What has happened since Earth Day 26 years ago, the first Earth Day, is that the people have become engaged. Our Republican colleagues see the resistance to their backward looking policies. Now they are trying to give the appearance of being green on Earth Day.

But while they may try to act green for a day, the record shows that this has been the worst environmental Congress ever. The Republican Congress has attempted to roll back years of environmental progress in order to favor special interests.

Because of Republican cuts, EPA has missed thousands of inspections and enforcement actions, cleanups have been slowed at 400 toxic waste sites, and stopped at 60 Superfund sites. Six rules to clean our waters have been delayed, causing hundreds of millions of pounds in pollution that could have been prevented, and old growth forests are being logged without environmental protection. This is a serious, serious assault on the environment.

I heard our colleague talk about the environment and economics. I wanted to cite a report from California that says that, to the contrary, the environmental regulations do not produce a loss of jobs. The report that we have from the California State Senate shows clearly that rather than losing jobs, it promotes jobs. It promotes an environmental protection industry, it promotes the fishing industry, which depends on a clean environment. This

whole methodology that there is a job loss because we are trying to protect clean air and clean water is just that, mythology and not reality. It is an excuse to take actions, but it is not a reason to do so. So there is a great deal at risk.

I want to commend President Clinton for standing firm in this budget fight, standing firm to say, as Vice President GORE reiterated today, that he will veto legislation that has harmful environment riders or harmful anti-environment riders in them. Even with the riders gone, I am glad the President stood tall on the issue, in terms of the cuts to EPA which we have been talking about this evening and which have such damaging impact on the environment.

I would say to the gentleman from New Jersey [Mr. PALLONE] I serve on the Labor, Health and Human Services Subcommittee of the Committee on Appropriations, and on that committee we hear from scientists all the time. What they tell us is that pollution prevention is disease prevention. This is not just an environmental issue, if you could say "just an environmental issue." It is a public health issue. The parents of this country, the families of this country, as the gentleman from West Virginia [Mr. WISE] said, have to have the confidence that when their children go to the faucet and pour a glass of water, that they are not damaging their health.

So we have to have Earth Day, we have to uphold the principles of Earth Day every day of the week and every day of the year. And in this body we have a responsibility to make sure that whatever we vote for here is in furtherance of protecting the environment, and we must reject the extreme proposals of the Republican majority to set us back on the last generation of improvement in the environment.

Once again I want to thank you for your leadership on this, your relentless leadership on protecting the environment, and for giving me this opportunity to participate in this special order this evening.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman for the remarks that she made, and again she has made some points that I think are really crucial in terms of this whole debate relative to Earth Day.

I think that the Republican leadership consistently tries to pretend when we talk about the environment, that we are sort of the tree huggers. Not that there is anything wrong with hugging trees, but they forget the fact we are mainly talking about the public health and that when we talk about clean water, air and cleaning up hazardous waste sites, we are talking about direct health implications for the average person, for children, for mothers, whatever.

Also, I am glad the gentlewoman brought out, she certainly knows as a member of the Committee on Appropriations that we continue to operate under these stopgap funding measures which are still creating tremendous problems for the EPA and their ability to enforce the law to clean up Superfund sites, to do proper investigations. I am a little afraid that because we have not had the shutdowns that the Republicans brought us a few months ago, at that time people were vividly aware of the fact that the EPA was closed down, that Superfund sites were not being cleaned up, that there was not anybody out there going against the polluters or finding the polluters. But even though we do not have the Government shutdown or any agencies shut down now, the amount of money that is available for the EPA and other environment-related agencies is significantly cut back because of these stopgap measures.

I think this one we are under now extends to the 24th, sometime next week or so. We are just hoping if we get another continuing resolution or another appropriations bill it is going to be one that provides adequate funding for the EPA and these other agencies. Again, so far the Republican leadership has not indicated they are going to do that, so these agencies are being crippled in their ability to enforce the law and do the things important to us.

Ms. PELOSI. That is why I am so pleased President Clinton has stood firm on this issue, in addition to education and some other issues, Medicare, Medicaid, VA, that the President has stood firm and said that we cannot proceed unless we have the basic health and well-being of the American people protected in how we go forward.

I would like to elaborate on one point just for half a minute that I mentioned earlier, about a survey released last month in California by the California State Senate, refuting the claim that if you have environmental protection regulations you lose jobs.

This report looked at every major study by Government, universities, and private think tanks since 1973. Not a single reputable study found a negative impact from environmental laws. In fact, environmental regulations have created jobs, particularly in manufacturing, transportation, and utility industries, and as I mentioned, there are other industries like the fishing industry which are totally dependent upon a protected environment. There have been a boom in jobs in environmental technologies and services. The report says California, speaking for my State, California alone will have 200,000 environmental workers by the end of the year.

The environmental debate is really about protecting public health, as the gentleman has said. The jobs versus owls argument is dead.

Again, I thank you for allowing me this time.

Mr. PALLONE. You are absolutely right. In my district it is so vivid, your point, in the sense when we had these beach closings in the late eighties, billions of dollars literally were lost in tourism at the Jersey shore. There were no jobs at all in the summer. So I do not think I could find a better example. If we do not have clean water at the Jersey shore, we do not have an economy.

For the life of me, I do not understand why a lot of the Republicans or those in the leadership do not understand that. But a good environment means good jobs. So thank you again for participating.

I would like to yield now to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. I thank you for yielding and for your leadership concerning environmental protection. I thought that one of the other really important aspects of this GINGRICH attack on the environment, this GINGRICH attempt to essentially have unilateral disarmament of the environmental law protection relates to the whole problem of clean water drinking standards. Where I come from, the city of Austin, TX, Colorado on the Rocks, with the Colorado River running through there, is considered to be a pretty good drink. I have begun to get a series of calls and letters from people throughout central Texas expressing concern that this Congress, and particularly this House, given its atrocious environmental record during the last year, intends to weaken the safe drinking water standards.

Another concern that you may be familiar with, and the irony at a time when so many in this House have talked about more local responsibility, more community responsibility, is that they would come in and limit the community's right to know about dangerous substances in our water supply. I am wondering if the gentleman, in your leadership role with reference to the environment, is familiar with some of the dangers posed to our water supplies by the assault on the environment?

Mr. PALLONE. Let me say, first of all, when you talk about the Safe Drinking Water Act and the efforts to weaken those protections, it is a real problem. We are hearing now that because of the fact that the Republican leadership did some polling, they essentially found out that they were not doing too well with their constituents and possibly leading to next November's election, because they were perceived as antienvironment.

Mr. DOGGETT. That is reality. That demonstrates the ability of the American people to get past these stickers saying "I have been to the zoo" or "I planted a tree" or "I have a green sport coat," and get down to the fact that some people who say they are green at election time have been voting consistently to destroy the environment and

to have an assault on environmental law enforcement.

□ 1845

Mr. PALLONE. Before we are finished with this special order tonight, maybe one of the things we could do is to bring up this memo that was sent out by the Republican leadership that essentially gets right to the point the gentleman is making about going out and hugging trees and going to zoos and all that to pretend that a Member is environmental.

Mr. DOGGETT. The gentleman is talking about the House Republican strategy for this year. That is where they got the public relations firm in to help them put a smiley face on their commitment to the environment by doing things like petting their dogs and that sort of thing?

Mr. PALLONE. I will read it directly. It will not take long. It is a pamphlet that was put out, I guess in October 1995, after the 9-month assault on the environment when they did the polling and found out that the public really did not like it, and it is amazing to me where they say, and I am just quoting, your constituents will give you more credit for showing up on a Saturday to help clean up the local park or beach then they will give a press release from someone in Washington talking about environmental issues. And they specifically say that you should go out and plant trees and go door to door and hand out tree samples, and then, last, become active in your local zoo. Go for a visit, participate in fund-raising events, become active on the zoo citizens advisory board.

Now, do not get me wrong, I am all in favor of planting trees. I have done it myself. I go to the zoo all the time. I am a member of the zoo here in Washington and elsewhere. But the point is, this is just being used as a way to cover up a poor environmental record.

Mr. DOGGETT. A gimmick.

Mr. PALLONE. Exactly. Going back to the gentleman's point on the Safe Drinking Water Act, I am hearing that some in the leadership now are so concerned about their poor record on that statute that they have actually reached out to the Democrats and are talking about possibly coming up with some compromise legislation. But I will believe that when I see it.

Mr. DOGGETT. I am encouraged to hear that, though I read just this week in the April 15 issue of Congress Daily an announcement concerning a draft committee recommendation on clean water legislation, and it was an expression of great concern by the environmental working group that the committee draft, and this would be, of course, the Republican majority committee draft, would weaken community right-to-know provisions and allow new industry oriented peer review panels to veto EPA standards. That is that the people that pollute the water would be able to determine what pollution is and is not appropriate for our public law enforcement agencies to protect us against.

I would just point out that this is not, as this very cynical Republican strategy memo that the gentleman referred to, this is not just something coming from Washington. One of the people who wrote me within the last week is Pamela Garcia, who writes that Austin currently has the highest pure water standards in the State of Texas and I would like to see it stay that way. These high standards must be maintained to protect those most at risk from contamination.

I had a third grade teachers write, a woman who has committed her life to working with young people, to write to express concern about what she had heard about this same weakness in the community right-to-know provisions. Holly Long from Austin says that it may just be my imagination, but I thought the Government of our country is a place in the position that they are in to protect the rights of citizens that they represent. We should have the right to clean water and that right should be assured to us by the people that represent us.

I know the gentleman shares that view, that our job here is not to get on the side of whoever has the strongest lobby in Washington, but to stand up for people like Holly Long, who is out there trying to teach young people and bring them into the whole American dream; that we have a responsibility to ensure that she has an advocate here in Washington fighting for the right to be able to see endangered species in someplace other than a zoo, and to not have all those trees clearcut in our old growth forests, and certainly to be able to be sure when they get a drink of water out of the Colorado River in Austin, TX, that it meets the standards that we would expect and that the gentleman would want in New Jersey.

Mr. PALLONE. I agree, and I really appreciate the fact because I do not think anybody else tonight brought up this sort of Republican strategy which we have seen with a lot of the efforts to weaken environmental laws, where provisions that I call sunshine law provisions, let the light in and right-to-know provisions, the ability of citizen groups to bring suit, the ability of the Federal Government to provide grants to citizen action or activists who are going to look into or investigate environmental problems where they live.

These kinds of protections that basically get the public more involved and sort of let in the light so that we know what is going on, those are the very things that in many of these bills that have come up that we have seen the Republican leadership try to weaken those protections.

Mr. DOGGETT. Empowering the local communities to address these issues. And, of course, I am so amazed at those who will come here on the floor of Congress and they will say, well, I am against pollution. I mean I am not in favor of pollution, I am just against the Environmental Protection Agency. Well, that is like saying I am not in favor of crime, I am just not in favor of the police.

It is the Environmental Protection Agency and some of our other protection authorities that are the law enforcement authorities with reference to the environment, just as our police and our highway patrolmen and highway troopers are the law enforcement for some of the other areas that affect our lives.

Just to give you another example, if I might. I am sure you have some of these from New Jersey, but another person who contracted me expressing concern about what this Congress is doing, particularly in the area of water quality, and I think again it really brings it home, it is not a battle between political parties or between Washington and Texas or New Jersey, but the fact that this affects the lives of real people who are struggling out there in America to make ends meet and who do not need the Congress getting in the way of their standard of living.

Susan Truesdale writes me:

> Clean water is important to central Texans like me and my family. I can't imagine finding out 12 days after the fact that the water that my family and I had been drinking, bathing in, watering our pets and yards with, is contaminated with something that could possibly kill us or make us terminally ill. I don't want my kids drinking this stuff and not knowing. Vote to protect the right of Texans to be told immediately if our water is unsafe, for more protective standards not weaker ones.

And remember, she says, that many of our most vulnerable citizens are young people, are old people, people who have certain physical problems, certainly young women who are pregnant, who are most vulnerable to water that is polluted, to drinking water that does not meet clean water standards.

So I think, it is important that you have spent this time this evening bringing to the attention of our colleagues and to the American people how really far-reaching this very extremist agenda to undermine environmental law protection is, because I have found some people who are out there beginning to notice it and beginning to say, do not let this happen; that we have a responsibility to stand up and pose an obstacle to those who want to undermine environmental law enforcement.

Mr. PALLONE. I appreciate the gentleman's remarks, and maybe I could just briefly out sort the cynicism that I have seen around here on the part of the Republican leadership to the whole environmental issue.

I sort of started this evening by saying that when the Republican majority

was elected in November 1994, they put forward a Contract With America, so to speak. There really was nothing in there that would stand out to anybody who was voting that would suggest that they were putting forth an antienvironmental agenda.

But when Speaker GINGRICH was elected and when the House organized the Republican majority, very quickly we saw an effort by the Republican leadership to bring to the floor what we call reauthorization bills, where we revisit various environmental laws, like the Clean Water Act, and use those reauthorization bills as vehicles to try to weaken directly environmental legislation, whether it was the Clean Water Act or the Superfund coming out of committee or some of the other bills that we rely on as sort of the whole basis for environmental protection here.

Mr. DOGGETT. This was after they began the weekly meetings with the polluters behind closed doors here in the Capitol?

Mr. PALLONE. Absolutely, and it was well documented that much of the legislation coming out of committee was actually written at those meetings with the polluters or with the special interests, and that they were even directing when they were coming to the floor.

They were not terribly successful in accomplishing that goal of weakening those statutes directly because of course the Democrats in the House battled them, and even when the bills passed the House, they had difficulty getting them through the Senate because the Senate was not as responsive to trying to weaken the environmental laws.

So very quickly, after that first 6 months of trying to go directly at environmental protection standards and statutes, we saw the Republican leadership sort of regroup and look at the budget, if you will, and the appropriations bills as a vehicle to try to turn back the clock since Earth Day 1970. So we saw, as was mentioned by some of our colleagues here tonight, riders, legislative language, if you will, weakening language put into the budget.

We also saw, and most importantly, efforts to cut back on the amount of money that was appropriated for the agencies that protect the environment, like the EPA or the Department of the Interior, and even more so deep cuts in enforcement in those environmental cops on the beat, as you point out. Then, of course, by the end of 1995 we got to the point where we had these Government shutdowns, where those agencies were shut down and were not able to function at all.

I think at that point, and you and I recognize, I think, that at that point, at the end of 1995, Speaker GINGRICH and the Republican leadership started to do this polling which indicated to them that the public did not like what was going on with their antienvironment crusade. That is when we got the memo saying go out and plant the trees and join your local zoo.

Mr. DOGGETT. My concern is that that is all they plan to do; that they want to have good public relations but that they intend to continue, as far as I know they have not stopped their closed-door meetings with the polluters and special interest lobbies that they have here every week; that they will have the smiley face out there but they will still be trying to sneak attack with the environmental riders and the slashing of the law enforcement budgets for those that are there to try to assure that we have the clean drinking water that people in central Texas want and the clean air that I know people across the country want.

Mr. PALLONE. Exactly. That is one of the main points that we are trying to make here tonight and that the gentleman is making very effectively, which is that we cannot be fooled, if you will, by the fact that we are not seeing legislation coming directly to the floor now to strike the Clean Water Act, for example. Because we are still having, with these stopgap funding measures, significant cuts in enforcement, in the ability for environmental agencies to actually operate and to enforce the law.

That is continuing on a regular basis, and all efforts to try to sort of paper that over by suggesting that we are going to be a little better on the environment now is really nothing but smoke and mirrors.

Mr. DOGGETT. Or we could expect the same type of thing that we saw last year when there was a bill out here that was called the Clean Water Act amendments, but most everyone that looked at it referred to it as the dirty water act. Most of the commentators who studied it noted that it was not surprising that it was a dirty water measure that actually weakened, in the name of clean water, the existing law, because it had been written behind closed doors by the various polluters who had a vested interest in this matter.

Mr. PALLONE. Exactly. And the fact of the matter is a lot of the provisions in that dirty water bill are still attached as riders to these appropriations, as well as some of these stopgap spending bills that continue to come up, so they are not going away. They are still there, but now they are sort of hidden a little more.

I think it is incumbent upon us, as Democrats, and whether Democrat or Republican Members of this body who feel that the environment needs to be protected, in celebration, if you will, of Earth Day, that we continue to be vigilant and make the point that this Congress has been terrible, has been the worst Congress on record with regard to environmental protection. We have to bring to the light and to the public the fact of how they are going about this, and how the Republican leadership continues with this antienvironmental agenda.

So I want to thank the gentleman again for being here tonight, and I know we are going to continue to make this point leading up to Earth Day next Monday and beyond.

Mr. DELLUMS. Mr. Speaker, I rise today to focus our attention on the upcoming Earth Day commemoration. Earth Day is a day we should all pause and consider where we are, where we have been, and where we are going. Earth is our home; we have no other. If we exhaust her resources; if we pollute her water, air, and land, there is no other place we can go. Rachel Carson first apprised us of the danger to our environment in "The Silent Spring" in 1962. Consciousness about the overharvest of renewable resources, endangered species, and pollution resulted in efforts on the local, state, national, and international levels to address these issues. Acting in the best interest of all the people and in the long term, Congress passed a number of laws that significantly improved the living environment of all Americans and helped to heal the damage done out of ignorance and greed the previous decades.

The Clean Water Act was passed in 1972. It protects surface and ground water. It provides water quality standards to control industrial and municipal pollution. It also provides federal grants to help states modernize public sewage treatment plants and reduce sewage discharges. As a result of this act, millions of pounds of industrial pollutants have been eliminated from our drinking water and from our rivers and lakes. Although the nation's waters are cleaner than they've been for decades, 40 percent of the Nation's waters are still not clean enough for fishing and swimming. Thus, we still need to maintain a strong Clean Water Act.

However, the Republican majority wants to substantially weaken the Clean Water Act. They want to exempt 70,000 chemicals from the act, allowing industries to pollute the Nation's waters as much as they like without any hindrance. They want to slough off the costs of their industrial production onto the American people. The big industries want the American people to pay for industrial pollution, and we will pay—with environmental losses. Fish will be poisoned, rivers and lakes will die, and we will be unable to swim and fish. The Republican majority wants to reduce funding for cleanup projects, which may reduce taxes in the short-term, but it will raise them later, because if we don't clean up the mess now, our grandchildren will have to do it.

The Safe Drinking Water Act has also been the focus of Republican attacks. The Republican majority killed Safe Drinking Water Legislation in 1994, and has made significant cuts in funding the safe drinking water infrastructure. Currently, a weaker bill—the Safe Drinking Water Act Amendments of 1995—is being considered. Without a strong Safe Drinking Water Act, we will pay with our health, from the potential negative effect of ingesting chemicals over the long term.

The Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA] Superfund was created in 1980. Its purpose is to clean up the most polluted hazardous waste sites. It requires polluters to pay 75 percent of the costs of cleaning up the sites they pollute. The Federal Government pays the balance of the costs. Of the 1,400 sites identified for cleanup, only 349 have been completed. Because of the lack of commitment to cleanup by previous administrations, 60 percent of these sites have been cleaned up during the Clinton administration alone.

The CERCLA Superfund needs to be made more effective and efficient, not less. The Republican majority wants to change CERCLA to provide fewer cleanups. Instead of cleaning up hazardous waste sites, they want to merely contain them. They also want to shift more of the cost form the polluters to the government, making government—the taxpayers—pay 50 percent of the cost instead of 25 percent. The Republican majority has also halted designation of new sites and reduced the amount appropriated for cleanups.

The Republican majority has also been giving away America's natural resources to special interests. In years past, Congress created the National Park system, wildlife refuges, and National Forests. In 1995, the National Park system alone enabled 270 million people to commune with Nature. The National Park system includes National Parks, seashores, preserves, scenic riverways and trails. While these areas are in need of maintenance, the Republican majority has cut its operating funds.

In addition, the Republican majority wants to open up the Arctic National Wildlife Refuge (ANWR) to drilling for oil and natural gas without important environmental safeguards. ANWR is home to a wide variety of animals and plants, which will be negatively affected by drilling. They are also attempting to open up over 20 million acres of America's Redrock Wilderness to development.

The Republican majority wants to open up national forests to logging above the levels that are sustainable over the long term. They want to allow logging in old growth forests, the home of many endangered species of animals, birds, and plants. In the guise of salvage logging of dead and dying trees, they have passed legislation that opens up logging in these ancient forests, without compliance with environmental laws. The Republican majority is even proposing to dissolve the Tongass National Forest (America's largest rainforest), transfer ownership to the State of Alaska, and open it up to logging and other development. Thus, the heritage of all Americans is being sold to oil and timber companies, who don't care about the long-term health of the forests or the animals, birds, and plants that are dependent on them for their survival.

The Republican majority has also been attempting to gut the Endangered Species Act. Masquerading as reform, the bill was drafted by timber, mining, ranching and utility interests who would prefer to do business without regard to the harm it causes to endangered species and their habitat.

The Republican majority has resisted reform of the Mining Law of 1872, which allows mining companies to take minerals from federal lands without paying royalties for them. Companies need only pay $2.50 to $5.00 per acre to carry off all the minerals they can extract. These are nonrenewable resources that are literally being given away to mining companies. The American people has a right to a reasonable return for their common property. But the Republican majority is resisting this needed mining reform.

The Republican majority has done all they can to cripple federal environmental laws. In addition to weakening individual environmental laws, they are attempting to undermine the enforcement of environmental laws by drastically cutting the budget of the Environmental Protection Agency (EPA) and by limiting the authority the EPA has to implement and enforce those laws.

In the guise of "regulatory reform" the Republican majority is attempting to undermine the environmental laws passed during the past 25 years. Calling environmental safeguards "red tape," they are trying to trick the American people into allowing big businesses: to pollute America's water, air, and land; to pay less than full value for America's timber and minerals; and to destroy America's wilderness and wildlife. In true Orwellian fashion, the Republican majority is trying to steal the common heritage of the American people, obfuscating it with anti-government rhetoric.

Earth Day is an excellent time for all of us to take the time to consider what kind of home we want to live in, and what kind of home we want to leave for our grandchildren. Will there be clean water, air, and land? Or will they be polluted, ugly, and toxic? Will we have any forests left? Will there be any wilderness and wild animals left? Clean water, air, and land is the birthright of all Americans. Forests, wilderness, and wild animals are our heritage too. Will our grandchildren curse us because we wasted their inheritance?

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REFORM INITIATIVES

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I come to speak to my colleagues tonight here in the House to discuss some of the reforms that we have achieved thus far and where we need to go in the next few months to make sure we complete our agenda to create jobs, to have reforms and to make sure the institution that we are serving in and the public we are serving for are being properly represented in every way imaginable inasmuch as in a bipartisan way as possible, in that total effect.

Let me just review, Mr. Speaker, if I may, with you some of the important reforms we have achieved.

First on opening day we cut one-third of committee staff, eliminated 3 committees, 25 subcommittees. At the same time we also passed a rule for this 104th Congress in the House, there would be no tax increase unless with three-fifths of the Members present voting for that tax increase, and I can report to you we have had no tax increases to date.

We also have one-third cut in the franking privileges, the free mailing privileges that Members have, and since that time some other additional reforms I think are worth repeating and worth underscoring for my colleagues.

We have passed a ban on gifts from lobbyists. Up until December 1995, lobbyists could give gifts to Members, whether it be a trip, or a dinner, or anything like that. And we took a stand, I think very strongly, very properly, saying since no Member in this House would want the adverse inference that their vote would be changed by a lobbyist giving a gift, we have now banned those gifts, the first Congress in history.

And we certainly are on the right direction as well, requiring lobby disclosure. We now know because we passed a bill that is signed by the President, bipartisan Congress, House and Senate. Lobby disclosure for the first time has been effectuated here, and because of the task force on the form, which I now serve on, a bill will be forthcoming to bring about campaign reform, as well, which I think would be the final chapter of this Congress' achievement, a ban on gifts, lobby disclosure, and filing campaign reform.

We have already saved through these reform measures, Mr. Speaker, $150 million on just the operation of the House. I think that is a testimonial to the kind of hard work that the Republicans have initiated as a majority party, and we have had bipartisan support in all of those initiatives, and I think that says a lot about the membership reflecting the will of the people back home.

But beyond those reforms in the institution, we have also made great strides, moved forward to our agenda to try to make sure that we have a balanced budget. This House has passed for the first time since 1969 a balanced budget. Now, since we started that balanced budget, which was presented to the President and not yet signed, we have moved $440 billion closer to the President's figures in trying to achieve the kind of an agreement that will not only bring us a balanced budget, but we are still $440 billion on Medicare, Medicaid, environment and education, four areas that in a bipartisan way the Congress is moving to protect.

We just saw a week ago, Mr. Speaker, that a line-item veto was signed into law by the President. This will allow the President for the first time, like 43 Governors, to be able to cut out wasteful pork-barrel projects, ones that House Members in the past or Senators

may insert into the budget just to get a reelection effort or just to take care of their districts, but would not have regional or permanent value, that would be a project worthy. Now the President will have that line-item veto, and that is certainly a reform that this Congress can be very proud of.

We have also passed congressional accountability. That law says that anything that we pass will be applied to our staffs as well. In prior Congresses, as you know, Mr. Speaker, the fact is that the Congress itself was exempt from bills in the past, whether it is OSHA, or fair labor standards, or whether it is civil rights law. It is the last paragraph; Congress is exempt from the application of this law. And that was wrong in two ways. First, it was wrong because we did not understand the pain or the suffering put through some individuals and businesses with requirements of Federal law; and, two, it was unfair to the staffs of the Congress in being able to have the protections that laws can afford. And so the President did sign that law into effect, sometimes called the Shays Act, and CHRIS SHAYS, who is from Connecticut, deserves a great deal of credit for having moved that bill forward, and we adopted it here in the House and the Senate, and the President signed the law.

The unfunded mandates reform; I know that you back—Mr. Speaker, and served in Washington State, and you know that the Federal Government for years before you arrived here in Congress would send mandates back to Washington State or to your home community or your school district and said the Federal Government requires this, you got to pay for it. Well, that almost bankrupt some local communities, trying to see to the wishes of the Federal Government, least sensitivity of the funding that goes along with these programs that we implement.

So the unfunded mandates reform has been passed, and no longer can the Federal Congress, the House and the Senate, and together with the President, send back a mandate to home without the money that goes with it. I think the benefit of that is that we can make sure that what we send back is certainly going to be something that is worthy of having the Federal Government be involved with the funding as well as the initiative.

We also passed in this Congress a new crime bill, not just for more police on the street, which is certainly a positive step to take care of all local communities, but we also passed on this $10.2 billion new program more funds for police officers on the streets, more money for police equipment, for crime prevention, maybe for a drug court, and leave to each community, county and municipality, or State the initiatives on their own part to decide where the anticrime, where the prevention programs, should have the money best spent.

In some communities it might be establishment of drug court. In other communities it might be prevention programs. Still in others it might be rehabilitation programs to make sure first-time offenders no longer become full-time or professional criminals.

These kinds of initiatives will go a long way to improve our anticrime programs and to work with the attorneys general in each State and our U.S. Attorney General in trying to bring about more safety in our communities and in our States.

We have also passed initially in this House welfare reform. Now, the President said in 1992, when he ran, he wanted to end welfare as we know it. Now we send a bill over to the White House; it was welfare reform in a bipartisan fashion, passed by the House and Senate, has been vetoed, But we are still hopeful here in the House that there will be a bill upon which we can have the consensus and can get a final passage.

The kinds of things we are trying to get is to make sure there is a safety net for those who are unemployed or unemployable, but those who are able-bodied, what we are trying to do, Mr. Speaker, is make sure they have job counseling, job training, job placement, and day care, if necessary, to make sure that every individual who wants to work, who has the ability to work, will be able to work and have the pride of work.

But also part of the welfare reform legislation was appropriate funding and increased funding for food nutrition programs for schools and the WIC Program, the Women, Infants and Children Program. We think this goes a long way in trying to get the problems addressed because while we have spent 15 percent in the cost of one of those two programs, the WIC and the food nutrition, in the proposal that we have before the House right now is to have those programs block granted to the State, but the way we do it is we told the Governors you can only spend 5 percent on administration; with the other 10 percent that is in the budget, the money must go toward feeding more children more meals under the national standards of the National Science Foundation.

So, with those kinds of safeguards, we think the programs, closer to the people without the fraud, abuse and waste for anything will give us a better job back home, will give us a better chance to feed those children and to serve them well.

Our pro-jobs agenda has been one that I think that we can take a lot of pride. You know, many people said, well, what kind of health care provided for workers, for those employed? Well, H.R. 3103 passed last week in the House provides several things. Most notably, Mr. Speaker, H.R. 3103 is going to make sure that our people who employed, when they move from one job to the other, or if they lose their jobs, that the insurance is portable. And that is very, very important. It also insures that no matter what preexisting condition you have you cannot be denied the coverage. It also provides medical savings accounts.

So these are very positive things for workers that we want to make sure, hopefully the Senate will agree, and the President, as well, will sign.

We also want to try to get 100 percent deductibility on health insurance to encourage employers to provide the health insurance for their workers.

We also are discussing investment tax credits and research and development tax credits for the purpose of making sure we encourage investment, encourage new jobs, retaining jobs, and to make sure that we keep our businesses here in the country and not overseas.

We also are looking for regulatory relief, and our purpose is to try to make sure that we do not duplicate what States are already doing. Mr. Speaker, we cannot really have regulation upon regulation when they have already have made sure that they done in the States, they have to duplicate in the Federal Government.

We have with us tonight our colleague, Congressman TAUZIN, who I hope will join us here and talk about some of these reforms that we have had in the Congress and where we go in the future of this second session of the 104th Congress. I will yield to him to give us his thoughts on where he thinks the continuation of this revolution will go.

Mr. TAUZIN. I thank the gentleman for yielding.

I particularly wanted to join you because I listened to the special order that preceded you, and if you were to listen to that special order, you would assume that much of the regulatory reform efforts that you just referred to that were conducted during the previous year in this Congress were somehow aimed at destroying the environment, creating dirty water and dirty air and somehow making life unsafe and unhealthy for us, when nothing could be further from the truth.

The fact is, as we approach Earth Day and we celebrate a much cleaner environment for America, the fact is that we ought to reflect upon what we fought for earlier this year, that some of which remains yet undone and some of which needs to be accomplished in this session of Congress or the next.

Now, one of that is regulatory reform. Now, again, if you would listen to that special order that just occurred, you would think, for example, that the clean water bill that this

House produced was somehow a partisan special-interest piece of legislation that was not designed to do anything about clean water in America. The truth was that it was supported by a large majority of this House, bipartisan in nature, Democrats joining Republicans, attempting to bring some rationality to the section of laws that deal with clean water regulations in America, particularly trying to define wetlands in a way that we can properly respect the preservation of real wetlands and at the same time respect the rights of property owners and people in America who are affected by those regulations.

Now, the properly rights bill itself was one that was supported by many Democrats in this House, and we sent it down to the Senate. It was a bill that simply set up due process rights for property owners who were affected by some of the regulations dealing with either the Endangered Species Act or the pull for wetlands regulations.

In regulatory reform, you will recall that when this House passed its regulatory reform bill, the Republican majority was joined by many Democrats who agreed with us that it was time to put some risk-benefit cost analysis into the process by which the government makes regulation. Why? Because we simply want to make sure that regulation makes common sense, that you look at the real risk you are going after, analyze it carefully and look for the least-cost method of achieving a reduction of that risk in our society, making sure, in fact, that regulations issued by bureaucrats made common sense.

Was that an attack on the environment? Of course not. We want a safer, cleaner, healthy environment for America, but we simply want the regulators in Washington, who are sometimes out of control, sometimes not living in the real world, to simply take people into account and to make their regulations make common sense.

This House overwhelmingly endorsed that proposal and sent it down to the Senate. We have still not seen that enacted into law. But we stand for those propositions tonight as we did earlier this year. We stand in this week when we celebrate the planet and clean air environment, we stand for a cleaner healthier, safer place for Americans to live, but one in which Federal bureaucrats start treating people with a little less arrogance, when they start making regulations that take risk and cost into account, that they start respecting property rights in America, that they start respecting the very people they are supposed to serve in America rather than ramming regulations down their throat that sometimes do not make sense.

In short, we are looking for more effective environmentalism, more effective regulatory structures that really work. We are looking for as much voluntary agreements and conservation, voluntary agreements, as possible, consultation with local folks, bringing, in fact, environmentalism back home where it belongs instead of here in Washington in some Federal agency.

I remember recently when Bruce Babbitt, Secretary of Interior, visited Louisiana, he went down and talked about the Republican assault on the great outdoors. My comment was, Mr. Babbitt, you don't understand something. Sir, we love the great outdoors as much as you do, perhaps more than you do, in Louisiana. We grew up in the great outdoors. It's the great indoors that we complain about, the indoors where all these Federal bureaucrats who have lost sight of reality and make all these regulations that just don't make sense that Americans can't live with and that in many cases disrespects constitutional rights, civil rights, like the right to own private property in our country.

And so as we fight to balance those things, as we fight to bring some common sense to regulatory reform, respect for property rights, and some regulations dealing with wetlands and clean water and clean drinking water that indeed are based on good risk analysis, cost-benefit analysis; in other words, regulations that achieve their results more accurately for Americans. As we make that fight, we will also celebrate with our colleagues on the other side Earth Day this week.

□ 1915

We are going to try to see to it in the coming weeks and months, for example, that we make a new Superfund law for America, one that does not waste all the money that is collected in a courtroom with lawyers and others making all the money in the system and nothing getting cleaned up.

The President in his State of the Union address, his first State of the Union address, pointed out to us how awful that was, and called upon us to change that law. We are going to try to do that, JON, to pass a good Superfund law, a good clean drinking water law, and get the Senate, hopefully, to agree with us eventually on good, safe, clean water acts and property rights and regulatory reform.

Mr. FOX of Pennsylvania. Mr. Speaker, I would say this to the gentleman. One of the items he brought up about being commonsensical about the environmental laws, our chairman of the Committee on Science, the gentleman from Pennsylvania, BOB WALKER, said we should have strong environmental laws but they should be science-based, based on what—we know we can improve the environment, but based on those who are expert in the field coming forward and telling us how can we achieve that end. I think that is very important.

Certainly you hit an item on Superfund. We have seen since 1980 when Superfund was first created, most of the funds have been spent unfortunately not on the cleanups, which are in some cases not that great a deal of money, but we have been fighting over who the potentially responsible parties are under the Superfund law. So the money is going into lawsuits instead of the cleanups.

I think with the reform that you are speaking to, that the House is going to be addressing, it is going to finally get some of these cleanups going. Most of the companies that have been involved want to do the cleanup, but they are in court because of one party or the other is disputing what percentage of liability they have.

Mr. TAUZIN. Mr. Speaker, if the gentleman will continue to yield, why they do that, the reason they spend so much time in court battling over liability, is that the current law as it is written has this so-called deep pockets provision in it. So if you contributed 1 percent of whatever is in that site, you could be liable for 100 percent. If you are caught having contributed that 1 percent and you are told that the other parties are not found liable, you are going to have to cough it all up, you are going to try your best to bring them all to court and fight over that liability forever.

The result is the government spends the taxpayers' dollars in that courtroom, the private parties spend interminable amounts of time and money in that courtroom, and in the meantime the citizens out there waiting for the cleanup to occur wait and wait and wait, and the money is wasted and no cleanup occurs. That is what is wrong with this system. It lacks common sense.

If we had a system, for example, that said if you are known to have contributed 20 percent and you are willing to put up your 20 percent cost up front without a legal fight, so we can take that 20 percent and go start cleaning up that site, would that not make better common sense?

Mr. FOX of Pennsylvania. It certainly would.

Mr. TAUZIN. Of course it would. That is what we are trying to do in this reform. In short, we are trying to bring commonsense environmentalism to America. We are not trying at all to back away from our commitment to the environment.

I believe, and I know most Members of this House believe, that we are here as guests on this planet and that we share it with other forms of life, and we all breathe the same air and drink the same water. We all cherish clean water and safe environments for our family. But we ought to have commonsense regulation out of this Federal Government, and very often we do not.

We end up wasting the money, the precious dollars that ought to go to cleaning up places in America and making it a safer, healthier place for our children.

Mr. FOX of Pennsylvania. I think what we need to do is to work with the EPA, work with the advocacy groups, with our colleagues, to make sure this is a bipartisan issue, because there is no one party that is for the environment. Both parties are for the environment and both the Congress and the White House are for the environment. Now it is a question of how do we get up there.

Mr. TAUZIN. Yes, but you would not believe that by listening to some of this debate on the floor. The fact of the matter is there are quite a number of lobby groups in this town on both sides of this equation who have very special interests. There are environmental lobby groups who have very special interests in keeping a fight going, raising more money and fighting some more. There are other groups out here who obviously would like to not see any environmental protection in the land.

Neither one is right. What we have to do is find the balance to make sure that neither one of the lobby groups sneak away with the issue and we never get anything done, but that in fact Americans get a cleaner, healthier, and safer place to live in out of this maze of regulation and legislation.

The bottom line is we ought to be asking the simple question, does this work. If it does not work to bring us a cleaner, healthier place, if it does not work to save a species, if it does not work to really protect wetlands, then let us build a better system. Let us build one that makes common sense and works and delivers for Americans what they are paying for, which is cleanup of hazardous sites, which is protection of endangered species, which is protection of valuable wetlands, and protection of the clean water and the air and the lands upon which we live. If we deliver on that promise, it will be the best bipartisan gift we can give to America, not only on this Earth Day, but on every Earth Day.

But if you listen to some of the debate on this floor, I mean, you would believe that some of us really do not want clean air and clean water and a clean place for our families. Nothing could be further from the truth. The fact is we all want it, we just disagree on how to achieve it. We disagree on how in fact to attain that good environment for our families.

In the end, that is a debate that we ought to have, but we ought to do it with a little less of this partisanship, a little less of this acrimonious sort of name-calling and get-ready-for-the-next-election, which seems to preoccupy this Chamber too much.

If we remember as we approach Earth Day that we have a common goal here to make regulations work for the good not only of our environment but for the citizens who live in it, then I think we will be on solid ground.

Mr. FOX of Pennsylvania. I think we will.

Mr. Speaker, I think the gentleman's approach, which is one that is global, that is pro-environment, pro-people, and one that is going to bring about positive change with common sense, I think that is what the American people want. They do not want to see anymore rhetoric, they want results. I think by following the Tauzin plan, we will achieve that.

I think just as important as achieving the protection of our environment, as the gentleman has outlined, whether it be Superfund or endangered species, clean water, clean air, we also need to have FDA reform. I have been working with you and others on your Committee on Commerce, and I know the gentleman from Texas, GENE GREEN, was the task force chairman that the gentleman from Virginia, TOM BLILEY, has appointed, and I am very excited about the progress we are going to make in that area not only on the drugs and medical devices, but also in the food area, to make sure that we speed up the approval of drugs and medical devices so life-extending drugs and life-saving drugs will be approved more quickly, because we do not want that technology or the work force or the jobs to be going overseas. We can keep it here, whether we reorganize FDA, that they need more people, or they need to be out of their morass of overregulation. We need to save lives. That is what the name of the game is. With FDA reform and environmental protection, we might find people living much longer and much better.

Mr. TAUZIN. Mr. Speaker, in all this process of RDA reform, we have to keep our eyes, again, on the ball. The ball in this case is to make sure that food products Americans enjoy are safe products. That has to be our preeminent goal. Our second preeminent goal ought to be to make sure as we regulate good and drugs in America, that we do have a climate where new inventions and developments can reach consumers as rapidly as possible after they have been appropriately tested, so Americans do not have to run to other countries to get treatments that should be available in America, so that new devices and new drugs and new treatments can be available to citizens here, and so that in fact they can be available at an early date to save a life or prolong a life.

FDA reform is critically needed in that regard. I want to join you in the hope that we can accomplish that before the year is out.

Mr. FOX of Pennsylvania. Mr. Speaker, the average drug now might take 12 years and $350 million to come to market. Some people cannot wait 12 years to get that miracle life-extending drug, and $350 million is a lot of money for a company to invest without ever getting approval.

Mr. TAUZIN. Guess what, too, after they have invested 12 years in that drug and $350 million, where do you think they get that money from? It goes into a much higher costing drug that Americans may need to save their lives or prolong their lives.

If we can simply have a better process that does not take 12 years, that does not cost $350 million, we will also be providing life-saving and life-prolonging drugs and treatments to Americans at more decent prices, which is a critical component of our health care reforms. We hope to accomplish again some of that this year.

Mr. FOX of Pennsylvania. The work that has been done so far by the gentleman from Texas, JOE BARTON, the gentleman from Wisconsin, SCOTT KLUG, and, as well, the work of the gentleman from North Carolina, RICHARD BURR, they have been appointed along with the gentleman from Pennsylvania, JIM GREENWOOD, in your committee to move this initiative forward. I am very much heartened that it has been a bipartisan area of legislation.

I think besides the environmental protections you have discussed and some of the pro-jobs things we have also discussed, getting FDA reform this year is one of the most important areas in which I think that we have accomplishment.

Mr. TAUZIN. Mr. Speaker, I would ask the gentleman, did he mention the success this House had in passing a health care reform bill this year? That came from our committee as well. For the first time, we finally got a bill out of this House that deals with the terrible issue of portability, as Americans move from job to job and lose their insurance.

This bill now says you can take your insurance with you when you move jobs. It also takes care of this terrible problem of preexisting conditions. When you move from one job to the next, you might not have been able to get insurance for the thing you had, that you had coverage for at your old job.

That bill dealt with that preexisting condition problem, and made other good cost-saving reforms in malpractice insurance, in paperwork reform, waste, fraud and abuse. It was the first real targeted effort to begin the process of reforming insurance for medical care in America, and reforming the availability and affordability of those systems for more Americans.

Mr. FOX of Pennsylvania. While still retaining the choice of doctor and hospital for each patient.

Mr. Speaker, I would like to have the gentleman from Minnesota, Mr. GIL

GUTNECHT, join us in this dialog. It is very important. He has been one of the very hardworking reformers in this 104th Congress, trying to make sure we move forward in our agenda to be responsive to the American people, and I thought he might want to join us.

I yield to him for the purpose of giving his reflections on where we have been up until this point and where he might see us going for the remainder of the 104th Congress.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding to me.

Mr. Speaker, it has been a privilege to be part of this 104th Congress. The gentleman and I, and I think most of us, went home and had town meetings, the gentleman from Louisiana [Mr. TAUZIN], and I suspect you did as well. One of the most frustrating things that I found was how many times what we really have accomplished, what has really happened in this Congress, has been in some respects misrepresented by some of our adversaries and not always accurately reported by the press.

As a matter of fact, one of the things we did in our town meetings, talking about reform and saving the Medicare system, it has been difficult sometimes, because we have to go over the same ground, and I found in my town meetings where we could explain exactly how much we are spending today in Medicare, how much we are proposing to spend in Medicare, and it goes from about $161 billion in fiscal year 1995 to $247 billion in the year 2002.

Once people get those numbers, some of them actually scratch their heads and say, "Well, wait a second, I keep hearing you are cutting Medicare," when in fact we are making big increases in Medicare. As a matter of fact, a few say, "GIL, maybe that is true, you go from $161 billion to $247; yes, that is probably an increase, but if you divide it by the number of seniors, there are going to be more seniors in 7 years than there are today, so what is that number?" That number is $4,800, and it goes to over $7,100 in just 7 years.

Mr. TAUZIN. Even accounting for the increase in seniors.

Mr. GUTKNECHT. Exactly. That takes into account all the new seniors that are coming. One of the things that I found that really began to get people's attention is when I would stop after I had made that presentation, giving the real numbers and our budget numbers, and said if we do this we can save the system. If we continue to do what we have always done, the system goes bankrupt.

Then I would always tell them that I was born in 1951, and that may not be significant, but when I graduated from college, the Speaker at our commencement address was the director of the U.S. Census. He told us something that day that I think is very important. He said that there were more babies born in 1951 than any other year. We are the peak of the baby boomers. There are more people right now 45, and, well, that has probably changed somewhat, but at that time there were more people 22 than any other single age.

Both of my parents are living, and God bless them, I am happy to have my parents both living and we are delighted, and it is a blessing to have them with us. They are both on Social Security, they are both on Medicare. As a baby boomer, I feel that I have a moral responsibility to my parents. But on the other hand, I have three teenagers. I have a moral responsibility to them, too. I think we ought to offer them the same kind of opportunities, the same opportunities of the kind of standard of living which we enjoy today.

So in some respects, I think baby boomers stand on the hinges of history. I think we have a moral responsibility to seniors to make sure they get the kind of care and benefits they are entitled to, but on the other hand, if we allow the system—as my grandmother used to say, if you always do what you have always done, you will always get what you have always gotten. What we have got is a system that is going bankrupt.

Frankly, I think we have a moral responsibility to do what is right, to save the system, not only for current seniors but for future generations of seniors. I am proud to say this Congress has been tackling that issue head on, and by using competitive forces, some of the marketplace changes that are happening out there in health care today, we can save Medicare. The same is true with the environment.

One of my favorite Presidents was John Kennedy. He said that we all inhabit this same small planet, we all breathe the same air, and we all cherish our children's future.

□ 1930

I might add, parenthetically, we are all environmentalists. Is there anyone who does not want clean air and clean water for their kids? I do not think there is anybody. But the question is, will we continue to impose $50 solutions, Washington-based solutions on those problems out in the States and the districts?

I think if we work together, if we have an honest dialog, we can have a cleaner environment, we can have a balanced budget, we can have a lot of these things we are talking about, because we have got to get the whole notion that all good ideas reside in Washington, we have got to get that out of our system, because it has not worked. The evidence is overwhelming.

In fact, if Washington-based solutions worked, Washington, DC, would be the most efficiently run city in the world, and we all know that is not true, because we live here. We see it every day. There is a lot of common sense in Louisiana, in Pennsylvania, in Minnesota, all over this country. We have got to tap into it.

So I am proud of what we have done in the 104th Congress, I think we are doing the right things, making the reforms that need to happen. I must confess that we have not always communicated very well, but we have got to do a better job of that.

I think once the American people understand what we are trying to do and how we are trying to do it, to decentralize the bureaucracy, put more of the decision-making back in the districts and in the States and in the hands of individuals, all sharing the same goals, I think we are going to change the course of history. I think once the American people understand that, they are going to be far more supportive than sometimes the polls show them.

Mr. TAUZIN. I want to thank the gentleman for joining us and congratulate him on an excellent statement.

My mother is on Medicare. I got a wonderful call from her just today telling me that she is finally out of the hospital, been discharged, doing well. She is a twice cancer survivor on Medicare. Do not think for a second that I am going to not do everything I can to make sure Medicare does not go bankrupt, for her and for everybody's mother and father that we cherish and love as much as I love my own mother.

The bottom line is, we cannot let that system go bankrupt. If we do not face that problem head on, as the gentleman has said, and provide new solutions for it while at the same time increasing the benefits per beneficiary, as our plan did, and preserve for every Medicare recipient the right to go to the doctor of their own choice and to stay in the Medicare system if that is what they choose, if we do not do that kind of a reform, how are we going to save this system?

And if we do not save it, 7 years from now, when it is about to go bankrupt, are we going to let that happen? No. We know what is going to happen around here. There will be a doubling of the payroll taxes to save it, and then the next generation will be threatened with bankruptcy. We will have been imposing an undue burden on the children and grandchildren to save a system that we should have saved and could have saved today, and the gentleman is so right in that regard.

When it comes to the business of finding common sense in America, I agree with him. The best common sense resides in those town hall meetings back home. That is where I really learn the truth about many of the issues we debate here in Washington. That is where folks really tell us how the real world works and where the good ideas are, and more of us I think

ought to spend time in those town hall meetings and less time here in Washington.

Mr. FOX of Pennsylvania. They do not feel any qualms about telling us where to go and how to get there. That is good. That is how we learn.

But let me say this about the Medicare situation. We are the individuals in the majority party that said, look, we think seniors are very important. We want to roll back that unfair 1993 tax on Social Security. We passed a bill to that effect. We are the ones who said, look, we want to raise the income eligibility from $11,280 without deductions from Social Security for those under 70 to $30,000 a year. We passed that.

We are the same ones who are saying, look, we love our seniors, want to make sure they live long and well, as long as possible, but what we want to make sure of is we take out the waste, fraud, and abuse in the system, $30 million a year, and make sure we keep those savings for health care only, not to go somewhere else in the budget.

We also want to take the medical education, now part of Medicare, for direct and indirect costs for interns and residents, a very valuable program but it should be a separate line item in the government. We should make sure that those dollars also go to Medicare for seniors.

We want to see paperwork reduction from 12 percent of Medicare costs to 2 percent while still offering Medisave accounts and managed care for Medicare.

Doing all that together, we are talking about a 7.5-percent increase a year for Medicare, double the rate of inflation. And frankly, knowing the bipartisan House we have here now, if we need to make increases in Medicare, we will do it.

But to have people say through demagoguery or rhetoric that any one party does not want to do what is right for seniors is absolutely wrong, because we are looking for increases here to make sure Medicare works but get that fraud, waste, and abuse out of it, because I want to make sure those dollars are being spent for seniors' health care and not for a provider to become rich.

Mr. TAUZIN. The gentleman from Pennsylvania [Mr. FOX] said something worth repeating. At one of the town hall meetings during the break, it happened to occur on the 4-year anniversary of my father's death. I spent that morning with my mother.

We recalled together how one of the things my dad had always asked me to try to do as his Congressman, as his son and friend, was to do something about that awful income earnings limitations that we put on seniors under Social Security. My father was living under Social Security until his death, and the idea that we told him and other seniors, "Don't go try to earn more money to have a good life, because we're going to take your Social Security away if you dare go out and continue to work," was an insult to him.

One of the sterling accomplishments of this Congress has been to raise that earned income limitation now to $30,000, so now seniors can earn up to $30,000 without affecting their Social Security check. I remember telling the audience that night, I said, "Dad, this one's for you."

This one is for all the seniors who have been asking us to do that for so long, and to stop this awful tax on their Social Security benefits that was imposed during the early years of the Clinton administration, and this House did that. It has repealed the tax on the Social Security checks that seniors get around the country. I hope, frankly, we can see that enacted into law in a much bigger income tax reform that all Americans can benefit from before this Congress is over.

Mr. FOX of Pennsylvania. One of the other areas we are working on for seniors that the gentleman from Minnesota [Mr. GUTKNECHT] and the gentleman from Louisiana [Mr. TAUZIN] have been the leadership point for, and I think it is very important and worth repeating, is that we are also trying to make sure we have enough funds for in-home services. While people are living longer and better, we want them to live longer at home and less in a nursing care situation for as long as we can put that off by having additional funds for in-home services.

And also I think what is very important is that we are spending money, and it should be, on women's health care initiatives. That is a very important program that we in a bipartisan fashion are trying to move forward, additional funding of research for osteoporosis, for cardiovascular diseases, for cancer, for uterine, ovarian, and breast cancer, additional research in that area as well as for menopause. We are also talking about, instead of having every other year under Medicare for mammograms, doing them yearly.

Those are the kinds of changes this Congress is moving forward on because we want to make sure our seniors and others are living longer and living better.

Mr. GUTKNECHT. This is part of the frustration, the list that the gentleman just went through. I suspect most Americans, particularly American women, do not know how much this Congress has really done. It is so frustrating because it seems to me—and I do not mean to be critical of the press but maybe I guess I am—these are the kinds of things that need to be reported more, and frankly too many Americans do not know how much this Congress has accomplished.

But, again, I am proud of the 104th Congress. This has been a can-do Congress from the very first day. The gentleman from Pennsylvania [Mr. FOX] remembers as I do that very first day, and the gentleman from Louisiana [Mr. TAUZIN] was on the other side of the aisle that day, but it is great to have him with us now.

But the point is that from the very first day, we were enacting reforms which a lot of people, and I am sure the gentleman from Louisiana [Mr. TAUZIN] included, had been trying to get reformed here in this Congress for many, many years. The very first bill, H.R. 1, the Congressional Accountability Act, the Shays Act, to make Congress abide by the same laws as everybody else.

We actually for the first time in I do not know how many years had an audit of the Congress, and frankly what the auditors found was, this Congress itself has not been very good at managing its own funds and has not been very accountable for its own funds. If we look at item after item, this Congress has really changed the course of history and we have changed the nature of the debate in this body.

Frankly, it is frustrating sometimes to go home and have to re-explain that, because I think in some respects the press has done such a miserable job, in my opinion, of telling how many good things this Congress has done, and so sometimes it is very frustrating for us to have to go back and tell the story. But on the other hand, I guess that is part of our job, as well, to talk about what is happening.

Frankly, let us also admit we have made some mistakes. That is part of being a democracy, that is part of a democratic republic. We are going to make mistakes, but I think on balance I am proud of the record of accomplishment of this Congress.

It has been a Congress that has been dedicated to reform, whether it was welfare reform, Medicare reform, Medicaid reform, or even reforming the way we keep our environment clean and pure. We have been willing to take a look and take some of the tough votes, take some of the criticism, because I think in the long light at the end of the tunnel, at the end of the day, I think the American people will look back and say, hey, they were doing the right things, moving in the right directions, taking power away from Washington, decentralizing, using market forces wherever possible and ultimately trying to get more services, more good, more bang for the buck for the taxpayers who pay the bill.

I am proud of this Congress. I am delighted to have the gentleman from Louisiana [Mr. TAUZIN] with us as a Republican. The gentleman gave a great presentation at noon for the consumption tax, sales tax, whatever we want to call it. I think that is another issue.

We saw on April 15 the American people have had enough with our current tax system. I do not want to take too much of the time, but 6 billion man hours are invested in keeping records and filling out forms for the IRS. Frankly, the time has come for all Americans, we need a national tea party, because this country was founded by tax protesters who said enough is enough.

Six billion man-hours, and put that in perspective. That is how many man-hours that are used to build every car, every truck, and every airplane built in the United States. That is how much time is spent just keeping records and filling out forms for the IRS. We have had example after example. Money Magazine has surveyed, you can go to 50 different tax professionals, you can go to 3 different IRS offices and get different answers from all of them.

The truth of the matter is, we all know that the system we have in terms of collecting revenue for the Federal Government is broken. We have had the courage, the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Michigan [Mr. CHRYSLER], and others have had the courage to take this issue on, go forward and begin to put some programs on the table, some bills on the table, so we can have a national debate, a national dialogue, and really come to a conclusion in terms of what kind of tax policy we ought to have, what is the maximum amount the Federal Government ought to get and what is the simplest way, the most efficient way for the Federal Government to raise the revenue.

I congratulate the gentleman. His presentation at noon was one of the best I had ever heard. I congratulate the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from Michigan [Mr. CHRYSLER], as well, because they have all been working together. In fact, when they started on that proposal it was clearly bipartisan. We hope to encourage more Democrats to join that debate as well.

Mr. TAUZIN. I thank the gentleman. One of the reasons why I think this has been a do-something Congress that has been unrecognized is that much of what we have done and completed went to the White House and got vetoed. We have got to remember that.

We did pass Medicare reform through both houses of this Congress and it got vetoed. We did pass a balanced budget bill for this country and it got vetoed. We passed a Medicaid reform bill and it got vetoed. We passed welfare reform twice and it got vetoed. We passed product liability reform and it is scheduled to get vetoed.

We had a liability reform bill dealing with securities laws. That got vetoed. We mustered a two-thirds majority to override on that one, but most of these bills have been vetoed. We do not have a two-thirds majority to override.

But this Congress has produced and believe me, if we could, this Congress would produce a complete repeal of the IRS and the income tax, as our bill would do, and the whole mess of guilty until proven innocent and double taxation and the awful mess the IRS has created for this country. If we could appeal it this year and substitute an alternative tax system that was fair and made sense for Americans, I would love to see it done this year.

We have at least put an idea on the table. That is part of what this Congress has been all about, putting new ideas, new reform concepts on the table, passing many of them, as the gentlemen from Pennsylvania [Mr. FOX] has pointed out, some of which has become law, many of which we are still fighting over because they have been vetoed. But we are going to keep up that fight until we win those reforms.

Mr. FOX of Pennsylvania. I think the people driving it frankly are the people back home. They are saying they want a simpler, fairer, flatter tax. They also say they want the IRS to be changed. Some want to eliminate it, to be sure. But the Taxpayer Bill of Rights which the gentleman has been active on, with the gentlewoman from Connecticut [Mrs. JOHNSON], is going to provide, I think, part of the first antidote for the problem.

Mr. TAUZIN. That was passed yesterday with a huge bipartisan majority.

Mr. FOX of Pennsylvania. And it provides, if I recall correctly, that the taxpayer will have an advocate at the IRS who will intervene on their behalf. It waives the interest charges and penalties when the IRS is at fault. It extends time for taxpayers to pay delinquent taxes without being subject to interest charges from 10 to 21 days. It expands measures to protect rights of divorced filers. It provides the IRS with authority to return levied property. It increases the maximum award amount from $100,000 to $1 million for reckless collection actions by IRS, and establishes accountability by requiring the IRS to file an annual report to the tax writing committees, of which the gentleman is a part, documenting misconduct by IRS employees.

So I think that it does take for the first time a bold step, saying, sure, there are good employees at IRS, we are not saying that. We are saying we want a system that is fairer. They are doing their job. We are saying we want to make sure that the taxpayers also have rights, they also are heard, and not treated as a number but as people who want to pay their fair share, want to pay it but they want to make sure they have their rights protected. That is what this law does in a very strong way for the first time.

Mr. GUTKNECHT. I think if I could jump in here, I think the Taxpayer Bill of Rights is a giant step in the right direction, but ultimately what we need is a much simpler tax system than we have today.

□ 1945

The idea that Americans are spending six billion hours, are intimidated by an agency that has 110,000 employees, that idea is an idea whose time has passed. The idea whose time has come is a much simpler tax system, whether it be the consumption tax, whether it be a flat tax, or whatever. I am not certain what the right answer right now is. Representative TAUZIN does a beautiful job. I hope he will have some special orders between now and the end of summer so the American people can begin to understand what we are really talking about, what the problem is, and how your particular solution will address that.

But I think we need that national dialogue, and ultimately what we need is a much simpler tax. Frankly, the taxpayers Bill of Rights does begin to level the playing field. Because heretofore the IRS had a huge advantage and they used the power of intimidation over individuals.

Mr. TAUZIN. Think about it, there is no other place in America, not even our Federal courts, where you go and you are presumed guilty. Even in Federal criminal court you are presumed innocent, and until the State proves you guilty you walk out a free person. With the IRS, you are presumed guilty until you prove yourself innocent. What an awful type of situation Americans find themselves in.

Worse than that, as you know JON, the IRS is a double taxation system. Not only does it tax your income, but every time you buy anything made in America, you are paying the tax of every business that contributed to the manufacture of that product. Economists tell us that could be a hidden tax of between 10 and 14 percent on the price of everything made in America. Unfortunately, we do not charge that tax to products imported. So, guess what? We import more products.

It is a system that tells us do not earn money, do not save money, do not invest because we are going to penalize you, do not try to leave anything for your kids because we got inheritance and gift taxes that will catch you then. Even when you spend money, you better buy foreign products, because if you buy anything made in America, we are going to double tax you.

It is a horrible system, and it is time we think about changing it for the good of every taxpayer; but, more importantly, for every wage earner and every business in America that would like to manufacture things here instead of manufacturing them all over the world.

If we have that debate, honestly and forthrightly and in a bipartisan fashion, to make sure whatever we substitute for this system is indeed a fair

system, it is simpler, makes better sense, does not double tax us, does not tax American products only, but taxes fairly all products in our society, so we can encourage manufacturing again, if we have that debate as part of this agenda to do something in this Congress, move these reforms forward, I will feel a lot better than I do already about a Congress that has made some great progress to this date.

Mr. FOX of Pennsylvania. If I can ask you, Mr. TAUZIN, beyond the discussion we had on flat tax, with or without deductions for mortgage, the Armey and Specter versions, as well as the Forbes version, and the consumption tax and national sales tax, what other programs are your committees looking at as far as tax reform?

Mr. TAUZIN. The Committee on Ways and Means is the committee doing it. I do not actually serve on it. BILL ARCHER is the Chair, and we are working closely with BILL. Mr. ARCHER actually supports this consumption tax concept. But he is not making that decision right now.

What he is doing is the right thing. He is going to hold hearings on this proposal for a national sales tax. He is going to hold hearings on the Armey flat tax proposal. He will hold hearings on alternative proposals, such as the value added tax or anything anybody wants to come up with.

By October, the Committee on Ways and Means will report to the American public. Hopefully the candidates for President will join in that debate, and by next Congress, maybe we can have an American tea party, and Americans can express themselves and dump this whole system into the Boston Harbor and rewrite something that makes sense for Americans again.

What we recommend is to pull the IRS and the income tax out by its roots, to get rid of the whole mess, to throw away the inheritance and gift taxes along with it, and substitute a simple national retail sales tax at the end of every purchase, providing a complete rebate to incomes under the poverty level, so that no one is hurt under poverty, and providing the same treatment for home ownership the current code does to encourage families to own their homes and build their families here in America.

It is an awfully interesting concept, but it is only one of many. The Committee on Ways and Means is going to look at them all and hopefully report to the American people by October which one they think makes the best sense, and we will have this debate next Congress.

Mr. FOX of Pennsylvania. I think Congressman GUTKNECHT and Congressman TAUZIN, as much as it is important to reform the tax structure, and, believe me, the American people want that, they also want to make sure we have a more business friendly Congress and business friendly government.

What I am talking about now is people who have tried to deal with the Federal Government to do work. I had a gentleman who has a business in my district that wants to do business with the Federal Government, but he had 187 pages he had to fill out for a $25,000 contract. He had to hire an accountant, an attorney, and an engineer to assist him in that regard.

I do not think we are not a business friendly government if we cannot figure out a way to make sure that we encourage people to be vendors, those who can come forward with their Government, give a quality product, and try to sell it to the Government on a bid process.

I am talking about getting the best product for the lowest price. Well, he may have had the best product, but the Federal Government will never have the chance to buy it, because he did not want to go through 187 pages of paperwork.

So I think that has to be part of our initiative, to make sure this is a government that works leaner and works better.

Mr. TAUZIN. Indeed, to go back to taxes, the Kemp Commission reported that the average small business in America spends $4 complying with the Tax Codes for every $1 they send the Federal Government. Think about that, when our forms and our regulations are so complex that you have got to hire so many accountants and go through so much paperwork to send the Government $1 you have got to spend $4 in your business. And guess who pays all of that? The consumer does in the end. When our systems are so complex that people cannot bid to do Government work because they cannot get through the bureaucracy and the paperwork, when businesses cannot even pay their taxes without spending four times as much as the tax liability, spending it on paperwork and accountants and auditors, then something is wrong in America. We have got an inefficient system.

If it does say to people "Do not come do business with this government," we are locking out people that could be doing business for us, perhaps in a much more efficient way than our current vendors, our current suppliers. That ought to get changed.

Mr. FOX of Pennsylvania. It is just as important as the tax reform.

Mr. GUTKNECHT. I was going to say, whether you are talking about tax reform, health care reform, Medicare reform, welfare reform, reforming the way Congress does business, opening up the process, really what this debate is about is whose country is it, and whose government is it, and who is in charge, and whose money is it? And for too long we have sort of taken, or our predecessors have taken the attitude in Washington that it is Washington's money and Washington's government.

One of my favorite Presidents once observed we are a people with a government, and not the other way around. And really all of these reforms are about opening up the process. The beauty of this Congress is for the first time we are having honest and healthy debates about what kind of a Medicare system we are going to have, what kind of welfare system should we have?

We have agreed that the problem with our welfare system is not that it costs so much money. The problem with our welfare system in America today is that it costs too much in human potential. We have created dependency.

When Representative TAUZIN talks about our tax system, it is a system riddled with perverse incentives. Throughout all of our programs, it is a system of perverse incentives. No good deed goes unpunished. Frankly, it is wrong, and the America people know it is wrong.

If there is a reform party, I think once the American people get a chance to look at these issues, what has really happened in the 104th Congress, how the process has been opened up, how we finally had honest debates about real reform, returning more power back to the people, I think they will agree that there is a reform party in the United States of America, and it is our party, and it is this party that forged those reforms, it is this freshman class, if you will, that has really forced the agenda to make those changes, to change the attitudes in Washington, and begin the process of giving the people the power back. And that is what this Congress is about.

I hope that as we go forward, we will have more opportunities this spring to have this kind of a dialog, this kind of a discussion, because I believe facts are our friends, and once the American people have the facts, whether it is about our budget, about Medicare, about tax reform, all of those other issues, I think it makes it very easy for us to win the debate, for them to win the debate, because facts are our friends and, as John Adams said, "Facts are stubborn things."

Mr. TAUZIN. You know, the freshmen, JON, all of you guys, have taken a lot of heat in the press, being too hardnosed, too rigid, inflexible. The truth is, the freshmen came to this House with a very refreshing concept. It was a concept that the Government ought to be our servant, not our master. And you came with a simple notion that we needed to make Government user friendly again. It needed to be responsive to people and helpful to people, instead of control and mandating and, indeed, inaccessible to people because its formularies and regulations were too difficult for people to understand. It is a very refreshing attitude.

I often comment to folks back home, thank God we have a huge crop of

freshmen that have that attitude. I think it is great that we have the infusion of new ideas and new thought. We have seen it in the form of a willingness to tackle issues that sometimes no one wanted to tackle before; to face head on the crush and calamity of Medicare collapsing into bankruptcy and to try to deal with it, to face head on the fact we have got a welfare system that is condemning people to dependency, instead of rescuing them from dependency; to face head on the fact that Medicaid in our country is about to cripple the ability of our States to take care of people who are uninsured and need the assistance of others for their health care; and to face head on complex issues like immigration policy, and issues like, indeed, environmental reform, which are very contentious and very difficult to debate sometimes.

Freshmen, in my view, have added a great deal to this Congress, and I am glad you are here.

Mr. FOX of Pennsylvania. Congressman TAUZIN, we certainly appreciate the fact you are an honorary freshman, you have joined us in that regard, because your enthusiasm to find bipartisan solutions and work to make a positive difference is what I think all the Congress is about.

You would not be here and would not have the privilege of serving if you could not make a positive difference. The thing we have to do is make sure we continue listening back home. Back home are the best ideas on keeping costs down, on keeping government accountable for what they want, and to make sure we in fact have a government that is user friendly. In that regard, for any final comments Congressman GUTKNECHT may have?

Mr. GUTKNECHT. I thank the gentleman from Pennsylvania and Louisiana for the special order. I appreciate the opportunity to participate. I want to thank you for the kind words about the freshmen. I think in many respects, though, the freshmen just represent the common sense values and views of the American people.

This Congress started with a lot of excitement and fanfare, but I will never forget the day after this Congress started, I was out in the hall, outside the House chambers, and a reporter came up to DICK ARMEY, the majority leader of the House Republican Conference, and she said to him, "How does it feel now that the American people have given you all this power?" And he said something very important and very profound. He said, "The American people did not give us power. They gave us responsibility. They loaned us power."

That is part of the attitude I think reflected in this Congress. The American people have given us responsibility. For as long as we have that responsibility, I think particularly speaking on behalf of the freshmen, we are going to do everything we can to give the power back to them, because we know that ultimately here in the United States it is the people who are sovereign. For too long, they felt as if there was a government that had the people, rather than a people with a government.

Frankly, I think we are bringing fresh attitudes, I think we are willing to tackle the tough issues. Have we done everything right. No. Have we made mistake? Yes. We may make mistakes in the future. But we are always guided by the basic notion that it is the people who are sovereign, and we work for them, and ultimately we have a responsibility to this generation, but, more importantly, to the next generation as well.

So I want to thank Representative TAUZIN and Representative FOX. It has been a great special order. We need to do this more often. As I said earlier, facts are our friends.

Mr. TAUZIN. I just want to reecho that thought, that this is the people's House, and in this House the people rule. That is an awfully statesmanlike approach to take, and it is surprising, indeed, that more folks do not realize that in this Chamber.

In the end, when we go back to the town hall meetings back home, we are asked a simple question: Have you advanced an American agenda? Not a Democrat or Republican agenda. Have you advanced the cause of this country? Have you made it a place where there is more liberty, instead of less liberty? Have you made it a place where we can advance our family's future more easy instead of more difficult. Have you made this a place where indeed our children can have a brighter future than we ourselves have?

If we can say yes to all of those questions, then we can go home proud and pleased with the work we have done here. I think we are well on the way. We have accomplished a lot. We have a lot left to do. But I think this "do something" Congress will be heard from much more in the days ahead.

Mr. FOX of Pennsylvania. I want to thank Congressman GUTKNECHT and Congressman TAUZIN for their leadership, not only in presenting the reforms that they have worked for, but in trying to forge a bipartisan agenda, one that is going to make this Congress continue to be pro-jobs, pro-reform, anti-tax, and one that relies more on the individual responsibility and relying on the fact that the Government does not run the country, the people do, and they do lend us that responsibility and that authority to act in their behalf.

So while we want to see term limits, we want to make sure the time we are here is made valuable, because what we have done is made positive changes. That will always be our guiding thought.

I thank you for letting us have this time period, Mr. Speaker, to have this dialogue. We will return again to give a further review in the future. We appreciate the input of our colleagues, from our constituents and the American people.

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TRIBUTE TO A TRUE PATRIOT, RON BROWN

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PAYNE] is recognized for 60 minutes.

GENERAL LEAVE

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on and include therein extraneous material on the subject of the special order today by the gentleman from New Jersey [Mr. PALLONE].

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

There was no objection.

Mr. PAYNE of New Jersey. Mr. Speaker, as chairman of the Congressional Black Caucus, I wanted to take some time this evening to pay tribute to a man so many of us knew as a great friend and a real true patriot. Secretary of Commerce Ron Brown was a person we all knew and loved. So many people across this Nation have been inspired by Ron Brown, it is fitting that we celebrated his remarkable life and legacy.

Even in the midst of our grief over his untimely passing, we recognize that Ron was the kind of person who would want to be remembered for how he lived his life rather than how he died. It has been said that a man's reach should exceed his grasp. Throughout Ron Brown's wonderful life he kept reaching, seizing each challenge with boundless confidence, with enthusiasm, with energy, with vision. Both in the private sector and in the public life he displayed that all-American can-do attitude, refusing even to entertain the thought that any obstacles would be insurmountable.

It was this spirit that won him so many firsts. First black fraternity member at Middlebury College. First black to hold the position of Chief Counsel of the U.S. Senate. First black partner at Patton, Boggs & Blow, and then on to becoming the first black chairman of the Democratic Party before being appointed by President Clinton as the first black Secretary of Commerce.

Yet it was typical of Ron Brown that even as he built racial coalitions, he

downplayed the significance of race as he sought to take on new challenges in his life. He said that race was not important as an obstacle. He simply said he can continue to move on up a little higher.

I remember back in 1988, when I was a member of the Newark City Council and seeking election to the house of Representatives, Ron Brown was campaigning at that time to become chairman of the Democratic National Committee. I traveled to Washington with the New Jersey Chamber of Commerce early in February 1988 to their annual legislative visit, when we talked to legislators here and talked about policies for our State. During my stay I introduced our State Democratic chairman, Ray Durkin, to Ron Brown, knowing that Ron was seeking the office of chairman of the Democratic National Committee.

After hearing Ron's ideas and observing his enthusiasm and his approach to problem solving and his enthusiasm and his approach to problem solving and his vision, the State Democratic chairman, Ray Durkin, made a decision right on the spot to support Ron Brown. He said this is the man we need to lead our party.

I was pleased when our New Jersey U.S. Senator, BILL BRADLEY, immediately came on board to join in for the backing of Ron Brown to become the chairman of the Democratic National Committee. In fact, New Jersey was the first State to endorse Secretary Brown when he made his run for the chairmanship of the Democratic National Committee.

Ron Brown did not run a narrow campaign based on race, he reached out to a wide range of Americans, as he always did in his life, ultimately convincing the electorate to return the White House to the Democratic party for the first time in over a decade. As a matter of fact, our State of New jersey went overwhelmingly for President Clinton for the first time in almost three decades. It was because of Ron Brown and his vision, his imagination, his creativity, his gumption, his stick-to-itiveness. He embodied the power of positive thinking, always looking ahead, assuredness, and optimistic.

Secretary Brown became involved in politics in 1971, when he was a district leader in Mount Vernon, NY, in the Democrat party there. He made a name for himself in the Urban League with his innovative ideas and creative approaches. He loved both public service and politics. Before working for Senator KENNEDY on the Committee on the Judiciary, he served as director of the California for Kennedy committee and later organized for Jesse Jackson's run for President.

Another point that needs to be made, in this era when it is popular in some quarters to bash those who work for the Federal Government, that Ron Brown and those who perished with him out there, risking their lives under very dangerous conditions on a mission to improve the lives of people in Bosnia and to promote American products, American business opportunities in order to create American jobs.

Secretary Brown and his staff worked tirelessly over the years bringing in billions and billions of dollars of contracts to Americans. Let us hope that out of respect for the victims and their families this unfair debasing of Federal employees for cheap political mileage will cease.

Let me take a moment to pay tribute to the victims of the tragedy who were connected to my home State of New Jersey who were on that ill-fated trip that day. We are proud of their service and extend deepest sympathies to their families.

Lee Jackson, who was born in Montclair, NJ, part of my district, was Executive Director of the European Bank for Reconstruction and Development at the Treasury Department. He was a young, bright African-American fellow whose father was a former newspaper person, who, as a matter of fact, was a very close friend of my Newark district office manager. We sat, Rick Thigpen and myself, watching the television, very saddened, awaiting the news from over in Croatia.

Another person on that flight from New Jersey, Claudio Elia, was chairman and chief executive of Air and Water Technologies Corp. in Branchburg, NJ.

Walter Murphy was vice president of global sales at AT&T Submarine Systems in Morristown, NJ.

Our State also lost two young people who were serving our country in the military, as Secretary Ron Brown had done as a young U.S. Army captain early in his life. S. Sgt. Robert Farrington, Jr., was from Brierfield, NJ; and T. Sgt. Cheryl Turnege lived in Lakehurst before she joined the Air Force.

Ron Brown left us too soon. He had so many gifts and yet he was not to have the gift of long life. We do not understand how life is given out, it is beyond us. Yet we can take comfort in the fact that his spirit, his zest for living, and his monumental achievements will definitely live on.

Our heartfelt condolences go out to his loving family, his wife, Alma, his son, Michael, his daughter Tracey, and his grandchildren. We will keep them in our thoughts and in our prayers.

At this time, I would yield to the gentleman from Virginia, Representative BOBBY SCOTT.

Mr. SCOTT. Mr. Speaker, I want to thank the gentleman from New Jersey for having this special order. I rise to add my voice to the multitude of voices singing the praises of Ron Brown. With all that has been said about him in the last 12 days, some may feel that all that needs to be said has already been said; but as we frequently say, all that need to say it have not already said it.

The fact is that we have all been affected by Ron Brown's life in general and in unique ways, and feel the need to ensure that the record of his life and his good works reflects some of those unique contributions.

For example, Mr. Speaker, the Newport News shipyard in the Third Congressional District of Virginia, which I represent, was a beneficiary of his good works. Even before the collapse of the cold war, the shipyard knew it needed to diversify its business portfolio beyond just military shipbuilding, so it began to revive its commercial shipbuilding program.

Ron Brown stood ready when called upon to help the Newport News Shipyard, just as he had helped so many other businesses before. For the Newport News Shipyard, he took Pat Phillips, the former president of the shipyard, to the Middle East to meet with business and government leaders in Israel, Egypt, Kuwait, and the United Arab Emirates to market the frigate ship program, and they were very successful. Bill Fricks, the current president of the shipyard, stated upon the news of Ron's death that, and I quote:

> Ron Brown was a great advocate of our yard and voiced his support for Newport News Shipyard and other Tenneco subsidiaries during numerous trade missions overseas. Not only an advocate of stronger international ties, Brown was also a friend of Newport News Shipyard. He will truly be missed.

Mr. Speaker, there have been a lot of words used to describe Ron Brown and his life: trailblazer, bridgebuilder, fence mender, power broker, coalition builder, energizer, visionary, humanitarian, public servant, crusader, lawyer, businessman, politician, husband, father, friend; all extraordinaire. And to this descriptive list I have to add shipbuilder and a friend of the Third Congressional District of Virginia. We are all grateful for his life and his contributions and for the lives and contributions of those who were with him on that fateful trade mission.

Mr. Speaker, Ron Brown will truly be missed.

Mr. PAYNE of New Jersey. I thank the gentleman very much. I really appreciate the gentleman from Virginia for those kind remarks. Let me at this time recognize the gentlewoman from the great State of North Carolina, who has been doing special orders and has been talking about Ron Brown for the last day or two, the gentlewoman from North Carolina, Mrs. EVA CLAYTON.

Mrs. CLAYTON. Thank you, Mr. PAYNE.

I am indeed grateful to Mr. PAYNE for organizing this special order. I wanted to participate in this special order under the guidance of the Black Caucus, because I think it is appropriate in this leadership that we also have an opportunity to have a special order.

Mr. Speaker, Ron Brown was a bridgebuilder, a peacemaker, a soldier for souls, a fisher for young men and young women.

Out of the ashes and wreckage of that faraway mountain in Bosnia—something remains—a blade of grass, an idea.

The idea—Ron Brown's living legacy—is that you can grow up in Harlem, and progress in Washington.

He left with us a prototype to follow, a style, a design, a mold, a model that we may never duplicate, but we can certainly replicate.

Under the careful counsel of his father and mother, he learned that it is far better to build bridges than to burn them. He knew that a bridge could arch a flood.

And so, he built bridges between the rich and poor, between people of every hue, between cherished views and fresh beliefs. Perhaps that is why his motorcade journey to his resting place in Arlington was as appropriate on U Street as it was on Constitution Avenue.

Ron Brown was a bridgebuilder.

His time spent in service to America, as an officer of the U.S. Army, apparently taught him that the best way to preserve world peace and avoid war is by doing business.

That is why he travelled to China, journeyed to India, took a trip to Turkey, and voyaged to Africa. And, that is why he risked a rainstorm to get to Tuzla.

He was opening doors, cementing relationships, serving his country, and promoting peace, even in a region torn by war.

Ron Brown was a peacemaker.

His rapid rise to the top was by measured steps from the bottom.

He worked by day and attended law school by night. He was a welfare social worker, a leader with the Urban League, a brilliant political strategist, a lawyer, the pilot of the Democratic Party and the architect of one of the greatest Presidential campaign victories in history.

Through it all, he never lost the common touch.

He was as comfortable playing pick-up basketball in the Shaw neighborhood of Washington, DC as he was conversing with Kings and Queens and Prime Ministers.

Ron Brown was a soldier of souls.

But, perhaps the mark that he made that is most worthy of note is his mentoring, wherever he went, he took others with him, especially young men and women.

Ron knew how tough it was for an African-American to move from 125th Street in the heart of Harlem to the Commerce Building at the center of power in Washington.

With each career step he took, he embraced young people, forming and fashioning the Ron Brown's of the future.

They are there, at the Department of Commerce, at Democratic National Headquarters, in the public sector and in the private sector—the next Ron Browns.

He was a fisher of young men and young women.

Whether he was building bridges or closing divides, fighting the good fight or making peace, reaching with a helping hand or bringing others along—he always did his duty with dignity, pride, graciousness, vision and boundless energy. He filled each unforgiving minute with 60 seconds of long distance run.

Our thoughts and prayers go out to his lovely wife Alma, his loyal son Michael and his darling daughter Tracey. They have every reason to be proud.

Ron was a trailblazer, a tireless champion for all, a role model for role models. He has left his permanent imprint on the sands of time. God's finger has touched him, and he now sleeps.

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Mr. PAYNE of New Jersey. Thank you for those remarks.

As you know, we are talking about the life of Ron Brown, but there were a number of people. I mentioned several of those who lived in my great State of New Jersey who lost their lives on that mountainside in Croatia and return flight from Bosnia. There were other people who worked for the government.

As we talked about the fact that all too often it is made trite about working for the government, we hear people saying that Americans should not have to pay taxes. Why should we be involved in such things? What right do we have to take their money? We heard some of that dialog earlier here tonight.

Well, because we live in a country that is great. We live in a country where you can get on a road and the road will take you where you need to go, with pavement, with utilities, with lights. We live in a place where you can drink clear water and not worry about having bacteria in it. We live in a place that you can call the authorities or go to a courtroom and find that you can have your cases heard. And that is why it is a responsibility of Americans to have a responsibility.

As a matter of fact, at some other time we will get on to this subject, but people make it seem that here in America we are overtaxed. We pay about 29 percent. Japan used to pay 19 percent; they paid 29 percent. In the Western Europe countries, most pay 38 to 39 percent. We should take a look at the global situation, and I say that to say that Ron Brown was a person who had to take this unnecessary bashing. People in government took unnecessary bashing. We heard people criticize the Department of Commerce, but billions of dollars worth of business have been brought back to this country.

There were other people who gave their life for this country.

Bill Morton was a fellow who was always at Ron Brown's side. Bill was a deputy assistant secretary for international trade. He was a long time aide of Ron Brown. He graduated from Georgetown University, a native of Colorado, was always there when Ron Brown had to go. Did not like to fly at all, did not like travel at all, but he felt that it was his responsibility to his boss, Ron Brown. it was the responsibility to his country, and he went when called and did not want to go on that trip to Bosnia, but he was there.

These are the types of Americans who are the unsung heroes, people who dedicate their time, their life, their energy, time away from their family. The Bill Mortons of the world are the type that makes this country run, that make it as great as it is.

There were a number of people on that flight. Duane Christian, who was Ron Brown's chief security officer, a person who had been in this government for many years, used to work for the Office of Personnel Management, a former school teacher.

On that trip was Adam Darling, just a 29-year-old person, a confidential assistant for the Deputy Secretary of Commerce. He worked in international trade, wanted to make America strong, wanted to increase our balance of trade, wanted to reduce the balance of trade deficit, a young 29-year-old person was there serving our country.

Gail Dobert, acting director of the office of business liaison, a person who had worked many years on the Hill, who was there serving our country.

Carol Hamilton, the press secretary for Ron Brown, who was a person who had worked in business and industry, worked for Chase Manhattan Bank, but decided to give her time, her talents to the United States Government and came to work in the Commerce Department so that the work that that great department was doing could be better told.

We have Kathryn Hoffman, a special assistant to Ron Brown who was a person who was interested in politics, worked in the Clinton campaign during 1992, and actually was the person that produced the first African-American inaugural gala and leadership forum at the inauguration of the inaugural committee for President Clinton, a person who worked for Sony Pictures and in the past for Senator BIDEN and Julian Bond. A person with tremendous amount of ability, also lost her life.

We have Stephen Kaminski, who was a senior commercial officer who traveled a great deal, who tried to see that the market access of American companies could be enlarged in places like Japan, and worked in capitals of Hamburg and Dusseldorf and Vienna, and was a person, a real world leader.

Kathryn Kellogg, a confidential assistant, office of business liaison, who came to that office from a background with the Jay Rockefeller office and did a tremendous amount.

And we had a very senior person with us on that trip with Ron Brown, Charles F. Meissner who was the Assistant Secretary of Commerce for International Affairs, has been very active in government, and his wife was the Immigration and Naturalization Service commissioner, Miss Doris Meissner, and certainly our heart goes out to her, a person who is still contributing to our Government.

Also a part of our Government team was Lawrence Payne, a special assistant, office of domestic operations. He was a person who added a great deal to the mission.

Naomi P. Warbasse, who was a deputy director of Central and East Europe Business Information Center.

We had James M. Lewek, who was an intelligence analyst who worked on European economic issues. He was a person who was an analyst, a very bright individual who served very well.

So these were people who worked for our government who felt it was important, who felt they had a contribution to make, who felt that this great Nation of ours could do better. They never accepted enough was enough. They went on to move to higher heights.

Ron Brown had gone on a mission to India. No one ever looked at India as a place where we should take trade missions. It was never on the radar screen. But Ron Brown looked at the population, a population of over 900 million people, a country that in the next 20 years will have a population in excess of the population of the People's Republic of China.

It is estimated by the year 2020 the population of India will exceed 1 billion 250 million people—1 billion 300 million people. This is awesome.

The People's Republic of China currently has 1 billion 100 million people. The population of the United States is 250 million.

Ron Brown looked at India and said, after analysis, that India has as many middle-income people as the entire population of the United States of America. He was one that looked around and saw the poverty and saw the problems, but he also looked at the aggregate number, 900 million people, and found out that 250 million were middle-income people in India. And so he took a trade mission and, in less than a week, did over $7 billion worth of business on that trip. It was Ron Brown conceiving that there is opportunity in that great country of India.

He took trade missions to South Africa, worked with Mr. Mandela. As a matter of fact, Ron Brown was one of President Nelson Mandela's favorite persons. Mr. Mandela, who, as you know, is probably one of the greatest leaders in this world, has tremendous insight, and he was a person that opened his doors to his personal home to Ron Brown because of the camaraderie between the two. Of course, President Mandela, being much older than Ron Brown, Ron just looked up to him and went to South Africa, and through Ron Brown's creativity the Mbeke-Gore Bilateral Commission for Trade, directly the deputy president, Tabo Mbeke, Vice President AL GORE cochaired this trade development that will increase imports and exports from these two great countries.

Ron Brown went to Asia and was very popular.

The Japanese trade officials enjoyed working with Ron Brown. They felt that he was very astute, and he did outstanding business in Japan. He was one, and we heard of Mickey Kantor and his debates in Geneva with the auto parts, but Ron Brown would go over to Japan, and it was, they call it, the "bad cop, good cop," Mickey Kantor being the bad cop, tough guy, mean guy, never smiled, and Ron Brown would come with his smile. He was a good cop. But Ron would always get the signature on the dotted line. So, as we have recently heard, the tremendous increase in the amount of autos and auto parts being sold to Japan, a record for this country. Part of that success for our big three auto makers is because of Ron Brown and the work that he has done.

He went to the People's Republic of China and was ready to do business all over the place. It was just that it was so large, Ron just took a little piece of it, but billions of dollars' worth of People's Republic of China.

And so I mentioned these various missions that he took. He was interested in the whole relationship between Mexico and the United States. He felt that Mexico has tremendous potential, but that the human rights of people in Mexico must be observed better. He talked about changing over the type of government, making it more people oriented, and he was a person that saw that one way that we could stop illegal immigration is that Mexico itself becomes a place that people feel they should stay, their country. Most people prefer living in their own country. They do not like traveling to other countries. They do not want to learn a foreign language. They do not want to be put in substandard jobs. They do not want to be pointed out as the problem. So most people, wherever they live in the world, prefer to stay where their home country is.

Ron Brown felt that, with Mexico developing, with opportunities in Mexico for Mexicans, that would be the biggest way to slow down and eventually stop illegal immigration and actually have people emigrate back to Mexico once opportunities developed there. But he also said that, as Mexico developed, that there would be markets for the United States, there would be trade opportunities, that it would not be a one-way street, but we would be able to solve a tremendous social problem in our country of illegal immigration.

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So Ron Brown's policies really affected the world, whether it was in the Far East, the Pacific rim, whether it was in the new independent States, or in Africa. He was a person who felt that we could do things best in this country, we make the best products, once we put our minds to it. He felt that all we had to do was to get an opportunity to introduce our business people to foreign markets, and that they would really jump on board on getting our products.

So as we wind down on our commemoration of Ron Brown, the man, Ron Brown, the leader, Ron Brown, the father, Ron Brown was a person that even when he was under attack, and I sat at a hearing of the Committee on International Relations where there was the move to abolish and eliminate the Department of Commerce. Some mean-spirited questions were asked, and the manner in which some of the questioners on the other side of the aisle were lashing out at the Secretary of Commerce. He answered every question. He answered the questions well. He had the facts.

As a matter of fact, when the hearing ended, most of the Members who started out with this mean-spirited slash and burn type of philosophy had to admit that the Department of Commerce had done an outstanding job; had to admit that, truly, this is the first Department of Commerce Secretary that the American people can say the name of the person. This is a Commerce Department person that people felt was doing the job. But in their fallacy, their preconceived notion was to eliminate the Department of Commerce. I think that that started to sort of slow down once Ron Brown really gave the facts to people.

We are here to say, Mr. Speaker, that we hope that we will remember Ron. We will once again say that he was a great American. We will once again say that he is the type of person that we can have young men and women, African-American, Caucasian, native American, whatever, point to and say that he is the measure of a man. Anyone can succeed if you try hard enough, that all you have to do is to have a vision, have creativity, and be ready to step up to the plate.

Once again, I would like to thank the Speaker for this time, and to express to my colleagues who came out tonight that I appreciate their participation this evening. I also appreciate the participation of many, many Members who have expressed their views during the past week that we have been back here, Monday, Tuesday, and today.

As a matter of fact, concluding, it was going to be on a week from today that he was going to visit the Congressional Black Caucus' weekly meeting.

We talked before his trip, and April 24 was the date that he was scheduled to come to talk about women's opportunities, small business, the census. So we will certainly even more remember him next week when we meet in our weekly Wednesday meeting. He is a true American, a real American hero.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of family medical emergency.

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. RAHALL) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. KENNEDY of Rhode Island, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mrs. THURMAN, for 5 minutes, today.
Mr. WISE, for 5 minutes, today.
Mr. PALLONE, for 60 minutes, today.
Mr. PAYNE of New Jersey, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. EMERSON, for 5 minutes, today.
Mr. JONES, for 5 minutes, today and on April 18.
Mr. CHAMBLISS, for 5 minutes, today.
Mr. BURTON of Indiana, for 5 minutes, today and on April 18.
Mr. FUNDERBURK, for 5 minutes, today.
Mr. CHABOT, for 5 minutes, today.
Mr. MICA, for 5 minutes, today.
Mr. ENGLISH, for 5 minutes, today.
Mr. TALENT, for 5 minutes, today.
Ms. ROS-LEHTINEN, for 5 minutes, today.
Mr. HUNTER, for 5 minutes, today.
Mr. FORBES, for 5 minutes, today.
Mrs. MORELLA, for 5 minutes, today.
Mr. GUTKNECHT, for 5 minutes, today.
Mr. KINGSTON, for 5 minutes, today.
Mr. DORNAN, for 5 minutes, today.
Mr. RIGGS, 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. RAHALL) and to include extraneous matter:)

Mr. STARK.
Mr. HAMILTON in two instances.
Mr. JACOBS.
Mr. FARR of California.
Mr. TOWNS in two instances.
Mr. SANDERS.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Mr. SENSENBRENNER.
Mr. BAKER of California.
Mr. TALENT.
Mr. WATTS in three instances.
Mr. LAHOOD.
Mr. OXLEY.
Mr. CAMP.
Mr. CUNNINGHAM.
Mr. PORTER in two instances.
Mr. ZIMMER.
Mr. CRAPO.
Mr. LAZIO.
Mr. STUMP.
Mr. ZELIFF.
Mr. BRYANT.
Mr. WELLER.

(The following Members (at the request of Mr. PAYNE of New Jersey) and to include extraneous matter:)

Mr. GIBBONS.
Mr. BILIRAKIS.
Mr. GUTIERREZ.
Mr. HALL.
Mr. JOHNSTON of Florida, in two instances.
Mrs. JOHNSON of Connecticut.
Mr. DORNAN.
Mr. SHADEGG, in two instances.
Mrs. MORELLA.
Mr. DEUTSCH.
Mr. POSHARD.
Mr. PALLONE.

ADJOURNMENT

Mrs. CLAYTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, April 18, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2409. A letter from the Secretary of the Navy, transmitting notification that the joint tactical unmanned aerial vehicle-hunter and standard missile 2 block IV have breached the unit cost threshold, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on National Security.

2410. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the transfer of defense articles or defense services sold commercially to Japan (Transmittal No. DTC-13-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2411. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the transfer of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. DTC-15-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2412. A letter from the Chairman, Merit Systems Protection Board, transmitting annual report of the Merit Systems Protection Board and review of OPM, pursuant to 5 U.S.C. 1206; to the Committee on Government Reform and Oversight.

2413. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting the Corporation's audited financial statements for fiscal year 1995; to the Committee on Government Reform and Oversight.

2414. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's summary by country program of the fiscal year 1996 budget allocation for the International Narcotics Control Program, pursuant to 22 U.S.C. 2291(b)(1); jointly, to the Committees on International Relations and Appropriations.

2415. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intended reprograming of foreign aid funds, pursuant to 22 U.S.C. 2394-1(a); jointly, to the Committees on International Relations and Appropriations.

2416. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of foreign aid program changes, pursuant to 22 U.S.C. 2394-1(a); jointly, to the Committees on International Relations and Appropriations.

2417. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of foreign aid program changes, pursuant to 22 U.S.C. 2394-1(a); jointly, to the Committees on International Relations and Appropriations.

2418. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's listing of FDIC properties covered by the Coastal Barrier Improvement Act; jointly, to the Committees on Resources and Banking and Financial Services.

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:

Ms. PRYCE: Committee on Rules. House Resolution 405. Resolution waiving points of order against the conference report to accompany the bill (S. 735) to prevent and punish acts of terrorism, and for other purposes (Rept. 104-522). Referred to the House Calendar.

Mr. GILMAN: Committee on International Relations. H.R. 3107. A bill to impose sanctions on persons exporting certain goods or technology that would enhance Iran's ability to explore for, extract, refine, or transport by pipeline petroleum resources, and for other purposes; with amendments (Rept. 104-523 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3107. Referral to the Committees on Banking and Financial Services, Government Reform and Oversight, and Ways and Means for a period ending not later than May 3, 1996.

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. SKEEN:

H.R. 3258. A bill to direct the Secretary of the Interior to convey certain real property located within the Carlsbad project in New Mexico to Carlsbad Irrigation District; to the Committee on Resources.

By Mr. COMBEST:

H.R. 3259. A bill to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency retirement and disability system, for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. CRAPO:

H.R. 3260. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to proposed regulation of pharmacists; to the Committee on Commerce.

By Mr. FRANK of Massachusetts (for himself, Mr. DICKEY, Mr. CARDIN, Mr. KENNEDY of Massachusetts, Mrs. MALONEY, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. POMEROY, and Mr. RAHALL):

H.R. 3261. A bill to provide for annual payments from the surplus funds of the Federal Reserve System to cover the interest on obligations issued by the Financing Corporation; to the Committee on Banking and Financial Services.

By Mrs. GREENE of Utah:

H.R. 3262. A bill to amend title XVIII of the Social Security Act to expand coverage under part B of the Medicare Program of certain antibiotics which are parenterally administered in a home setting, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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. JOHNSTON of Florida (for himself, Mr. FROST, Ms. LOFGREN, Mr. MCDERMOTT, Mr. THOMPSON, Mrs. THURMAN, Mrs. MEEK of Florida, Mr. SHAW, Mrs. MINK of Hawaii, Mr. CANADY, Mr. RAHALL, Mr. BRYANT of Texas, Ms. NORTON, and Mr. FRAZIER):

H.R. 3263. A bill to amend the Omnibus Crime Control and Safe Street Act of 1968 to establish a national clearinghouse to assist in background checks of law enforcement applicants; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 3264. A bill to waive the Medicaid enrollment composition rule for D.C. Chartered Health Plan; to the Committee on Commerce.

By Mr. QUINN (for himself, Mr. ENGLISH of Pennsylvania, Mr. SHAYS, Mr. GILMAN, Mr. WALSH, Mr. HORN, Mr. HOUGHTON, Mr. BOEHLERT, Mr. TORKILDSEN, Mrs. JOHNSON of Connecticut, Mr. LEACH, Mr. MARTINI, Mr. LAZIO of New York, Mr. FRANKS of New Jersey, Mr. FORBES, Mr. DIAZ-BALART, Mr. RIGGS, Mr. CREMEANS, Mr. LATOURETTE, and Mr. BLUTE):

H.R. 3265. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under the act; to the Committee on Economic and Educational Opportunities.

By Mr. TANNER (for himself, Mr. CASTLE, Mrs. LINCOLN, Mr. SHAYS, Mr. STENHOLM, Mrs. MORELLA, Mr. PAYNE of Virginia, Mrs. JOHNSON of Connecticut, Mr. ORTON, Mr. CAMPBELL, Mr. MINGE, Mr. HOUGHTON, Mr. BROWDER, Mr. FOX, Mr. CRAMER, Mr. BOEHLERT, Mr. BAESLER, Mr. RAMSTAD, Mr. HOLDEN, Mr. FRELINGHUYSEN, Mr. LIPINSKI, Mr. HORN, Mr. ROSE, Mr. FAWELL, Mrs. THURMAN, Mr. LAZIO of New York, Mr. ROEMER, Mr. KOLBE, Mr. CLEMENT, and Mr. GORDON):

H.R. 3266. A bill to restore the American family, enhance support and work opportunities for families with children, reduce out-of-wedlock pregnancies, reduce welfare dependence, and control welfare spending; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Banking and Financial Services, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H. Con. Res. 163. Concurrent resolution expressing the sense of Congress that March 25 be recognized as the anniversary of the Proclamation of Belarusan Independence, expressing concern over the Belarusan Government's infringement on freedom of the press in direct violation of the Helsinki Accords and the Constitution of Belarus, and expressing concern about the proposed union between Russia and Belarus; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. KENNEDY of Massachusetts and Ms. WOOLSEY.

H.R. 218: Mr. HANSEN.

H.R. 350: Mr. WALSH, Mr. HAYWORTH, and Mr. TATE.

H.R. 351: Mr. PICKETT, Mr. BRYANT of Tennessee, Mr. SAXTON, Mr. EWING, Mrs. SEASTRAND, and Mr. HUNTER.

H.R. 403: Mr. SHAYS.

H.R. 573: Mr. BONIOR and Mr. ANDREWS.

H.R. 582: Mr. KNOLLENBERG.

H.R. 973: Mr. LEWIS of Georgia.

H.R. 1023: Mr. SHUSTER, Mr. STOKES, and Mr. LARGENT.

H.R. 1073: Mr. DINGELL and Mr. BROWN of California.

H.R. 1074: Mr. DINGELL and Mr. BROWN of California.

H.R. 1127: Mr. CALVERT.

H.R. 1179: Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, and Mr. STOKES.

H.R. 1202: Mr. PICKETT, Mr. EVANS, and Mr. CLYBURN.

H.R. 1462: Mr. MENENDEZ, Mr. GUTIERREZ, and Mr. SMITH of New Jersey.

H.R. 1496: Mr. SCOTT.

H.R. 1950: Mr. FILNER.

H.R. 2214: Mr. BRYANT of Tennessee.

H.R. 2335: Mr. LARGENT, Mr. PETE GEREN of Texas, Mr. SISISKY, Mr. CRAMER, Mr. MCINTOSH, Mr. BATEMAN, Mr. CAMP, Mr. SKELTON, Mr. ROGERS, Mr. BALLENGER, and Mr. BURR.

H.R. 2579: Mr. EHRLICH, Mr. MANZULLO, Mr. LINDER, Mr. EVERETT, Mr. TAYLOR of Mississippi, and Mr. VISCLOSKY.

H.R. 2654: Mr. GUTIERREZ.

H.R. 2655: Mr. HINCHEY, Mrs. LOWEY, and Mr. LOBIONDO.

H.R. 2665: Mr. FRAZER, Mr. LEVIN, Mr. GREEN of Texas, Mr. DEUTSCH, and Mr. FARR.

H.R. 2827: Mr. HINCHEY and Mr. SERRANO.

H.R. 2834: Mr. KILDEE and Mr. GRAHAM.

H.R. 2914: Mr. GUTIERREZ.

H.R. 2925: Mr. LIGHTFOOT, Mr. PETERSON of Minnesota, and Mr. PAYNE of Virginia.

H.R. 2959: Mr. WELLER.

H.R. 2976: Mrs. CLAYTON, Mr. GUTIERREZ, Ms. JACKSON-LEE, Mr. MATSUI, Mr. MENENDEZ, and Ms. WOOLSEY.

H.R. 2996: Mr. HEINEMAN.

H.R. 3004: Mr. RAMSTAD.

H.R. 3024: Mr. BISHOP, Mr. CLYBURN, Mr. WILLIAMS, Mr. OWENS, Ms. NORTON, MR. WYNN, Mr. HASTINGS of Florida, Mr. FRAZER, Mr. ENGEL, Mr. HALL of Ohio, Mr. HINCHEY, Mr. PAYNE of New Jersey, Mr. ACKERMAN, Mr. FILNER, Ms. MCKINNEY, Mr. ORTIZ, Mr. LEWIS of Georgia, Mr. DAVIS, Ms. WOOLSEY, Mr. HYDE, Mr. GIBBONS, Mr. BARCIA of Michigan, Mr. FARR, Mr. POMBO, Mr. TOWNS, Mr. STUMP, Mr. FORBES, Mr. SAWYER, Mr. TORRES, Ms. LOFGREN, Ms. SLAUGHTER, Mr. GILCHREST, Mr. RICHARDSON, Mr. KIM, Mr. PICKETT, and Mr. DOYLE.

H.R. 3039: Mr. HALL of Texas.

H.R. 3060: Mr. DOYLE.

H.R. 3067: Mr. WALSH, Mr. LEVIN, and Ms. HARMAN.

H.R. 3118: Mr. FALEOMAVAEGA and Mr. MANTON.

H.R. 3152: Ms. LOFGREN.

H.R. 3156: Mr. NETHERCUTT.

H.R. 3177: Mr. RAMSTAD, Mrs. MEYERS of Kansas, and Mr. VENTO.

H.R. 3180: Mr. HUTCHINSON, Mr. HOLDEN, Ms. MCKINNEY, and Ms. LOFGREN.

H.R. 3195: Mr. BUNNING of Kentucky.

H.R. 3224: Mr. CLEMENT, Mr. FROST, Mr. CLINGER, and Mr. SMITH of New Jersey.

H.R. 3238: Ms. LOFGREN and Mr. FROST.

H. Con. Res. 105: Mr. BAKER of Louisiana.

H. Con. Res. 135: Ms. SLAUGHTER and Ms. FURSE.

H. Con. Res. 136: Mr. HOKE, Ms. PELOSI, Mr. FUNDERBURK, Mr. LIPINSKI, Mr. BRYANT of Texas, Mr. CARDIN, Mr. CALVERT, and Mr. ROMERO-BARCELO.

H. Con. Res. 158: Mrs. LOWEY.

H. Res. 347: Mr. LIPINSKI, Ms. SLAUGHTER, Mr. DELLUMS, Mr. BONIOR, and Mrs. LOWEY.

H. Res. 404: Mr. CONYERS, Mr. FORD, Mrs. COLLINS of Illinois, Mrs. CLAYTON, Mr. RANGEL, Mr. OWENS, Mr. FIELDS of Louisiana, Mr. HILLIARD, Mr. FRAZER, Ms. NORTON, Mr. WYNN, Mr. DELLUMS, Mr. JEFFERSON, Mr. DIXON, Mr. RUSH, Ms. MCKINNEY, Mr. CLAY, Ms. JACKSON-LEE, and Mr. BISHOP.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1675

OFFERED BY: MRS. LINCOLN

AMENDMENT NO. 2: At the end of the bill add the following new section:

SEC. . AUTHORITY OF SECRETARY OF THE INTERIOR TO ACCEPT STATE DONATIONS OF STATE EMPLOYEE SERVICES DURING GOVERNMENT BUDGETARY SHUTDOWN.

After section 2 of the Act, as redesignated by section 10(a)(4) of this Act, add the following new section:

"SEC. 3. AUTHORITY OF SECRETARY TO ACCEPT STATE DONATIONS OF STATE EMPLOYEE SERVICES DURING GOVERNMENT BUDGETARY SHUTDOWN.

"(a) IN GENERAL.—The Secretary shall accept from any qualified State donations of services of State employees to perform in a refuge, in a period of Government budgetary shutdown, fish- and wildlife-dependent recreation management functions otherwise authorized to be performed by Department of Interior personnel.

"(b) LIMITATIONS.—An employee of a State may perform functions under this section only—

"(1) within areas of a refuge that are located in the State; and

"(2) in accordance with an agreement entered into by the Secretary and the Governor of the State under subsection (c).

"(c) AGREEMENTS.—

"(1) IN GENERAL.—For purposes of this section, the Secretary may enter into an agreement in accordance with this subsection with the Governor of any State in which is located any part of a refuge.

"(2) TERMS CONDITIONS.—An agreement under this subsection shall—

"(A) contain provisions to ensure resource and visitor protection acceptable under the standards of the United States Fish and Wildlife Service;

"(B) require that each individual performing functions under the agreement shall have—

"(i) adequate safety training;

"(ii) knowledge of the terrain in which the individual will perform those functions; and

"(iii) knowledge of and adherence to Federal regulations relating to those functions; and

"(C) specify other terms and conditions under which a State employee may perform such functions.

"(d) EXCLUSION FROM TREATMENT AS FEDERAL EMPLOYEES.—A State employee who performs functions under this section shall not be treated as a Federal employee for purposes of any Federal law relating to pay or benefits for Federal employees.

"(e) ANTI-DEFICIENCY ACT NOT APPLICABLE.—Section 1341(a) of title 31, United States Code, shall not apply with respect to the acceptance of services of, and the performance of functions by, State employees under this section.

"(f) DEFINITIONS.—In this section—

"(1) the term 'Government budgetary shutdown' means a period during which there are no amounts available for the operation of the System, because of—

"(A) a failure to enact an annual appropriations bill for the period for the Department of the Interior; and

"(B) a failure to enact a bill (or joint resolution) continuing the availability of appropriations for the Department of the Interior for a temporary period pending the enactment of such an annual appropriations bill; and

"(2) the term 'qualified State' means a State that has entered into an agreement with the Secretary in accordance with subsection (c).".

EXTENSIONS OF REMARKS

SOMETHING IS RIGHT WITH AMERICA—IN COLUMBIA, TN

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. BRYANT of Tennessee. Mr. Speaker, we hear on every side today, loud and clear, about what is wrong with America. All too often the good that is being done never makes the news. May I tell you about the work being done by American Legion Post 19, Auxiliary Unit 19, the 40 & 8 and La Femmes in Columbia, TN?

Post 19, organized in the county on August 15, 1919, with 61 charter members, rose to a high of 1,270 members, and now stands at a membership of 933. From the very earliest days, this organization has been a driving force for good in the community. Men who served their country nobly in time of war returned home to assume leadership roles in the community.

Auxiliary Unit 19 was organized a year later, and membership stands now at 249. The oldest member is an active 94-year-old gold star mother, who lost a son in World War II, to a junior member, 2 years of age.

The 40 & 8 and La Femmes are also active. Let me begin with them. Five nursing scholarships, of $500.00 each, are given annually by this group. And during the past 2 years, a female veteran has been supported in nursing school in the amount of $3,000.00. The 40 & 8 engine is a familiar sight at all parades and fund raisers in this and adjoining counties. Many young children know how this organization got its name, if they know little else about American history. The veterans recycle aluminum cans to supplement their scholarship fund, which also helps the ecology by keeping the cans out of the landfill.

The American Legion may be best known in the community for their sponsorship of American Legion baseball. They support many teams annually, and this past year the Columbia team went all the way to the national finals. Boys in the program learn about sportsmanship, which helps them get along with people as they go forward with their lives.

Boy's State is also an important contribution to the Legion. Thirteen boys are sent by the Post to Boy's State where they learn about how our Government works. Many have gone on to become leaders in government as well as industry.

The Legion sponsors an oratorical contest annually, which is wonderful training for youngsters. And Post 19 hosted the State contest, after which members of Auxiliary Unit 19 provided a complementary lunch for those attending, many who had come from a great distance.

Scouting is also sponsored by Post 19, and many young men have gone on to become Eagle Scouts under the leadership of members of the post.

The post cares for veterans who are ill, or have fallen on hard times, and when veterans, whether or not members of the post, pass from this Earth and their families request it, provide military honors at their burial. There have been as many as four such funerals on a day, and the annual number is between 80 and 100, sad to say, the number is increasing as World War II veterans grow older.

Many, if not all, worthwhile charities find a sympathetic ear and a generous purse at Post 19. Their spacious meeting hall is used by many organizations. The Red Cross Bloodmobile is at the site monthly, and a recent fundraiser for the American Cancer Society was held there.

Post 19 is greatly enhanced by Auxiliary Unit 19. Many local, State, and national causes receive their wholehearted support. Americanism is promoted, especially in the schools. Essay contests are held and hundreds of classroom flags given each year. On Memorial Day, more than 1,000 flags are placed on graves of veterans.

Realizing the importance of education, Unit 19 gives an annual scholarship in the amount of $500. Many of the recipients would not have been able to further their education without this assistance, as would those who received the nursing scholarships. Members of the unit visit the elementary schools and read to the children. A gun safety program is being taught to elementary school students. Drugs are purchased for children whose parents have no insurance. Essay contests help children learn about their country. Many would otherwise get little instruction in American history. An outstanding Teacher of the Year is recognized by the unit, and a substantial sum is given each year to the Educational Foundation, which uses their funds to provide materials for the classroom not provided by the school system. Fourteen girls are sponsored to Girl's State.

As does the Legion, the auxiliary never turns a deaf ear on those seeking their support. Recently, it was learned that a local child who is suffering from cancer would attend Camp Horizon, if funding was found, and the unit voted unanimously to fund a scholarship in the amount of $386.00. This is only one example of their generosity.

Child and spousal abuse is a concern of all Americans, and unit 19 has generously supported a local home for battered women.

Monthly visits are made to VA hospitals, and approximately $2,500 spent on gifts, food, etc., annually. Monthly parties are also held at local nursing homes as well. At least $1,000.00 is spent locally on charities each year.

Realizing that the fear of crime is a leading concern of all citizens, unit 19 is focusing on crime prevention this year. Citizens are encouraged to form Neighborhood Watch organizations. Crime Prevention Call-In was featured on a local cable television station, under the leadership of the unit.

These are but a few of the good things being done by a group of veterans and their wives, sisters, and daughters. Will you not agree with me that something is right with America in Columbia, TN?

TRIBUTE TO OFFICER WARREN NEAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. TOWNS. Mr. Speaker, I have concluded after years of public service and personal experience that the lifeblood of a stable and effective community is mutual cooperation. Today I am pleased to acknowledge a process of mutual cooperation that has served the Borough of Brooklyn and the community of Canarsie very well. I am referring to the relationship between the Canarsie Volunteer Ambulance Corp. and the work of police officer Warren Neal, community affairs officer of the 69th Precinct which encompasses the Canarsie community.

The Canarsie Volunteer Ambulance Corp. provides free emergency medical care and is funded solely through donations from the Canarsie community. Officer Neal, a professional with 28 years of experience, is being honored by the corporation for his distinguished and dedicated service. Mr. Neal embarked on his law enforcement career in 1968 with the New York City Police Department, assigned to the Times Square area. He was later transferred to Canarsie and served as a patrol officer and was subsequently assigned to be the auxiliary police coordinator. Officer Neal was promoted to Community Affairs Officer for doing an effective job in recruiting and training auxiliary police officers. In that capacity he has represented the precinct at local civic, fraternal, religious and educational events conducted within the Canarsie community. His selfless efforts have endeared him to the numerous Canarsie residents.

Officer Neal is a dedicated family man and has been married to his wife Patricia for 36 years. They have three children, James, Michael, and Suzanne, and five grandchildren.

I am pleased to acknowledge to two community success stories that are mutually linked. The Canarsie Volunteer Ambulance Corp. and its relationship with Officer Warren Neal has been a fruitful relationship that has nothing but positive results. I am pleased to highlight this exceptional example of community cooperation.

PRESIDENTIAL AWARDS FOR EXCELLENCE IN SCIENCE AND MATHEMATICS TEACHING

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. TALENT. Mr. Speaker, I rise today to acknowledge, Linda Lee Hydar, Linda Marie Kralina, and Kathleen M. Vielhaber in recognition of their 1995 Presidential Awards for Excellence in Science and Mathematics Teaching.

The Presidential Awards for Excellence in Science and Mathematics Teaching Program, administered by the National Science Foundation, is designed to recognize and reward outstanding teachers from elementary and secondary schools. These teachers serve as models for their colleagues in many important areas. At the same time, through such awards, they are able to increase the visibility and rewards of teaching in hopes of encouraging high quality individuals to enter and remain in the educational field.

In addition to the individual recognition that Ms. Hydar, Ms. Kralina, and Ms. Vielhaber receive, the school at which each teaches will be given a $7,500 grant from the National Science Foundation. These funds are to be used under the direction of the recipients to continue their excellent work in educating our Nation's children.

Mr. Speaker, it is an honor and a privilege for me to pay tribute to these fine teachers, and commend them upon their efforts in ensuring the next generation of quality foundation from where they can pursue their ambitions. I join the National Science Foundation in honoring the excellent work that each of these three teachers has been able to accomplish.

THE LAW ENFORCEMENT AND CORRECTIONAL OFFICERS EMPLOYMENT REGISTRATION ACT OF 1996

HON. HARRY JOHNSTON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. JOHNSTON of Florida. Mr. Speaker, today I am introducing the Law Enforcement and Correctional Officers Employment Registration Act of 1996. This bill will establish a national clearinghouse to assist in background checks on applicants for law enforcement jobs. The bill is a companion to S. 484, introduced by my colleague in the other body, Senator BOB GRAHAM.

This legislation will establish a national data bank providing quick and accurate information regarding an officer's prior employment history. Maintained by the Department of Justice, it will be accessible to law enforcement agencies to assist in background checks of those seeking employment.

The intent of this legislation is to help prevent what have been commonly known as "Rogue Cops". These are police officers who have been dismissed or have been forced to resign from previous positions but conceal their employment history in job applications. Florida Department of Law Enforcement Commissioner James T. Moore said, "Experience has shown that, after being found guilty of misconduct, many problem officers resign or are fired, only to seek police jobs elsewhere."

The clearinghouse will simply be a pointer file, maintaining basic information on all certified officers, including name, date of birth, Social Security number, and dates of employment. To protect the rights of officers, it would not contain information relating to causes of dismissal. The potential employer would still hold primary responsibility for conducting a thorough background check, but this measure will mean officers could no longer conceal their prior employment history simply by moving from one State to another.

The 1990 beating death of Bobby Jewett in West Palm Beach is a devastating example of the consequences of concealed records. Once the employment histories of the two officers involved in the death were uncovered, it was revealed that they had gone through four States and eight different law enforcement agencies. Much of this had been left out of their job applications.

This legislation has the support of both national law enforcement organizations and local authorities. Few agencies have the personnel and resources to conduct thorough background checks on police applications. A nationwide data base is needed.

TRIBUTE TO THE CAREER OF WILLIAM THOMAS HART

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. GIBBONS. Mr. Speaker, Dedication. Integrity. Professionalism. Wisdom. Humility.

These are attributes that we hold in high esteem and seek in those who lead us. It is reassuring to recognize some of these attributes in individuals; it is remarkable when we can recognize all of them in a single individual. I would like to take a few moments to tell you about William Thomas Hart, one such individual.

This month marks the second anniversary of the signing of this century's most comprehensive multilateral trade agreements, the Uruguay Round of Multilateral Trade Negotiations under the General Agreement on Tariffs and Trade [GATT]. It also marks the first April since 1949 that the U.S. Government will not be able to call upon the expertise of William Thomas Hart.

For over 53 years Mr. Hart has served this country, first as a young naval officer in World War II, then as an outstanding civil servant. In July 1948, Mr. Hart joined the staff of the U.S. Tariff Commission, now the U.S. International Trade Commission, beginning a distinguished career of public service in the trade field that would span almost 50 years before his retirement in February 1996.

Mr. Hart specialize in the somewhat arcane but critically important area of tariff negotiations. He most recently served as the U.S. International Trade Commission's [ITC] Director of the Office of Executive and International Liaison, responsible for planning and directing the ITC's activities in support of U.S. trade agreement negotiations and implementation. During his years of service he advised U.S. trade negotiations in all of the principal rounds of multilateral negotiations conducted under the GATT. He was also a key adviser in the negotiation of the United States-Israel Free Trade Area Agreement, the United States-Canada Free Trade Agreement, and the North American Free Trade Agreement. His wise counsel and encyclopedic knowledge of events, both large and small, in the field of international trade have been sought out by innumerable government officials and business executives both here and abroad.

Not only did Mr. Hart provide invaluable advice during the course of negotiations, but when the trade negotiators' work concluded, Mr. Hart's most lasting contributions began. For example, after the hundreds of trade negotiators gathered in Geneva for the signing of the Uruguay round agreements had congratulated themselves on their success and returned to their capitals, Mr. Hart and a small number of his colleagues turned to the critical task of translating the political results of the negotiations into tangible benefits for U.S. businesses, workers, and consumers. Mr. Hart was personally responsible for the production, under very stringent deadlines, of almost 2,500 pages of documentation necessary to record our international tariff commitments and update our tariff schedules. Mr. Hart meticulously checked and cross-checked every line of information in these documents to ensure the United States commitments were accurately represented and new tariff rates properly calculated. This is but one example of the dedication and professionalism that Mr. Hart exhibited throughout his long career.

Mr. Hart's contributions and the critical support he provided to the agencies responsible for U.S. trade policy have been recognized by the President's trade representatives from Christian Herter, the first Special Trade Representative, to Mickey Kantor. The ITC also recognized the exceptional talents and dedicated public service of Mr. Hart by twice awarding him that agency's highest honor, The Commissioners' Award for Exceptional Service.

Mr. Hart's service to his country and to his fellow citizens deserves our recognition and our praise. Bill, congratulations on your retirement. You did you job well, and you did it with care and pride and warmth. Your sense of honor, as well as your vast historical knowledge of trade negotiations, will be greatly missed. Your career serves as a fine example for your colleagues and for the generations of Government employees who will follow in your path.

A GOOD MAN

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. POSHARD. Mr. Speaker, I rise to join the American chorus of praise for Commerce

Secretary Ron Brown and to join my colleagues in expressing our profound sorrow at the loss of his life in the plan crash in Croatia. And I also take this time to let the Nation know that a constituent of mine, Air Force Staff Sgt. Gerald V. Aldrich, of Louisville, IL, was a member of the crew and also perished in that terrible crash.

Because of that, the 19th district of Illinois was touched as much as any other in the Nation by the news from that rugged mountainside in a nation torn apart by civil war and cultural strife.

Unexplainable tragedies inevitably take with them outstanding people who are a credit to their families, friends, and communities. Certainly that is true with Sergeant Aldrich and Secretary Brown.

I have talked with the Aldrich family at length, and know that they are extraordinarily proud of their fine son. He entered the military shortly after graduating from high school and fashioned a career that was clearly taking him to leadership positions in the Air Force. On behalf of everyone in the 19th district, I send my deepest sympathies to his entire family.

As I comprehended Secretary Brown's death, I knew that most people would remember him for his efforts in the Democratic Party and for his global approach to supporting American economic interests. And while he must certainly be commended for those things, I knew that I would remember him much more for two very simple, relatively small projects which were extremely important to me and the people in my district. There are two major construction projects underway in my district right now because the communities made their case to the Commerce Department, and Secretary Brown made sure their needs were addressed. He was personally interested in how these projects would create jobs and improve the lives of working people, and I will always be thankful for that.

Mr. Speaker, two fine Americans were taken from us on that mountain in Croatia. I thank the Aldrich and Brown families for sharing their precious gifts with us for as long as they did, and commend their careers of public service to the rest of us to emulate and admire.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. LAHOOD. Mr. Speaker, today, I would like to salute a group of outstanding young women from my district who have been honored with the Girl Scouts of the U.S.A. Gold Award by the Kickapoo Council of Girl Scouts in Peoria, IL. The seven girls who received this award are the following: Jennifer Baker of Troop 47; Jennifer Grafelman of Troop 22; Nora Hegwood of Troop 1000; Aria Hoekstra of Troop 581; Lee Ann Kroppel of Troop 22; Jordan Maricle of Troop 144; and Jennifer Roth of Troop 345.

The Gold Award is the highest achievement award in Girl Scouting. It symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls aged 14–17 or in grades 9–12.

Girl Scouts of the U.S.A., an organization serving over 3.3 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches; earn the Career Exploration Pin; earn the Senior Girl Scout Leadership Award; earn the Senior Girl Scout Challenge; and design and implement a Girl Scout Gold Award project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

Jennifer Baker began working on the Girl Scout Gold Award in early 1994. Her project was completed by making presentations to high school students regarding the importance of making and keeping family values a priority in their life. She worked on this with the guidance and supervision of the Fulton County Health and Child Services Department.

Jennifer Grafelman began working on her Girl Scout Gold Award requirements in 1994. She completed her project by presenting a Children's Safety Awareness With Strangers Program for a local elementary school, grades K–3. This program not only gave valuable information to the students, but also provided parents with a photo of their child, fingerprints and video tapes of the children. The local school board was very supportive of this project.

Nora Hegwood started work on the Girl Scout Gold Award in 1993. Her project involved working with an Early Childhood Education Center to assess the abilities of children who do not have minimal playing skills and then to work with each of them in play therapy/play intervention to improve their level of play with other children. This involved an average of 2-hour-long play sessions several times over a 3-month period.

Aria Hoekstra began work on the Gold Award in 1993. She completed her project by making and gathering toys, games, and books and making a toy box for these items, then donating them to the children's ward of a local hospital. In addition, she visited the hospital on several occasions and read, played games, and became friends to the children.

Lee Ann Kroppel started her work on the Girl Scout Gold Award in 1994. She completed her project by presenting a Children's Safety Awareness With Strangers program for a local elementary school, grades K–3. Working with the local school board, she provided valuable information to students and parents, including a photo and video tape of the child, as well as fingerprints.

Jordan Maricle initiated work on her Gold Award in 1994. Her project was completed by teaching French in an elementary school where there are no classes in French. The school has cooperated in allowing this to be done with interested children. This project helps expand the horizons of children to another culture different from their own.

Jennifer Roth began work on the Gold Award in 1994. She completed her project by cleaning, recording, and setting up a database for all of the band trophies and awards in her high school. They have received over 450 honors. This project will be one that can continue and will be of historical value to the school.

The earning of the Girl Scout Gold Award is a major accomplishment for all of these young women, and I believe they should all receive the public recognition due to them for their significant service to the community and to the country.

SALUTE TO THE UPPER MONTGOMERY COUNTY FIRE DEPARTMENT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mrs. MORELLA. Mr. Speaker, I rise today to salute the Upper Montgomery County Volunteer Fire Department, which celebrates its 50th anniversary this year.

The Upper Montgomery County Volunteer Fire Department was incorporated in 1946 as a result of a major fire in the area. Before that time, the closest firefighting and emergency medical help had to respond from a distance of 18 miles. The department has grown to serve 80 square miles and currently covers almost one-fifth of the county.

The department is comprised of 80 members, with active volunteers and career firefighters making up one-half of the membership. For 50 years, these dedicated members have willingly placed themselves in great danger so as to make the community safer for others. In volunteering to undertake the risks inherent in firefighting, they have shown a rare dedication to helping others.

From the auxiliary to the board of directors to the firefighters themselves, the Upper Montgomery County Volunteer Fire Department's members are committed to keeping the community safe and fire-free. I would like to call special attention to George T. Hillard, who has served as the elected volunteer chief for every year but one since 1958, and the five charter members who are still with us: Charles Elgin, Sr., Charles Staub, A. Leland Clark, Benoni Allnut, and R. Edwin Brown. I would also like to recognize George Reid for the many years of comfort he has provided as the chaplain for the department.

I am certain my colleagues will join me in congratulating the Upper Montgomery County Fire Department on 50 years of dedicated service, and wish them equal success in the many years to come.

TRIBUTE TO MADGELEAN BUSH

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. BENTSEN. Mr. Speaker, I rise today to pay tribute to a very special friend and community leader from Houston. Ms. Madgelean

Bush will be honored this Friday as the 1996 recipient of the Joint Action in Community Service, Inc.'s [JACS] National Volunteer of the Year Award.

Ms. Bush has been a JACS volunteer coordinator for 10 years and serves as the executive director of the Martin Luther King, Jr., Community Center's halfway house in Houston. A natural leader and administrator, she supervises a staff of 45 and manages two and a half million dollars in city, county, State, and Federal funds. Among other services, she and her staff and volunteers have assisted more than 2,400 Job Corps students in their transition from Job Corps training to community readjustment and the world of work.

Ms. Bush was selected for this year's honor from a group of 10 individuals nominated as outstanding regional volunteers.

JACS Southwest Regional Director Deloris Kenerson, who nominated Ms. Bush, described her as "a dedicated, humble, yet dynamic advocate for the Job Corps program." Ms. Kenerson added, "Harris County has more students returning home from Job Corps than any other county in the Southwest region. The assistance Ms. Bush provides helps promote self-sufficiency and self-worth among the young people returning to the Houston area from Job Corps training."

Ms. Kenerson attributes much of Ms. Bush's success to the fact that she refuses to accept that what is right is not always possible. If each person does his/her small part, then what is right can be accomplished. Ms. Bush has never given any of her staff the luxury of saying, It can't be done.

When not helping Job Corps youth, Ms. Bush volunteers for a host of other worthy causes. Over two decades of service, she has contributed to the Houston Inter Faith Hunger Coalition, the Riverside Health Clinic Advisory Board, Twilight Chapter No. 393 Order of the Eastern Star Prince Hall Masons, the Dodson Elementary Advisory Group, the United Methodist Church Conference of Church and Society, and the Texas Conference of Churches. She serves as a precinct judge and a member of the Texas Democratic Executive Committee from Precinct No. 247.

The mother of a grown son and daughter, Ms. Bush enjoys her grandchildren and 150 foster children.

I am proud to call Madgelean Bush my friend and congratulate her on becoming JACS National Volunteer of the Year.

TRIBUTE TO ANNE MARIE FOY

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. TALENT. Mr. Speaker, I rise today to recognize one of my constituents, Anne Marie Foy, a student at Cor Jesu Academy who was recently awarded a Voice of Democracy Scholarship from the Veterans of Foreign Wars. Ms. Foy's essay was one chosen as a national winner from over 116,000 submitted. The contest theme this year was "Answering America's Call" and I have included her winning essay below.

Good morning friends. I come today to speak with you about an issue that is both very dear to my heart and extremely vital to our nation's well-being. I speak about our answer as citizens to America's call. Today I want to take a moment to reflect on this call and to see it in its fullness, as a necessary element of our personal democracy. I hope to inflame your American passions with these few words. In fact, I dream to awaken everything about you that defines you as an American citizen.

In the past, to be an American was to determine your own destiny. It was to have a voice in your government and to take a considerable role in the governing of yourself and of your community. Never before in the history of the modern world had autonomy been so real, so tangible, and so evident. It was our political pluralism, the sovereign contract with our government as a democratic people, and our rights to assemble and disagree with our governing figures that united us as America. It was our political views that we transformed into civic activism and our personal involvement with the government that made us strong. The freedom we enjoyed as empowered citizens of this democratic nation led us to be one of the great superpowers of the world. We had found our strength as a country in our reply to the great American call.

The truest beauty of America is her people. Under a democratic government each individual enjoys protected rights and liberties, but this political system is dependent on civic activism. Thus to enjoy your political rights, you must fulfill your responsibilities as a citizen and accept a political role. We as Americans are owners of a political mechanism designed to pursue justice, yet somehow in contemporary American society we managed to misplace the operations manual and have forgotten how to keep this beautiful machine working. If we are a government of the people, why are the people so upset at the government? In order to look at the real root problems we must first quiet our partisan babble, we must calm our nationalistic frustrations, we must look fearlessly at ourselves and then we must listen. Listening for our genuine voice is the first step. It will require patience and integrity and ultimately it will lead to an answer. How do you reply to this democratic call?

You must first reply through education. We as citizens must become knowledgeable of our history, our laws, and our government structure. If we are not educated, these institutions will cease to exist. We must strive to be aware of current issues, and how our government is responding to them. We as United States citizens are the government. We cannot shut our eyes to what our representatives are doing.

Education must be followed with action. A democratic state is dependent on this integrity. Whether we sit in on city council meetings, write letters to our government officials, or protest against things we view unjust, we must reply to the American call. If we feel far from Washington D.C. or detached from government, then we should rise up and demand straightforward dialogue. We must get past this glossy, polished, television image of the government. For we are the government. We are real. We are not polished. We are human. We have mentally separated ourselves from the government in this country. Government officials are no longer extensions of the people but, professional television personas. If we are upset with public officials, then we must vote them out of office. If we are tired of corrupt politicians, then we must speak with honesty ourselves and elect honest citizens. If we are exasperated with government programs, then we must take our seat on planning committees.

In a world where so many fought and died for their independence, for their freedom, for their autonomy, America and her people should stand as an encouraging light and example. We have so many brilliant minds, and caring hearts, and noble spirits, and yet America seems lost, somewhat bewildered about her path, her future. We are her future. Our parents, our children, our countrymen, and our very selves, we are the ones that must decide her path. First we must hear the call and then as Americans, boldly and courageously, we must answer.

THE MARCH OF THE LIVING PROGRAM

HON. HARRY JOHNSTON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. JOHNSTON of Florida. Mr. Speaker, April 16 marks Yom Hashoah, Holocaust Remembrance Day, on which we pay tribute to the memory of he 6 million Jews who died in concentration camps during World War II and take pride in programs, such as the March of the Living, which educate new generations on the Holocaust.

I was first apprised of this program by my good friend, Ernest Goldblum of Delray Beach, FL, who has worked with great love to promote this international program. Since its inception in 1988, over 20,000 high school students of Jewish heritage have traveled to various countries to visit concentration camps and witness the gas chambers, crematoria, and stockpiles of clothing and shoes left behind by the victims of the Holocaust. This important program provides young students from around the world with the opportunity to come together to learn of their ancestors' contributions, the atrocities committed against them, and the triumph of the Jewish Nation to survive and create their own state—the State of Israel.

The March of the Living Program is a compelling program that fosters a deeper understanding of the Holocaust, reminds us of the dangers of complacency, and commemorates what happened during World War II and the human spirit that triumphs with the Jewish Nation. I am encouraged by the statements made by countries, such as Austria, who have expressed an interest in participating in the March of the Living Program in the future.

SIKH NATION CELEBRATES ITS 297TH BIRTHDAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. TOWNS. Mr. Speaker, on April 13, 1996 the Sikh nation celebrated its 297th birthday. Sikhs call this day Vaisaakhi Day. It was on Vaisaakhi Day in 1699 that the tenth Sikh Guru, Guru Gobind Singh, baptized the Sikhs

into nationhood. Sikhs refer to their nation as the Khalsa Panth.

Since becoming a nation, Sikhs have experienced periods of great prosperity and periods of immense, brutal repression. Sikhs ruled Punjab from 1710 to 1716 and again from 1765 to 1849, establishing an enlightened form of government that recognized the equality of all citizens regardless of religious affiliation or social class standing. Sikhs have also persevered through periods of immeasurable oppression from Mogul invaders who desecrated the holiest of Sikh shrines, the Golden Temple in Amristar and who slaughtered Sikhs who refused to deny their faith. Throughout their entire history Sikhs have persisted in the command given to them by Guru Gobind Singh to stand up against tyranny and oppression no matter where it exist.

Today Sikhs find themselves again standing up against tyranny and oppression. This time the oppressor is the Government of India. Indian forces have murdered over 150,000 Sikhs since 1984. In June 1984 the Golden Temple was again desecrated, this time by the Indian military. In that assault, over 20,000 Sikhs were killed. In November 1984, over 40,000 Sikhs throughout India were killed by mobs instigated to murder Sikhs by leading members of the ruling Congress (I) party. According to prominent human rights activists in the Sikh homeland, the number of Sikhs who have been "disappeared" or illegally killed in "fake encounters" may be over 100,000. One Sikh human rights activist, Jaswant Singh Khalra, was abducted by Indian police on September 7, 1995 after he released a report showing that the Indian regime has abducted, tortured, murdered and cremated over 25,000 Sikhs. On October 19, 1995, 65 Members of the Congress sent a letter to Indian Prime Minister P.V. Narasimha Rao demanding Khalra's release. Mr. Khalra's whereabouts remain unknown, 7 months after his abduction.

India desperately wants the world to believe that the Punjab is a tranquil place and that Sikhs eagerly want to remain part of India. I want my colleagues in the U.S. Congress to know that the only peace in Punjab is the silence of a nation suffocating in the stranglehold of Indian repression. Every Sikh who has been bold enough to stand up and advocate the freedom of Khalistan through peaceful means has felt the immediate sting of Indian brutality. In January 1995, Simranjit Singh Mann asked a crowd of 50,000 Sikhs if they supported the independence of Khalistan through peaceful means. All 50,000 Sikhs raised their hands in support. Mr. Mann was then arrested by Indian police for asking this question despite the fact that in 1992 the Punjab and Haryana High Courts in India ruled that waging a peaceful struggle for self-determination is no offense. The hypocrisy of the Indian Government is evident. It is clear to Sikhs and non-Sikhs alike that India simply wants to prevent the Sikhs from enjoying their right of freedom.

In the face of this kind of repression, Sikhs are reminded of their duty to stand up against tyranny wherever it exists. On October 7, 1987, the Sikh nation declared itself independent from India forming the separate country of Khalistan. This Vaisaakhi Day, Sikhs are emboldened to carry on their struggle for freedom in the face of immense brutality, because to be a Sikh means either to live free of tyranny or to persistently struggle against it.

I call on my colleagues in the Congress to join me in supporting the Sikhs nation's struggle for freedom. As Americans it is our duty to do so, because like Americans, the Sikhs are a freedom-loving people struggling to break the chains of tyranny. Sikhs want to live in peace and be allowed to develop to their fullest potential. Sikh and American ideals parallel one another to a great degree, and it is my firm conviction that an independent Khalistan would be America's strongest ally in South Asia. Khalistan would form a buffer nation between India and Pakistan, thus reducing the potential for armed conflict between the two countries. Khalistan would also agree to the nuclear nonproliferation efforts currently being made by the United States and the international community in South Asia. And unlike India which depends on IMF loans and U.S. assistance to feed its people, while secretly spending billions on developing nuclear weapons and crushing freedom movements, an independent Khalistan would develop itself along the lines of a South Korea or a Taiwan, cultivating economic self-sustainability.

For America, the Sikh vision of an independent Khalistan is an attractive alternative to the current state of affairs in South Asia—a vision of economic development, nuclear nonproliferation and regional stability. Today, however, Sikhs are reeling under the boot of Indian state repression. I call on my colleagues to support the independence of Khalistan and help the Sikh nation obtain the freedom it so rightly deserves.

HONORING THE 1995–96 BASKETBALL SEASON OF THE POPE COUNTY PIRATES

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. POSHARD. Mr. Speaker, perhaps nothing in sports is as thrilling as the underdog beating the odds and having success. The story of a small-town Indiana basketball team was made famous by the movie "Hoosiers." Well, this past season, the Pope County Pirates lived out a similar story line, as this school near Golconda, IL, with an enrollment of 191 students came within one game of making the State finals. Along the way, they energized the surrounding area with their overpowering play in the regular season while displaying gritty determination in the playoffs. I would like to congratulate the players and coaches on a fantastic, record-setting campaign.

Second-year head coach Andy Palmer led his cagers to a team record 27 victories against only 3 defeats, smashing the old mark, set the year before, by 6 wins. The Pirates advanced farther in the State tournament than any previous Pope County team. winning the school's first sectional game and championship before bowing out in their maiden trip to the super-sectional. Also, they had the smallest enrollment of any school to advance to the Sweet Sixteen. The senior-led ball club dominated their opponents by an average 18½ points a game, easily winning the Greater Egyptian Conference.

Mr. Speaker, we need only remember the NCAA basketball finals 2 weeks ago or the Masters golf tournament last weekend to know how much sports provide us in terms of excitement, commitment, and emotion. The players of the Pope County Pirates have given something to their parents, friends, and community that can never be taken away, and that they can cherish for the rest of their lives. For that special gift to all of us, I thank them, and would like to read their names for the record, as well as those of the assistant coaches. cheerleaders, and management staff, as they all played an integral part of the team's accomplishments. The players: Casey Dugan, Patrick Presser, Ryan Fritch, James Joyner, Jason King, Clint Taylor, Jackie Scarborough, Brad Maynor, Mark Brueggert, Robin Pfeifer-Thompson, Rich Eddington, Dustin Turner, Jason Teitloff, Gordon Dugan, and Eric Suits. The assistant coaches: Eric Messmer and Tyler Presser. The cheerleaders, Misty Boyd, Julie Jeffords, Becky Roper, Kim Faulkner, April Vasseur, Marty Eason, Courtney Leach, Janice Shetler, Alisha Morris, Amey Hogg, Keesha Swinford , Rachel Douglass, and Kara Suits. The management staff: Brandie Simmons, Brandy Maynor, Jenny Skaggs, and Travis Kluge.

TRIBUTE TO THE FIRST BAPTIST CHURCH OF WESTON, FL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. DEUTSCH. Mr. Speaker, today I pay tribute to the First Baptist Church in Weston, FL, which will begin a great undertaking next week as they break ground on a new 18,000-foot facility.

As south Florida has grown over the past several decades, First Baptist has played an increasingly important role in southwest Broward County. This church home has grown from a small community to what is today a family of over 900 believers.

This very special group of people have reached out to the community and have focused their energies on including everyone in Weston. Led by an ever growing ministry, their outreach programs have already been a positive influence in the lives of many.

The new facility which they are constructing will offer new space for workship and for education. This facility will also provide a recreational area for this community, as well as, for the church and Weston Christian Academy.

Mr. Speaker, in today's world in which so many are building walls, First Baptist Church is breaking them down. Their inclusive mission and programs are to be commended, and I know that if every community in our Nation shared their spirit and their mission, we would not face nearly so many problems today.

ALGONQUIN ARTS COUNCIL PRESENTS A TRIBUTE TO ERA TOGNOLI

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. PALLONE. Mr. Speaker, on Saturday, April 20, 1996, the Second Annual Algonquin Arts Ball, "A Tribute to Era Tognoli," will be held at the Warren Hotel in Spring Lake, NJ. On this occasion, Ms. Tognoli will receive the Algonquin Arts Award for Outstanding Service to the Arts for her contribution to the cultural life of the Jersey Shore area as founder and director of the Metro Lyric Opera Company and the Monmouth Opera Festival. Ms. Tognoli will also receive funding to establish an operetta series at the newly refurbished Algonquin Arts Theatre in Manasquan, NJ, and to continue opera education for children.

Saturday's ball will benefit the Algonquin Arts nonprofit corporation, which seeks to bring live performance programs and arts education to the Shore community. Proceeds from last year's ball sponsored a new children's concert series presented by one of the Shore area's great artistic traditions, Father Alphonse Stephenson and the Orchestra of St. Peter by the Sea. Live productions, children's theater, and educational programs have been highlights of the past season, while programming is being expanded to include ballet, jazz, and historic dramatizations.

Mr. Speaker, I am concerned that many people, including some Shore residents, do not realize the wonderful tradition of artistic and cultural offerings in coastal New Jersey. While the Jersey Shore is known for many things, many people often assume that you have to go to New York or Philadelphia for first-rate artistic events. Not true. I salute Era Tognoli, the Council of the Algonquin Arts Non-Profit Corporation, their board of directors and their many members and contributors, for continuing to contribute to excellence in the arts and further enhancing the quality of life in that unique region we proudly call the Jersey Shore.

TRIBUTE TO THE LATE THOMAS F. QUINLAN, SR.

HON. JOHN SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. SHADEGG. Mr. Speaker, it is with great sadness that I announce the death of a courageous American who fought for more than four decades on behalf of the principle that no worker should be forced to pay union dues as a condition of employment.

Thomas F. Quinlan, Sr., father, husband, teacher, small businessman, and public servant, died February 11 at his home in Wheaton, IL, where he moved after retiring to be near two of his six children.

As a history teacher in New Milford, CT, for 24 years and owner of a small lakeside resort for 20 years, Tom Quinlan appreciated the importance of right to work for both workers and small businessmen.

Mr. Quinlan also served three terms in the Connecticut general assembly, from 1954 to 1960. During those years, he worked tirelessly for enactment of a Connecticut right to work law, but was frustrated by the State's powerful union political machine, fed by the forced dues of the very workers whose rights Mr. Quinlan was working to protect.

But he never gave up.

After leaving electorial politics, Mr. Quinlan carried on his efforts, to bring the benefits of voluntary unionism to Connecticut's workers by helping to found, and serving as president of, the Connecticut Right to Work Educational Committee.

Tom Quinlan was also a leader in the fight against compulsory unionism on the national level, serving as a board member of the National Right to Work Committee, which has led the fight for worker freedom across the country for over 40 years, from 1965 until his recent passing.

As a member of the committee's board, Mr. Quinlan helped guide the right to work movement through its successful battles against big labor's attempt to repeal section 14(b) of the Taft-Hartley Act in the mid-sixties, the phony labor law "reform" bill of the seventies, and the so-called anti-striker replacement bill in the nineties.

His last service to the cause of freedom was helping to launch the campaign to pass the National Right to Work Act (S. 581/H.R. 1279), which will soon be voted on in the Senate.

That Congress is even considering repeal of those sections of Federal labor law that authorize forced-dues contracts is in no small measure due to Mr. Quinlan's work.

Remembering his departed colleague, National Right to Work Committee president Reed Larson recalled his optimism, "No matter how many temporary setbacks right to work forces suffered, Tom Quinlan remained confident that our cause was just and would prevail in the end."

I stand before this body to pay tribute to Tom Quinlan's achievements and to offer my condolences to his family and friends.

All Americans owe a debt of gratitude to this former history teacher and small businessman's tireless efforts on behalf of right to work, and those of us who remain active in this fight should share Tom Quinlan's firm belief in the eventual triumph of the right to work cause.

RECOGNIZING LAW DAY AT DIABLO VALLEY COLLEGE

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. BAKER of California. Mr. Speaker, on May 1, we will commemorate Law Day throughout America. The theme of "liberty under law" is as old as our Republic, and is central to understanding who we are as a people. Freedom without just legal restrain becomes license; law not moderated by respect for human rights is merely authoritarian.

At Diablo Valley College in my home district in California, Law Day will be celebrated under the theme of "We the People: The United States Constitution—the Original American Dream." A ceremony will be held at the College's Performing Arts Center and citizens from around the Contra Costa region will enjoy a presentation of what our Constitution, our laws, and our institutions mean to us all.

I am pleased to recognize Diablo Valley College for its commitment to the legal framework of our society, and most especially the College's reaffirmation of the value of our Constitution. The American Dream—a dream of "freedom and justice for all"—is alive and well, and Diablo Valley College deserves recognition for its role in honoring some of the best of our traditions.

A TRIBUTE TO THE HONORABLE RON BROWN FOR DISTINGUISHED SERVICE TO U.S. CITIZENS

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to the late Secretary Ron Brown, an American who distinguished himself as a leader in the Democratic Party and an outspoken supporter of free trade while serving as Commerce Secretary.

During his youth, Mr. Brown excelled in school. His success led him to Middlebury College in Vermont, which he attended on a ROTC scholarship. After graduating in 1962, Mr. Brown entered the Army and rose to the rank of captain.

Throughout his life he held many important positions in both the private and public sectors. Secretary Brown ably assisted Senator KENNEDY on his staff and with the Judiciary Committee. In addition, he was a highly sought lobbyist with Patton, Boggs & Blow.

Mr. Brown impressively unified the Jesse Jackson and Michael Dukakis supporters at the 1988 Democratic National Convention. His efforts propelled him to chairman of the Democratic National Committee, where he ably served for 4 years, culminating in Bill Clinton's 1992 election. Ron Brown deservedly received much of the credit for his work with the Clinton campaign.

Over the past 3 years, Mr. Brown had directed his efforts toward improving trade and commerce for the United States. He served as a proud emissary for American interests.

Mr. Brown was a talented and tireless adversary on the campaign trail as well as a distinguished member of the Clinton administration serving on behalf of the American people. I offer my condolences to the family and friends of Secretary Ron Brown.

IN RECOGNITION OF OPPORTUNITY INC.

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. PORTER. Mr. Speaker, I am pleased to rise today to recognize Opportunity, Inc., an outstanding organization located in Highland Park, IL.

Opportunity, Inc. is a unique, not-for-profit contract manufacturer that employs 150 persons, 80 percent of whom have developmental, physical and/or emotional disabilities. Founded by local construction executive John Cornell in 1976, who still serves on the board of directors, the company will be celebrating its 20th anniversary on May 7, 1996 at a benefit dinner to be held at the Hotel Nikko in Chicago, IL.

The company's mission is twofold: First, to provide a mainstream plant environment in which handicapable persons can work and earn a paycheck along with the dignity that comes from being employed productively on a full-time basis; and second, to provide its private sector customers with the best possible quality, price, and service.

In this age of fiscal restraint, Opportunity, Inc. stands as an outstanding example of how to accomplish an important social mission without using any Government subsidies. The key to the company's success is its determination to compete for business strictly on the basis of quality, price, and service.

Mr. Speaker, Opportunity, Inc. has demonstrated how competitive and productive handicapable employees can be. Opportunity, Inc. built and continues to operate the only not-for-profit, certified class "clean room" for medical and surgical packaging in the country. So stringent is Opportunity's commitment to quality that it has not had a lot rejected by its major medical/surgical customer—Baxter International—for more than 6 years.

Most important of all, however, is the pride of workmanship that you sense when you visit Opportunity, Inc. During a recent visit, I experienced firsthand how dedicated and competitive these employees are about their work. One man in his thirties said it best of all: "Congressman, all we need is a fair chance to compete. That's what we get here at Opportunity and just look at the results."

I am pleased to send congratulations to the employees, management and directors of Opportunity, Inc. on the occasion of this remarkable company's 20th anniversary, along with best wishes for their continued success into the next century. I also commend Opportunity, Inc. as a worthy example to my colleagues, who believe, as I do, that we must look to the private sector and to the local level for alternative solutions to difficult social problems such as unemployment among those with disabilities.

A TRIBUTE TO HARRY LARRISON, JR.

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. ZIMMER. Mr. Speaker, I rise today to honor a remarkable individual, Mr. Harry Larrison, Jr. of Ocean Grove, NJ. Mr. Larrison will be honored on Wednesday, April 17, 1996, at a testimonial dinner commemorating 30 years of service to the U.S. Freeholders. His years of service merit him the honor of being the dean of the U.S. Freeholders. I am proud that I have known Harry for many years both as a friend and a colleague in the State of New Jersey.

Harry's involvement in politics began at the age of 19 when he received an appointment to the Neptune Township Housing Authority. He went on to fill a vacancy and get reelected twice to the Neptune Township Committee. In 1966, Harry was asked to fill a vacancy on the Board of Chosen Freeholders. His appointment to this position began what has become a legacy of public service.

Over the years, Harry has been instrumental in the progressive development of Monmouth County government. The county has a number of distinguished facilities that can be attributed to Harry's dedication and insight, including an award-winning park system, the largest library system in New Jersey, and the county-owned Brookdale Community College.

Harry's foresight allowed him to recognize and develop a solution to the impending environmental problems associated with garbage waste disposal in Monmouth County. Despite significant opposition, Harry championed the development of a county-owned landfill which has improved the environment and generated a recycling problem that became the model for many programs around the State.

In 1995, Gov. Christine Todd Whitman appointed Harry to a seat on the prestigious New Jersey Highway Authority. In addition, he has served the State as a member of the State Department of Civil Service Intergovernmental Advisory Committee and as a former president of the New Jersey Association of Counties.

Harry Larrison remains an active member of the Eagle Hook and Ladder Fire Company of Ocean Grove where he served as chief. He also is a member and former captain of the Ocean Grove First Aid Squad, a member of the Neptune Township Citizens Advisory Committee, a member of the Ocean Grove Masonic Lodge No. 328, and Elks Lodge No. 128 of Asbury Park.

Although Harry has dedicated much of his life to Monmouth County and the State of New Jersey, nothing is more important to him than his family. I join his two daughters and two grandsons in thanking for his many years of dedication and service and wishing him all the best for the future.

AMERICA'S CABOTAGE LAWS ARE VITAL TO THE SUCCESS OF OUR U.S. FLEET

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. CUNNINGHAM. Mr. Speaker, earlier this week, all 14 members of the National Security Committee's Special Oversight Panel on the Merchant Marine circulated a "Dear Colleague" letter expressing our strongest support for America's cabotage laws, including the Jones Act, and our continuing opposition to changes in these laws. Effective at the beginning of this Congress, the National Security Committee became the committee of primary jurisdiction over cabotage matters such as the Jones Act. In addition, a majority of the members of the Coast Guard and Maritime Transportation Subcommittee also signed the "Dear Colleague."

In the letter, we noted the national security, economic, environmental and safety benefits of the cabotage laws. I have a particular interest in the national security importance of the U.S. fleet. Recently, 61 retired Navy admirals, including five former Chiefs of Naval Operations, penned an open letter to Congress calling the commercial maritime infrastructure of the United States—the domestic vessel operators, shipyards, seafarers and others operating under the cabotage laws—the true source of our maritime power. This is an extraordinary endorsement from the people who know best.

This "Dear Colleague" sends an unmistakable message to those who have spent the last year attempting to tear down the Jones Act and allow foreign ships into our domestic commerce. The Merchant Marine Panel's commitment to America's cabotage laws is unanimous. Although those 14 members—Democrats and Republicans, liberals and conservatives—disagree on many issues, there is an absolute agreements on the importance of cabotage. We will continue to oppose any changes to these important laws.

A copy of the "Dear Colleague" letter is attached. Signers of the letter include Representative HERB BATEMAN, chairman of the Merchant Marine Panel; Representative GENE TAYLOR, ranking member of the panel; Representative DUNCAN HUNTER, chairman of the Subcommittee on Military Readiness; Representative RON DELLUMS, ranking member of the full National Security Committee; Representative BOB CLEMENT, ranking member of the Coast Guard Subcommittee; Representative RANDY "DUKE" CUNNINGHAM; Representative WILLIAM J. JEFFERSON; Representative CURT WELDON; Representative JIM LONGLEY; Representative BOB BORSKI; Representative JOE SCARBOROUGH; Representative NEIL ABERCROMBIE; Representative TILLIE K. FOWLER; Representative JIM SAXTON; Representative PATRICK KENNEDY; Representative OWEN PICKETT; Representative DON YOUNG; Representative JANE HARMAN; and Representative SUSAN MOLINARI.

CABOTAGE LAWS PROVIDE IMPORTANT NATIONAL BENEFITS

DEAR COLLEAGUE: Congress has always supported the principle that vessels used to

transport cargo and passengers between U.S. ports should be built in the United States, crewed by American citizens, and owned by American companies. The body of law affirming this principle is known as "cabotage" and is sometimes generically referred to as the Jones Act. (Other countries throughout the world, including major industrialized nations and key U.S. trading partners, have similar cabotage laws.) These laws provide critical national security, environmental, safety and economic benefits and deserve our support.

The national security benefit of the domestic fleet is substantial. In times of international crisis, the U.S. domestic fleet keeps goods flowing reliably and securely between U.S. ports, supporting military action overseas. In times of peace the cabotage laws help assure a vibrant, competitive marine infrastructure so critical to our nation's security. A recent letter to Congress from 61 retired Navy admirals, including five former Chiefs of Naval Operations, stressed the importance of the domestic fleet:

American maritime power is the sum of our national maritime infrastructure . . . Carrier battle groups and modern containerships are at the forefront, militarily and economically. However, it is the shipyards and their skilled artisans, the pool of experienced and trained seafarers, marine suppliers large and small, vessel insurers and financiers, and the federal, state and private maritime training establishments that constitute the true source of our total power.

Of particular significance, the U.S. fleet provides vessels and crews to meet U.S. security needs without requiring the Defense Department—and hence the taxpayer—to bear the substantial costs of building, manning, and maintaining a government fleet and logistics capacity already provided by the private sector.

Repeal of the cabotage laws would result in a takeover of our domestic waterborne transportation system by foreign companies. Those foreign companies could enjoy a significant competitive advantage by: 1) operating subsidized vessels (U.S. domestic fleet vessels are not subsidized); and 2) operating exempt from the American tax system, labor laws, safety statutes, environmental requirements and a host of other laws. Our maritime industry—as well as railroads, truckers, and others engaged in the competitive American transportation business—should not be asked to compete here under a system that institutionalizes a capital and operating cost advantage to foreign operators. The American government must not discriminate against American business in this fashion.

The cabotage laws promote the highest standards of marine safety and environmental protection in U.S. ports and waterways. These laws ensure that vessels moving between U.S. ports comply with the full range of applicable environmental and safety laws, all of which are among the world's highest. The U.S. Coast Guard's ongoing "Port State Control" initiative, which aims to crack down on substandard foreign-flag vessels calling at U.S. ports, underscores the important contribution made by the cabotage laws in preserving the health of our resources-rich waters and coastlines.

Finally, because of our cabotage laws, the economic benefit of the U.S. domestic fleet is substantial. Our fleet pumps some $15 billion into the nation's economy annually, including $4 billion in direct wages to the 124,000 American workers employed in the operation, construction, and repair of Jones Act vessels. Jones Act wages alone generate $1.4 billion in Federal and state tax revenues. Because the domestic fleet receives no operating or construction subsidies from the U.S. government, these benefits accrue to the nation at no expense to the federal government or to the U.S. taxpayer.

American cabotage laws greatly benefit the U.S. national security, economy, and natural environment and deserve our committed and continuing support.

THE LEGACY OF JIM ROUSE

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. LAZIO of New York. Mr. Speaker, when I decided last Wednesday that I wanted to come to the floor to speak about Jim Rouse, I realized that there is a lot to talk about. Jim's involvement in housing and community building spans seven decades and represents some of the most important changes in how this country lives.

Jim Rouse's legacy is enormous, but it is more than creating the idea of a shopping mall. It's more than a Presidential Medal of Freedom. It's more than his work for the Federal Housing Administration in its infancy during the Great Depression, when it played such an important part in Americans lives and forged a new path for home finance. His legacy is more than the work he did for President Eisenhower's task force on housing in 1953 or for President Reagan's task force on private housing in 1982.

Jim Rouse's legacy goes beyond places like Columbia, MD, a town not far from this very building where his vision of integrated, economically varied community of families took root. His legacy is more than the revitalized urban areas in Boston and Baltimore and other cities across the country whose citizens owe him such a debt for his hard work and vision of the healthy and vibrancy that their neighborhoods and communities could regain.

Jim Rouse's legacy goes beyond even the Enterprise Foundation that he created in 1982 with his wife Patty and the goal of seeing that all low-income people in this country should have decent housing and an opportunity to pull themselves out of poverty.

Jim Rouse's most important legacy is his belief that we, as a Nation and as a national community, cannot and will not abandon cities and the families and people who live in them. We must embrace inner-city neighborhoods and work to improve their economies and to renew their vibrancy. Jim Rouse believed in the importance of cities both as centers of commerce and as a fundamental basis of what makes up our national identity—our fundamental American character.

It's a proud and potent legacy.

More than 10 years ago Jim Rouse said in an interview that "we need to work from the neighborhoods, from the bottom up" to create the necessary systems to deal with low-income families and poverty-stricken neighborhoods. He was pursuing just that kind of model when he died. His work in Baltimore's Sandtown-Winchester community tried to address all of the needs of a dysfunctional community—housing, education, health care, public safety and employment—to create a community based strategy.

Mr. Speaker, this country was very fortunate, not only to have had him a part of our national community, but to have had him play such an important role in shaping our national character and in defining not only who we are, but who we ought to be. I hope that we can continue to work in the spirit Jim Rouse inspired.

IN RECOGNITION OF DAN RIEDL'S "ANSWERING AMERICA'S CALL" WINNING COMPOSITION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. OXLEY. Mr. Speaker, I want to take this chance to recognize Daniel Riedl, the Ohio State winner of the Voice of Democracy broadcast contest. This competition is sponsored by the Veterans of Foreign Wars and its Ladies Auxiliary.

Mr. Riedl exemplifies the civic and patriotic strength of much of today's youth. Mr. Riedl recounts the story of his immigrant grandfather who came to this country and worked his way through our educational system to earn his doctorate. His grandfather also defended this country in World War II. The United States is the land of freedom, but it is also a land where determined individuals use this blessing for a greater good. Mr. Riedl's grandfather did this and Mr. Riedl continues this responsibility today. America is the land of opportunity, but it would not be so if there were no people like the Riedls, who are willing to defend its ideals. I congratulate Daniel Riedl and his stirring account of freedom, responsibility, and sacrifice.

TRIBUTE TO RICHARD LEROY LEHNER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. CAMP. Mr. Speaker, it is with great pleasure I rise today to congratulate Comdr. Richard Leroy Lehner of Sumner, MI, on his retirement as Michigan's State Commander of Foreign Wars.

Mr. Lehner has a long and distinguished career with the Veterans of Foreign Wars, first joining with the Mark Daniels V.F.W. Post #1735 in 1986. After years of hard work, and endless dedication, Richard was proudly elected as State commander on June 18, 1995.

His motto while State commander was "One Step Ahead" which clearly represents not only his personal commitment, but also the immense role he played in the progress and development of the V.F.W. Under Mr. Lehner's leadership were 86,479 members in the State of Michigan with 431 posts, 14 districts, and 10 county councils.

Mr. Speaker, Richard Lehner's active participation in the V.F.W. and community has

earned him the respect and admiration of friends, family, and fellow community leaders. Richard's love of and dedication to this country and the American veterans is clear. He has consistently gone beyond what was expected or required to achieve excellence. His reputation as an honest, dedicated, hard-working public servant will serve as an example for many years to come. I know you will join me in recognizing his achievements and wishing him a satisfying retirement.

SARAH L. WATSON-BLANDING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. TOWNS. Mr. Speaker, I want to recognize the contributions of one of Brooklyn's most committed community activists, Sarah L. Watson-Blanding.

Sarah is a native of Cameron, SC, and the daughter of Mrs. Hester Bookhardt and Mr. Richard Watson. After an early education from Orangeburg, SC, schools, she graduated from Claflin College with a major in Social Science and a minor in Education. Sarah also did graduate work at New York University.

For the past 25½ years, Sarah Blanding has been an outstanding employee with the Department of Labor. For her work, Sarah received both the Merit Award and the Julius Shapiro Youth Award for the highest placement of youth in New York City.

Sarah has continued her collegiate activism with the Zeta Phi Beta Sorority and the NAACP. She is also an energetic member of the New Canaan Baptist Church and is presently the president of the Brooklyn Alumni Association of Claflin College. Sarah and her husband Jesse have one daughter, Renee, a graduate of Brown University who resides in Atlanta.

I comment Sarah Watson-Blanding on her exceptional commitment and dedication to youth and the Brooklyn community at large.

PHARMACIST'S PATIENTS PROTECTION ACT OF 1996

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. CRAPO. Mr. Speaker, I rise today to introduce the Pharmacist's Patients Protection Act of 1996. This legislation relates to an everyday common occurrence, namely getting a prescription filled at your local pharmacy. As we all know, when you go to your pharmacy for a prescription, the pharmacist not only offers to counsel you on how to take your medication safely and effectively, but the pharmacist also provides detailed written information that is understandable and user friendly when the prescription is dispensed.

Through the use of computer technology, consumers routinely receive written information about prescription drugs from their pharmacist in a variety of retail settings, such as pharmacies located in supermarkets, chain drug stores and independent pharmacies. And not only are pharmacists providing the information voluntarily, more importantly this written information is often specifically tailored to the particular needs of the patient in order to achieve the maximum benefit from the prescribed medication.

I applaud community pharmacists for their dedication and commitment in this important area of patient education and information, but apparently these voluntary efforts aren't good enough for the Food and Drug Administration. Even though every survey conducted since 1994 shows that patients routinely receive written information on both new prescriptions and refills, FDA has decided that it wants to mandate this aspect of pharmacy practice and to restrict pharmacists so that only the information that FDA deems appropriate is distributed to patients.

In other words, FDA knows better than your personal physician and your pharmacist regarding the information you should receive. And on top of this, FDA wants everybody to get the same information, no matter whether you are elderly, a young child, male, female or pregnant.

The cost of this particular FDA initiative, called the Medguide Program will exceed $100 million each year to mandate what pharmacists are already doing voluntarily right now. FDA's Medguide Program is unnecessary, very costly and is the wrong approach.

Additionally, I should mention that FDA's Medguide Program exceeds the agency's statutory authority. While FDA does have legal authority over the content of a drug manufacturer's labeling and advertising, FDA has no authority whatsoever over the professional practice of pharmacy. Standards of professional practice, including patient care, counseling and the dissemination of written information to patients has always been and still are the responsibility of state boards of pharmacy—not FDA.

In summary, Mr. Speaker, the legislation I am introducing will prohibit the FDA from using any of its funding to implement its proposed Medguide Program.

We don't need this costly mandate from the FDA when the competitive retail pharmacy marketplace is making great strides in providing consumers with meaningful, accurate and easily understood written information about prescription drugs. I urge my colleagues to cosponsor and support the Pharmacist's Patients Protection Act of 1996. Let's stop the misguides Medguide Program.

RECOGNITION OF CONGREGATION AM SHALOM'S MITZVAH DAY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. PORTER. Mr. Speaker, I am pleased to rise today to recognize Congregation Am Shalom of Glencoe, a synagogue in the 10th District of Illinois whose members are making a positive and wonderful contribution to our community.

Congregation Am Shalom has designated Sunday, April 28, 1996, as a Mitzvah Day. In the Jewish religion, a mitzvah is a commandment to perform acts of kindness to others. Mitzvah Day will be a voluntary, congregationwide community service endeavor to reach out with philanthropic hearts and resolute hands to the surrounding community and to help people in all walks of life.

As many as 1,000 Am Shalom volunteers will take part in worthwhile projects on that day, including repairing and painting homes, delivering home-cooked meals to the homebound and the elderly, taking children on outings, and cleaning up local parks. In all of these ways, they will touch the lives of others.

Mr. Speaker, Am Shalom's commitment to make a difference through these various projects should not only be recognized, but applauded. I am proud to represent a district that includes people with such tremendous volunteer spirit, and I am pleased to recognize am Shalom's community leadership and to praise the outstanding contributions of every participant in the April 28 Mitzvah Day.

TRIBUTE TO RON BROWN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. FARR of California. Mr. Speaker, it is with great sadness that I rise today to salute a man who did more to advance U.S. economic interests at home and abroad than any other in our nation's distinguished history. Ron Brown, whose other accomplishments include revitalizing the Democratic party and advancing race relations in America, died tragically 2 weeks ago on a trade mission in Bosnia.

As Commerce Secretary, Brown was accompanied by 34 other brave Americans, one of whom was my constituent. Adam Darling, a 29-year Commerce Department assistant who offered to bike cross-country from his Santa Cruz, California home to promote Bill Clinton's 1992 presidential campaign, also lost his life on that terrible flight. I had the honor of saluting Adam's life last Friday, along with the First Lady, his family and friends at a touching memorial service. He will be sorely missed by all.

Adam was on board, because as President Clinton put it, Ron Brown could see in him and the others "the promise of a new tomorrow and he knew they needed someone to reach down and give them the opportunity to serve." Ron Brown was truly one of a kind.

The son of a hotel manager, Ron Brown grew up in black America but bridged the gap between white and black from the earliest years of his life. Attending white private schools, Brown went on to be the only African-American in his class at Middlebury College, where he forged the desegregation of his fraternity. He later attended St. John's University Law School and subsequently worked as a prominent attorney in the largely white world of law. After that, Ron Brown became the first African-American chairman of the Democratic National Committee. As former National Urban League chief John Jacob said, "Ron could accomplish anything, because he didn't believe he coundn't do it.

As Commerce Secretary, Ron Brown worked tirelessly to promote our economic interests both here an around the globe. He firmly believed that free, but fair trade was one of the best ways of advancing our country's national interests as we move into the 21st century. It was for this reason that Ron Brown enthusiastically led his mission to Bosnia. He believed that the untapped possibilities of the war-torn region held untold possibilities for the United States.

I personally have had the pleasure of working with Ron Brown on a number of occasions. Before his untimely death, he and I had been developing a unique initiative of sustainable development for my congressional district. We both eagerly looked forward to harnessing the creative energy of public and private enterprise to forget this new national model.

I don't believe a day has gone by since the tragic accident that I have not mourned what this country will miss without Ron Brown, and the others aboard his plane. While the important work of the Commerce Department will surely continue, America will never recapture the potential that traveled aboard that flight. We can never replace the enormous possibilities that traveled with Ron Brown.

IN RECOGNITION OF OFFICER KENNETH L. PONTIOUS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. STARK. Mr. Speaker, today I would like to join my constituents in commemorating the retirement of Officer Kenneth L. Pontious. Officer Pontious is retiring after 28 years of service to the community and citizens of Union City.

During his 28 years of service, Officer Pontious has contributed to the Union City Police Department in many different capacities. He has served as a Motorcycle Patrol Officer. In addition, he has worked as a Traffic Officer and a member of the Special Enforcement Response Team.

Officer Pontious has also assisted the community as a School Resource Officer giving his time directly to our young people. Finally, Officer Pontious has worked as a Field Training Officer, Rangemaster and Police Explorer Post Adviser.

Therefore, Mr. Speaker, I come before you today celebrating with my constituents the career of Officer Kenneth L. Pontious. I hope you and my colleagues will also join me in congratulating him for his contribution to the community.

IN MEMORY OF JOSE RIOS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to a young Texas hero—Jose Rios, a 17-year-old who rescued a young boy from a house fire before tragically losing his own life during another heroic effort to save the life of the boy's brother.

There are no words to adequately express our sorrow when one so young, acting in such a courageous manner, should be taken so tragically. To his family and friends in the small community of Royse City, where he lived, he is a genuine hero. And as is common in small communities across America when tragedy strikes, the citizens of Royse City have united in their efforts to help the families of the victims and to make sure that Jose Rios will forever be remembered for his selfless act of courage.

Early in the morning of February 20, 1996, a fire broke out from a space heater in the bedroom shared by 11-year-old Aron Carreon and his 7-year-old brother, Ramon. Jose observed the fire coming from his neighbors' house and rushed over to help. He broke through the bedroom window and carried the wheelchair-bound Ramon to safety, apparently with the assistance of Ramon's brother, Aron. Without stopping to think of his own safety, Jose rushed back into the burning house in an effort to save Aron, but he was overtaken by smoke. Rescue efforts by the local fire department ended in vain. Both Jose and Aron died of smoke inhalation.

Jose was a student at Royse City High School. Principal Ruth Cherry said, "He's a hero. He helped a lot of the students who are new from Mexico. We'll miss him. I'm so happy to have known him." Aron was a student at Royse City Elementary School, where Principal Gary Evers described him as a "wonderful boy" who was respected and loved by everyone.

Royse City has been deeply moved by this act of courage and by the premature deaths of these two young boys. The story was carried in area newspapers. A memorial fund was established. There are plans for a permanent memorial. Jose Rios deserves this recognition, Mr. Speaker, and he deserves our respect. So as we adjourn today, I would like to ask my colleagues to join me in paying tribute to this courageous young Texan, Jose Rios, and to his young neighbor, Aaron Carreon, who died along with him. They will be missed by all those in Royse City who knew and loved them.

And they will be remembered. Jose Rios will be remembered as a genuine hero, one who gave his life to save the life of another. Mr. Speaker, Jose Rios is a hero for all times.

MEMORIALIZATION OF BRIG. GEN. RICHARD J. DIRGINS, U.S. ARMY RESERVE CENTER

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. TIAHRT. Mr. Speaker, the first officially named U.S. Army Reserve center located outside of American territory will be dedicated in the memory of Brig. Gen. Richard J. Dirgins on April 19, 1995, in Schwetzingen, Germany. Dirgins, a native of Fairfield, CT, and an alumnus of Norwich University, Vermont, led the 7th Army Reserve Command for almost 7 years. The general died January 14, 1995, just months after relinquishing command of the 7th ARCOM, which has 23 Army Reserve units in Germany and Italy. Presently 11 of the command's units are mobilized in support of Operation Joint Endeavor.

Dirgins's many years of service in the Army will be remembered in an outdoor ceremony at Tompkins Barracks that will include the unveiling of a bronze plaque and a portrait and the planting of a tree outside the building which will bear his name.

321ST MISSILE GROUP, GRAND FORKS AFB, ND

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. DORNAN. Mr. Speaker, I rise today to pay tribute to the dedicated young men and women of the U.S. Air Force 321st Missile Group at Grand Forks, ND. The 321st, commanded by Col. Robert P. Summers, is currently undergoing a very stressful but highly successful realignment of Minuteman III intercontinental ballistic missiles [ICBM's] while at the same time maintaining an active nuclear deterrent force. Despite the apparent end to the cold war, recent tensions with mainland China and elsewhere in the world clearly demonstrate the need to maintain a reliable and effective ground-based nuclear deterrent force. Colonel Summers and everyone in his command are to be commended for their personal sacrifice, professionalism, and dedication towards ensuring we have the best nuclear deterrent in the world both today and tomorrow. I am including for my colleagues a copy of the mission statement, values, and strategic goals for the 321st Missile Group, as well as a unit history. Again, to Colonel Summers and everyone in the 321st—job well done. And may none of us ever forget the 321st motto: "Global Power for Peace."

321ST MISSILE GROUP HISTORY

Serving in defense of its country, the 321st Missile Group has undergone a comprehensive hardware metamorphosis over the past 40 years. The development of the 321st Missile Group began June 26, 1942, as the 321st Bombardment Group (Medium); assigned under Twelfth Air Force. The group flew B-25 Mitchell bombers in the Mediterranean theater from March 7, 1943, to September 12, 1945. For their flying accomplishments the group was awarded two Distinguished Unit Citations. The group was later deactivated September 12, 1945, at Pomigliano, Italy, and returned to the United States. The 321st reactivated as an Air Force Reserve unit under 15th Air Force and designated the 321st Bombardment Group (Light) on March 31, 1946. It was again inactivated on June 27, 1949.

The 321st reactivated at Pinecastle AFB, Fla., under Second Air Force as the 321st Bombardment Wing (Medium) Dec. 15, 1953. The wing flew the B-47 strategic bomber and won the Fairchild Trophy in the 1957 Strategic Air Command annual bombing, navigation and reconnaissance competition. During this period, the wing transferred from Second Air Force to the 6th Air Division under

Eighth Air Force Jan. 1, 1959. With the phase-out of the B-47, the unit deactivated again Oct. 25, 1961.

On Nov. 1, 1964, the Air Force again activated the 321st, this time as the 321st Strategic Missile Wing. The Missile Wing found a home at Grand Forks Air Force Base and assigned to the 4th Strategic Aerospace Division under Second Air Force. In 1965, the 446th, 447th, and 448th Strategic Missile Squadrons were activated. Together, they worked toward making the 321st the first operational Minuteman II Intercontinental Ballistic Missile Wing in Strategic Air Command on Dec. 7, 1966. The 321st became the first unit to deploy the LGM-30F Minuteman II Intercontinental Ballistic Missile.

In 1969, the wing won the Blanchard Trophy for excellence during the annual SAC missile combat competition, becoming the only wing in the Air Force to win top awards for both bombardment and missile excellence. The 321st Strategic Missile Wing won the Blanchard Trophy again in 1969, 1974, and 1987.

From 1970 until 1988, the wing fell under Fifteenth Air Force's 57th Air Division, and later the 4th Air Division. Between 1971 and 1973, the wing changed weapons systems turning over Minuteman II's for Minuteman III's.

After 18 years with Fifteenth Air Force, the 321st Strategic Missile Wing was reassigned to the Eighth Air Force when the 42nd Air Division came to Grand Forks Air Force Base June 16, 1988. Under the Eighth Air Force, the 321st Organizational Missile Maintenance Squadron received the Air Force Outstanding Unit Award from 1988 through 1990. Strategic Air Command also selected the 448th Strategic Missile Squadron as the ICBM Operational Squadron of the Year for 1990.

On Sept. 1, 1991 during a reorganization, the 321st was redesignated the 321st Missile Wing and assigned under the newly reactivated Twentieth Air Force with the inactivation of the 42nd Air Division. Then on June 1, 1992, the 321st Missile Wing became assigned to the newly formed Air Combat Command. While in the Air Combat Command, the 321st continued a tradition of excellence when in 1992 Air Combat Command named the 447th, ICBM Missile Squadron of the Year.

On May 1, 1993, Detachment 3, 37th Air Rescue Squadron was redesignated as the 79th Rescue Flight. The change realigned the bases HH-1H Huey helicopters, pilots, and support personnel under direct control of the 321st Operations Group commander.

Further changes in the Air Force resulted with the 321st Missile Wing being realigned from Air Combat Command to Air Force Space Command on July 1, 1993. The missile wing's move transferred the daily management of the Air Force's land-based intercontinental ballistic missiles to a command familiar with missile and rocket technology.

On Nov. 1, 1993, the 321st Organizational Missile Maintenance Squadron earned the Air Force Space Command Maintenance Effectiveness Award, and later went on to win the award at the Air Force level.

The 321st Missile Wing was redesignated the 321st Missile Group on July 1, 1994, due to a command-level reorganization. On 12 August 1994, Security Police from the 321st Missile Group placed third out of eleven teams during the 1994 Peacekeeper Security Police Competition. In November, the 321st underwent its first 20th Air Force Combat Capability Assessment under the revised inspection system. The 321st did well with particularly high marks by the Codes and Pneudraulics flights, Operations Support Squadron Security Police, and with all Missile Combat Crews passing evaluations.

On April 4, 1995, the 321st Missile Group welcomed a group of Russian inspectors as one of the first Strategic Arms Reduction Treaty (START) inspection took place. The inspection was a multilateral arms control treaty between the United States and successor states to the former Soviet Union. The inspection marked a significant day in the history of Grand Forks Air Force Base.

On July 7, 1995, the 321st Missile Group dedicated the headquarters building in honor of the first commander of the 321st, Brigadier General Robert D. Knapp. The dedication was in conjunction with a 321st Association Reunion, and the annual "Friends and Neighbors Day." Twentieth Air Force Commander Major General Robert Parker presided over the 321st Association Banquet as 321st veterans and retirees were honored.

In 1995, the 321st Missile Group was directed to realign its Minuteman III force, and now has a dual mission. Its mission now is to both operate, maintain and secure combat-ready ICBM forces for the National Command Authority; while at the same time, safely and securely transfer its alert responsibilities to the 341st Missile Wing at Malmstrom AFB, Montana. The mission realignment involves the transfer of 120 missiles to Malmstrom, and 30 missiles to the Ogden Air Logistics Center, Utah. This process started in October 1995 and is expected to take three years to complete.

OUR MISSION

Professional Warriors Operating, Maintaining, And Securing Combat Ready ICBM Forces For the National Command Authority.

OUR VALUES

Integrity—Commit to truth, morality, and honesty in all that you do.

Courage—Physical, moral, and mental bravery to make the right decision.

Competence—Strive to be an expert.

Tenacity—Stubborn persistence to mission.

Service—Dedicated to a higher purpose and to customer satisfaction.

Patriotism—Sacrifice for greater good and do what is best for our most important customer.

Teamwork—Respect and commitment to each other, above self in mission.

Loyalty—Faithful allegiance to yourself, to each other and the mission.

Pride—Take delight in both your actions and the actions of your teammates.

Self-Discipline—Display and require the correct pattern of behavior at all times.

Openness—Willingness to listen and consider the views of others.

OUR KEY RESULT AREAS

KRA 1—reliable weapon system.

KRA 2—mission ready people.

KRA 3—safe practices.

KRA 4—secure weapons system.

OUR STRATEGIC GOALS

Maximize our ICBM combat capability.

Enhance safety and nuclear surety.

Embrace our environmental responsibility.

Practice a healthy lifestyle.

Nurture professional development.

Foster a quality improvement culture.

TRIBUTE TO JOHN MACRI

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. JACOBS. Mr. Speaker, surely in God's eyes greatness is measured mostly by kindness. By that measure John Macri was one of the greatest of God's children ever to live.

His restaurant, the Italian Village, was not only a landmark in Indianapolis, but an institution and a legend as well.

Few serve humanity better than restaurateurs. They provide not only food and drink, but very special occasions especially for those who have to count their pennies and save up for the proverbial night out—no cooking and no dishes to wash.

Indianapolis mourns his death and celebrates his wonderfully kind and generous life.

[From the Indianapolis Star, Mar. 30, 1996]

SILVO JOHN MACRI, RESTAURANT OWNER AND NUMEROLOGIST

Services for Silvo John Macri, 70, Indianapolis, retired owner of Italian Village Restaurant and numerologist, will be April 2 at 1 p.m. in Flanner & Buchanan Broad Ripply Mortuary and at 3 p.m. in Sacred Heart Catholic Church. Calling will be from noon to 8 p.m. April 1 in the mortuary.

He died March 26.

Mr. Macri owned and operated the restaurant 43 years, retiring in 1994. When the restaurant was located in Carmel, it was called The Macri Family Italian Village.

He was a professional numerologist for thousands of people, including pianist Liberace, mentalist the Amazing Kreskin and actress Rita Moreno. Mr. Macri was an instructor of numerology and held workshops throughout the country. He also cohosted the John and Jan Show of WIFE radio in 1980-81.

He founded Realities Inc., PSI Inc., Perceptions Inc., A course in Miracles Central Indiana study group and The Seven Inc. He cofounded Indianapolis Meals on Wheels and Indiana Growth Center. He was a charter board member of Indianapolis for Free University and a council member of Unity and Indianapolis Diversity.

He was the author of Message of the Numbers.

He was an Army veteran of World War II.

Memorial contributions may be made to Hear My Voice. Protecting Our Nation's Children, P.O. Box 314, 2138 Broad Ripple Ave., Indianapolis 46220.

Survivors: children Toni Macri-Reiner, Gina Hayden, Victor, Katelyn Macri, Giovanna Macri-Russell; sisters Vera Agostino, Ida DeBlase; brother Joseph Macri; nine grandchildren; three great-grandchildren.

SALUTE TO THE U.S. BUREAU OF RECLAMATION AND THE SALT RIVER PROJECT

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. STUMP. Mr. Speaker, today I rise to salute the U.S. Bureau of Reclamation and the

Salt River Project [SRP] for their historic commitment to secure water resources for the economic vitality of central Arizona.

These two organizations worked together at the turn of this century to build the Theodore Roosevelt Dam, located about 80 miles northeast of what is today downtown Phoenix. On April 12, SRP and the Bureau, along with the Flood Control District of Maricopa County, a coalition of six Phoenix-area cities and the Tonto National Forest, will rededicate Roosevelt Dam. Over the last 5 years, these parties have worked together to add 77 vertical feet to Roosevelt Dam, providing for flood control and safety of dam storage as well as additional water conservation storage.

This $430 million reclamation safety of dams project, the largest in the Nation, will provide the metropolitan Phoenix area with additional water-storage capacity and a greater margin of safety from natural disasters like earthquakes and flooding.

On this historic occasion, I would like to review the background for this important Federal legislation. On the morning of June 5, 1976, Teton Dam, built in a steep-walled canyon 40 miles northwest of Idaho Falls, ID, failed. Thousands of farms and homes were washed away. Eleven people died. More than $400 million of property damage was done.

Though nothing could compensate for the destruction and pain caused by the Teton Dam failure, this disaster did result in a thorough review of all Bureau of Reclamation dams. That review led to the 1978 Federal Reclamation Safety of Dam Act. In its original form, the legislation appropriated $100 million to modify dams needing repair. By 1983, the estimated cost to repair a select group of dams had risen to $650 million.

Throughout the early 1980's, many in Congress argued persuasively for that $650 million appropriation for the dams needed repair in their States. Through their hard work, they succeeded in convincing skeptical colleagues that the repairs were indeed needed and that local entities would pay their fair share. The principle of cost-sharing with local entities was introduced and codified in reclamation law.

In Arizona, most of the dam modifications called for in the Safety of Dams Act have been completed, and without question, they have demonstrably improved the quality of life in central Arizona, which was subject to raging floods in 1978, 1980, and 1993. These modifications do not mean that Arizona will never again face flooding or other natural disasters. But the modifications have added an extra measure of safety to life in the Valley of the Sun.

At a time when Government-built dams are the target of criticism by some, I am encouraged that my colleagues in the House, and in the State and local government, have not lost sight of the many benefits that flow from multipurpose projects like the Theodore Roosevelt Dam.

CONGRATULATIONS TO THE TOWN OF ALTON, NH

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. ZELIFF. Mr. Speaker, let me extend my sincerest congratulations to the town of Alton, NH, as it celebrates its bicentennial anniversary on June 16, 1996. It is a pleasure to commemorate such a milestone event and recognize this New Hampshire village.

The people of Alton have preserved the town's historic past and traditions. Located on the southern tip of Lake Winnipesaukee, the town of Alton offers a pristine and unmatched beauty that attracts both residents and visitors of New Hampshire to this area. Whether it is the shores of Lake Winnipesaukee or the surrounding mountains, Alton offers unlimited enjoyment for all people throughout the year.

Alton's original town limits consisted of sections from: New Durham, Gilmanton, Gilford, and Wolfeboro. Over the years Alton has developed into seven neighborhoods: Alton Village, South Alton, East Alton, West Alton, Alton Bay, Alton Mountain, and The Gore. These seven boroughs have established their own identity, while strengthening and propelling the town of Alton into a leading New Hampshire community.

Once known as New Durham Gore, Alton established the traditional town meeting format of government that is still being practiced today. It is refreshing to be associated with people, such as the Alton residents, who have not forgotten their past and traditions.

I have had the opportunity to work with the people of Alton on many different occasions over the years. Most recently, I visited to evaluate the damage caused by the devastating dam break. After this visit I have come to fully understand the love, generosity, and bigheartedness of this town. I commend their independence, character, dedication, and mutual respect for one another.

Allow me to wish the town of Alton a happy bicentennial, and I appreciate the opportunity to be included in its celebration. It is an honor to represent the town of Alton in the U.S. Congress.

NEW BRITAIN ROTARY CLUB ANNIVERSARY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pride and appreciation that I rise today to congratulate the members of the Rotary Club of New Britain, CT, as they celebrate their 75th anniversary.

It was on April 20, 1921, that Leon Sprague, the Rotary's organizer and charter president, brought into being the first local organization of professional, industrial, and business executives to serve the community. From the very beginning, the members of the Rotary Club of New Britain have committed themselves to their creed, "service above self," by generously providing the community with time, money, and unselfish service in the important fields of education, orphanages, hospitals, civic amenities, and scholarships to needy students. I am so proud of the men and women of the Rotary who work tirelessly to assure that needs of citizens are met.

Today, I congratulate the Rotary Club of New Britain on its anniversary and I commend its members on their dedication and lasting contributions.

INTRODUCTION OF THE HIPPOCRATIC OATH AND PATIENT PROTECTION ACT OF 1996

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1996

Mr. SANDERS. Mr. Speaker, I would like to say a few words about disturbing trends in contemporary health care, and to discuss H.R. 3222, The Hippocratic Oath and Patient Protection Act of 1996, which I introduced to halt those trends and protect strong doctor-patient relationships.

Mr. Speaker, more and more doctors and patients are enrolled with managed care and HMO's. The Wall Street Journal reports on the financial success of HMO's by stating it has left them "so awash in cash they don't know what to do with it all."

U.S. Healthcare, for example, is a major, corporate HMO with 2.4 million members. It makes $1 million a day in profits. Is CEO, Leonard Abramson, walked away from his company's recent merger with Aetna with a personal profit of nearly $1 billion.

Clearly, there is a built-in conflict between a for-profit HMO and the needs of a patient. The less money spent on providing care for the patient, the more money the company makes. It's that simple.

Obviously, Mr. Speaker, we must all work to control health care costs. However, we must also ensure that health care decisions are made by doctors using medical rationale with their patients' interests at heart, not insurance administrators using financial spreadsheets with their own economic interests at heart. And most importantly, we must preserve the fundamental core of successful health care—the strong doctor-patient relationship.

Unfortunately, with the growth of managed care and the power of large insurance companies, serious problems are developing which, in my view, threaten the doctor-patient relationship.

Many HMO's use what are essentially "free-for-denying-service" systems, which pay doctors for denying care and penalize them for providing it. Doctors under some plans lose up to 50 cents of compensation for every dollar they order spent on emergency care. And according to a Mathematica Policy Research study, 60 percent of managed care plans in this country currently place their providers at some financial risk for the cost of patient care. This places doctors in very difficult situations, as they are asked to base their decisions on criteria that is contrary to what they were taught and swore to uphold.

You would have to be patently insane to sign on with an HMO you know is going to pay your doctor not to treat you. So some insurance companies are taking steps to make sure you don't know what they are doing. They keep their incentive plans secret from their customers, and in many cases keep both patients and doctors in the dark about the formulas used to approve or deny coverage. Therefore, doctors and consumers signing on do not know what they are getting themselves into, and insurers are free to make arbitrary decisions without outside scrutiny.

Further, many HMO contracts contain blatant gag rules that tell doctors what they can and cannot say to their patients. Last year, for example, Kaiser Permanente of Ohio told its doctors not to discuss any possible treatments with patients before checking with the company's consultants.

These outrageous clauses strike at the heart of informed consent and health care ethics—someone considering an operation should have all the relevant information to make their decision, and doctors must be able to provide that information.

These problems are serious enough that Massachusetts has already passed a law banning gag rules, while New York and several other State legislatures are considering bills to deal with these issues. Before recess, I introduced legislation that will take three steps to preserve strong doctor-patient relationships. My bill has already been endorsed by Consumers Union, the American Nurses Association, the Vermont Psychological Association, the American Psychological Association, the National Medical Association, and the Gray Panthers.

First, my legislation will ban outright incentives to deny appropriate care, and ensure safeguards are installed so doctors are not placed at substantial financial risk for patient care.

Second, my bill prohibits gag rules and other interference in doctors' communications regarding patient care. It is the only legislation that safeguards doctors' communications with their colleagues and the public as well as their patients.

Third, to ensure neither doctors nor patients are kept in the dark about what their insurer is doing, my legislation provides for open, honest discussion of practices key to patient care by requiring disclosure of utilization review procedures, financial incentives for providers, and all services and benefits offered under the health plan.

That disclosure may be half the battle, because I think no insurance executive will be willing to stand up and defend these outrageous practices once they are out in the open.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 18, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 19

1:30 p.m.
Indian Affairs
To continue hearings on the President's proposed budget request for fiscal year 1997 for Indian programs.
SR–485

APRIL 23

9:00 a.m.
Indian Affairs
Business meeting, to consider pending calendar business.
SR–485

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings on proposed legislation authorizing funds for the Consumer Product Safety Commission.
SR–253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1401, to amend the Surface Mining Control and Reclamation Act of 1977 to minimize duplication in regulatory programs and to give States exclusive responsibility under approved States program for permitting and enforcement of the provisions of that Act with respect to surface coal mining and reclamation operations.
SD–366

Environment and Public Works
To hold hearings on S. 1285, to reauthorize and amend the Comprehensive Environmental Recovery, Compensation, and Liability Act of 1980 (Superfund), as modified by S. Amdt. 3563, in the nature of a substitute.
SD–406

Special on Aging
To hold hearings to examine issues relating to Alzheimer's Disease.
SD–106

10:00 a.m.
Judiciary
To hold hearings on a proposed constitutional amendment to establish a bill of rights for crime victims.
SD–226

Small Business
To hold hearings to examine issues affecting home-based business owners.
SR–428A

11:00 a.m.
Foreign Relations
To hold hearings on the nominations of Prudence Bushnell, of Virginia, to be Ambassador to the Republic of Kenya, Charles O. Cecil, of California, to be Ambassador to the Republic of Niger, David C. Halsted, of Vermont, to be Ambassador to the Republic of Chad, Morris N. Hughes, Jr., of Nebraska, to be Ambassador to the Republic of Burundi, Tibor P. Nagy, Jr., of Texas, to be Ambassador to the Republic of Guinea, Dane Farnsworth Smith, Jr., of New Mexico, to be Ambassador to the Republic of Senegal, George F. Ward, Jr., of Virginia, to be Ambassador to the Republic of Namibia, and Sharon P. Wilkinson, of New York, to be Ambassador to Burkina Faso.
SD–419

APRIL 24

9:00 a.m.
Select on Intelligence
To resume hearings on the roles and capabilities of the United States intelligence community.
SD–106

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the U.S. Forest Service.
SD–138

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine distance learning, and on S. 1278, to establish an education satellite loan guarantee program for communications among education, Federal, State, and local institutions and agencies and instructional and educational resource providers.
SR–253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Environment and Public Works
To continue hearings on S. 1285, to reauthorize and amend the Comprehensive Environmental Recovery, Compensation, and Liability Act of 1980 (Superfund), as modified by S. Amdt. 3563, in the nature of a substitute.
SD–406

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on Army programs.
SD–192

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine the need for additional bankruptcy judgeships and the role of the U.S. trustee system.
SD–226

Veterans' Affairs
To hold hearings on the President's proposed budget for fiscal year 1997 for veterans programs.
SR–418

APRIL 25

9:00 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources on S. 1264, to

provide for certain benefits of the Missouri River Basin Pick-Sloan Project to the Crow Creek Sioux Tribe.

SR-485

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 902, to authorize the Secretary of the Interior to assist in the construction of a building to be used jointly by the Secretary for park purposes and by the city of Natchez as an intermodal transportation center, S. 951, to commemorate the service of First Ladies Jacqueline Kennedy and Patricia Nixon to improving and maintaining the Executive Residence of the President and to authorize grants to the White House Endowment Fund in their memory to continue their work, S. 1098, to establish the Midway Islands as a National Memorial, H.R. 826, to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, and H.R. 1163, to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, New York.

SD-366

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Federal Emergency Management Agency.

SD-192

MAY 1

9:30 a.m.
Rules and Administration
To resume hearings on issues with regard to the Government Printing Office.

SR-301

2:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine airport revenue diversion.

SR-253

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Veterans Affairs.

SD-192

MAY 8

10:00 a.m.
Veterans' Affairs
To hold hearings to examine the reform of health care priorities.

SR-418

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Housing and Urban Development.

SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Internal Revenue Service, Department of the Treasury.

SD-138

MAY 15

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the National Aeronautics and Space Administration.

SD-192

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Corporation for National and Community Service.

SD-192

MAY 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Environmental Protection Agency.

SD-192

SEPTEMBER 17

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

POSTPONEMENTS

APRIL 25

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.

SR-253