SENATE—*Wednesday, May 4, 1994*

(Legislative day of Monday, May 2, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate will be led in prayer by the Reverend Richard C. Halverson, Jr.

Mr. Halverson, please.

PRAYER

The Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

Let us pray:

Almighty God, as the Nation prepares to enter into a solemn day of prayer tomorrow, we ask for the outpouring of the spirit of prayer upon the land, that our petitions may be acceptable in Thy sight.

We know that our prayers are sometimes not heard or answered, for in times past, even when Your priests offered many sacrifices, supplications and services, You "* * * sought for a man among them, that should make up the hedge, and stand in the gap before * * * the land * * * but * * * found none."—Ezekiel 22:30.

The psalmist declares, "If I regard iniquity in my heart, the Lord will not hear me."—Psalm 66:18.

The apostles explain that, "Ye ask, and receive not, because ye ask amiss, that ye may consume it upon your lusts."—James 4:3. Even one of our poets confesses, "My words fly up, my thoughts remain below, Words without thoughts never to heaven go."—Shakespeare, Hamlet, III, 3.

Therefore, we humbly ask Thee even for the ability to speak to Thee in faith and repentance, in unity and in the spirit, with perseverance and according to Thy will.

In the name of Christ Jesus who "ever liveth to make intercession for us."—Hebrews 7:25. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Also under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

QUORUM CALL

The PRESIDENT pro tempore. The Chair, in his capacity as a Senator from the State of West Virginia, suggests the absence of a quorum, and the clerk will call the roll.

The 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 PRESIDENT pro tempore. Without objection, it is so ordered.

Under the order of yesterday, the Senator from Vermont is to be recognized for up to 15 minutes. Would he wish to take that time at this point?

Mr. LEAHY. I thank the distinguished Presiding Officer.

Mr. President, I ask before I take that time that I be recognized for 2 minutes in addition on an entirely different matter.

The PRESIDENT pro tempore. Under the order, any Senator may be recognized for not to exceed 5 minutes. The Chair will, therefore, recognize the Senator from Vermont for not to exceed 5 minutes at this point.

Mr. LEAHY. Thank you, Mr. President.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 2069 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

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

The Senator from Vermont is recognized for not to exceed 15 minutes.

Mr. LEAHY. I thank the Chair.

TRIBUTE TO WILLIAM BARTON GRAY

Mr. LEAHY. Mr. President, I have had many instances on the floor of the Senate when I had an opportunity to talk about things of great joy, great pleasure, and accomplishment. Today is not one of them.

I rise today to speak on the memory of a person that I have known most of my adult life, a man who died in March, a very, very good friend, Bill Gray.

Much was written in the Vermont newspapers about William Barton Gray, and so much of it was true about him. In many ways, it did not begin to touch the real person.

I think of the cold spring Vermont day. The night before we had a light dusting of snow, and that day dawned clear and crisp with the Sun shining, as so many of us, his friends and his family, walked up Church Street in Burlington to the Unitarian Church to say final farewells to him.

I think it was his good friend, Jerry O'Neill, with whom he had practiced law, who talked about his background as a lawyer and as a prosecutor and as a friend. So many of us addressed him personally from the pulpit of the church, which brought so many memories back.

His very good friend, Nick Littlefield, who I have the honor of having with me today on the Senate floor, spoke also of his reminiscences and his friendship. He brought together a picture of Bill Gray that those of us who knew him recognized, and those who had not had the opportunity to know him had to understand the regret that they would have in not having known such a great person.

The pastor spoke of his love of animals, his raising of sheep. He spoke of a renaissance man who spoke different languages, traveled the world, well educated, a brilliant lawyer, a former prosecutor; that he would go back to his home in Vermont and raise apples and sheep and tend the land and be the kind of steward of the land that the Lord has commended all of us to be.

And I thought after Reverend Anderson spoke that way, I thought of what Oliver Wendell Holmes said, in speaking of his own life. He said, "These little fragments of my fleece that I have left upon the hedges of life." As we spoke to Sarah, Bill's wonderful wife, a person who was a tower of strength in his last illness and really a model for all of us, a wonderful human being; his son, Josh; his daughter, Sasha; his father, his sister, and everybody who was in the church, I thought we were all going to speak of the little fragments of his fleece that he had left upon the hedges of life.

But I know that you could not speak just in that one clear spring day of his life, you would have to spend months and you would begin to just touch it.

So I want to talk about it, because we celebrated a life. We did mourn a death, but we celebrated a life—a life of a friend of a quarter of a century.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I remember when we served as young prosecutors together, he in the U.S. attorney's office and I as State's attorney in Chittenden County. Later he went on to the Department of Justice, carving a legacy in the Department as a prosecutor's prosecutor, one of the best. And then, when President Carter was elected, I remember talking to Bill and saying, "Please come home to Vermont"—he was a native Vermonter—"come home to Vermont and be our U.S. attorney." And he did and served with distinction as the best U.S. attorney anybody could remember.

In 1986, Mr. President, when I was up for reelection in what was going to be the most difficult election of my life, Bill Gray left his practice and spent a year as a volunteer to run my campaign. But it was more than just running my campaign. He was my counselor, he was my mentor, he was my friend on sunny and dark days.

I think of the number of times, Mr. President, that we sat on the steps of my farmhouse in Middlesex, VT. We talked of the campaign, but we talked about so many other things. We talked about our children, of our families, of life.

He was my friend on the sunny days, but also the dark days. The darkest, of course, was the day he came and told Marcelle and me of this illness that was striking him at far too young an age, far too young an age for anyone. And even then, I remember, as we heard the news, he was there trying to cheer us up.

In some ways, during those last years of his illness, we became closer, if that is possible. We talked of life and family and friends and values. And we had so many different stories, the two of us.

I told at his memorial service about going to Rutland, VT, in my 1992 election. He had called and had just received particularly bad news from the doctors. His cancer had gone out of remission and he wanted to talk with me. He said, "I know Marcelle has been driving you during this campaign. Why don't I just come and drive with you and we will spend the day together?" And we did. We drove down to Rutland, which is in the southern part of our State, and we talked of life and death and what a cruel fate he had been dealt.

And coming back, it was interesting. He was such a wonderful friend. This man could hike, and he could sail and swim and do virtually everything better than anybody else, except one thing. As I told his family and friends assembled, he was a terrible driver.

As we were driving up this twisty, narrow road, up through the mountains of Vermont, I said, "Bill, you are talking about death in the abstract and I am afraid that death may be a lot more concrete the way you are driving." I said, "Let's pull off." And we did. On the side of the road, the two of us were hanging on to each other and laughing about the irreverence of our conversation.

I also suggested what somebody might have said had they recognized a former U.S. attorney and the incumbent Senator and candidate for reelection hanging on to each other by the side of the road laughing our heads off.

I, also, Mr. President, incidentally, drove the rest of the way back.

After that, Mr. President, he actually got better. His cancer went into remission and we had great hope. And then President Clinton was elected. And Bill, who had been this wonderful prosecutor and lawyer, had one thing I think he always wanted to be, and that would be a Federal judge. And we had a vacancy in the second circuit of the U.S. Court of Appeals, the so-called Vermont seat; the one seat Vermont has always filled with distinction, with two chief justices in the second circuit, Sterry Waterman and James L. Oakes.

I talked with Bill about that. He had the unanimous recommendation of everybody in the bar for that seat. I went to the President and asked if he would appoint Bill Gray to the U.S. Court of Appeals for the Second Circuit, and the President said yes. And we began the process of the background that the Presiding Officer knows so well, all going very well, and the cancer struck again.

And President Clinton, to his credit, said, "Well, let's just hold up and see what happens." There was no pressure from the White House to bring another name.

We went through this time with Bill. There was no question he was going to go on the second court of appeals. He would have been a renaissance man on that court. It would have done so much for the court and for our State and, I believe, for our country.

But, as the fall leaves fell and the snows came, it became more apparent this might not happen. When Bill went through his final illness, again we talked as only dear friends could. His friends gathered around him, the greatest friend, of course, being his wonderful wife Sarah. Everybody should be blessed by having somebody who would care so deeply as she did—and many of us are so blessed. His friends, Jerry O'Neill and family, Nick Littlefield and family.

Then, as we knew would happen, the end came and I had the sad duty of notifying the President that Bill was no longer there. Mr. President, I ask unanimous consent to have printed in the RECORD the letter I sent to the President on that occasion.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 23, 1994.

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

DEAR MR. PRESIDENT: It is with deep personal regret that I must inform you of the passing of William Barton Gray. As you know I recommended Bill Gray to you for a seat on the United States Court of Appeals for the Second Circuit. He would have made a splendid Judge. His background prepared him professionally for the responsibilities. More important, his character, integrity and judgment would have served to make him an outstanding Judge, Just as he was an outstanding lawyer and public servant. Those of us who are fortunate to have known and worked with Bill Gray will miss him. The Second Circuit, those whose cases would have been heard by him, and the development of the law will miss him, as well.

Sincerely,

PATRICK J. LEAHY,
U.S. Senator.

Mr. LEAHY. Mr. President, the day of the memorial service I read from an Italian writer. I quoted,

In one sense there is no death. The life of a soul on Earth lasts beyond his departure. You always feel that life touching yours, that voice speaking to you, that spirit looking out of other eyes, talking to you, and the familiar things he touched, worked with, loved as familiar friends. He lives on in your life and the lives of all others that knew him.

That was my friend, Bill Gray.

Mr. President, as I told Bill and his family, I knew the day would come I would stand here on the floor in my capacity as a Senator, a capacity he helped me obtain, and that I would carry out this sad duty.

Mr. President, I asked unanimous consent the wonderful words of Nick Littlefield in his personal remembrance of Bill Gray also be printed in the RECORD at this appropriate place as well as some of the wonderful remembrances of him from the newspapers in Vermont.

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

A PERSONAL REMEMBRANCE OF BILL GRAY

(By Nick Littlefield)

When I first saw Bill in 1960 at Harvard freshman baseball tryouts he stood out among the rest of our classmates—more winning, handsome and athletic, an heroic figure even at 18. He had bounded into our lives with the exuberance of a brass band entering the big top, fresh from his family and the Putney hills, with no edge, knowing himself and what he liked to do, serious and ambitious, but especially receptive to all of life's experiences. He lit up every group he was part of at college, wowing even the starchiest of Boston and New York society, and in his solos with the Krokodilos winning admirers at women's colleges across New England.

Even then, as always, his center was Sarah.

After a year of law school, Sarah and Bill were married in Riverdale, at the Kerlin's, who would always be there for him, and later for the children. They moved into their first apartment on the third floor of an old row house in West Philadelphia with the same

Danish couch, dining room table and Picasso drawing that they had wherever they lived for nearly thirty years.

With marriage to Sarah, Bill had new responsibilities, and a new goal to succeed in New York City in the most competitive law world of all. He worked harder than before, and as Josh was born, Bill finished law school near the top of his class his last two years.

He made his reputation in New York fast—in the Federal courthouse at Foley Square, where the great racketeering and espionage trials of New York legend had been held. What an unbeatable impression his Vermont integrity made on jurors who lived in Manhattan and the Bronx. What a good teacher he was to beginning Assistant U.S. Attorneys like me, who followed him to the office after several years.

Music—ah, his passion was growing. An extra in La Boheme at the Met and at the Academy of Music in Philadelphia. We sang together in the New York Choral Society. Sasha was born during the last week of rehearsals for the Bach B Minor Mass. Bill, the father again, held Sasha, the new born in his arms in a weekend in Pine Plains while together we studied the bass part by listening to the record over and over again. Days later we stood on the stage at Avery Fisher Hall, bellowing proudly the musical lines we had learned.

Soon Bill, having proven himself in New York, made the choice to come home with Sarah and the children to Vermont, leaving behind the fortune that certainly awaited him in New York. I remember the beautiful house in Pomfret, bill teaching Josh to ski there, the years in Washington, and then the return to Jericho where Bill had everything he had always known he wanted at the end of Old Pump Road.

How he nurtured his land, and how he lived and celebrated life. A year on bees, on gardens, more and more vegetables, planting apple orchards and Christmas trees, sheep, a year on the Gray geneology, the trip with Josh and his father to the roots in Ireland, the year on red wine, studying voice, reviewing operas in Montreal, Boston Marathons where his friends were placed strategically along the way with water bottles, a year on bicycles built for two.

And family vacations—remember doing them with Bill and Sarah. You felt you had to rent outfits and special equipment, tights for biking and shoes for running and hiking; train for weeks in advance; brace yourself—and then feel like you needed a week off to rest after it was over. Casting for blue fish and a run before breakfast, then tennis with Bill and Gil, then bicycling, lunch, more tennis, pick up Whiffle ball, a late afternoon jog and swim, dinner, and maybe even an opera before bed.

During this time, there was his growing interest in politics. Once I wondered if Bill would be a Democrat—thank God he was. His friendship with Senator Leahy and that tough campaign which was so well conducted that it turned out not to be close at all, and his own quest for the Senate, an impossible dream like our mutual love for the Red Sox.

Then the darker, introspective times. I'm struck by the metaphor of the long Vermont winters he had lived with since he was born. In the garden and late for dinner. Not always easy to live with. But as a friend somehow more accessible, more touching and compelling than ever.

Even the final years while he battled his illness provided some unexpected joys: watching Josh start law school at Columbia, Patrick's faith in him for the judgeship, Sasha and Misha together visiting in Vermont in January, nights at home by the wood stove, being able to care for Mabel, Connie, contributing so selflessly in his struggle with cancer. Through it all, Sarah, still at the center. She, as always, made Bill possible. And in these years he became more unforgettable, more heroic.

Jenny and I were blessed with the chance to see Bill at the hospital just last Sunday. There, sitting in bed, surrounded by nurses who had become his fans, by his opera tapes, a CD of love songs by Jose Carreras, cards and posters from Vermont, and tubes, and struggling to breathe and harder still to talk, Bill whispered to us before we left. "I'm going to try very hard to make it."

In the poet, Stephen Spender's words,

"What is precious is never to forget. . . .
The names of those who in their lives fought for life.
Who wore at their hearts the fire's centre.
Born of the sun, they travelled a short while towards the sun,
And left the vivid air signed with their honour."

Judge Gray, your honor, you brought us love, and wit, and music, sometime exasperating tenacity, kindness, idealism, intellect and in the end indomitable courage. You take with you our dearest love.

[From the St. Albans (VT) Messenger, Mar. 24, 1994]

BILL GRAY

(By Emerson Lynn)

It would forever remain spring if every Vermonter touched by the warmth and wit of Bill Gray would lay a blossom on his grave.

He died Tuesday evening after a second-round battle against leukemia. With his death, Vermont lost a gentleman, a statesman and a friend of large talent and good will.

As a public figure he was well known, most recently as the nominee of Sen. Patrick Leahy to become judge for the 2nd U.S. Court of Appeals, and before that, as the Democratic challenger to Sen. James Jeffords. He was U.S. Attorney from 1977–81 and headed various statewide efforts such as Vermont's Bicentennial. His legal talents were matched only by his sense of fairness, which made him a trusted person to both Republican and Democratic administrations.

What distinguished him was that he was in public as he was in private: honest, committed, sincere and thoughtful. He prized integrity above all else and would have given up public service before he would have sacrificed it to personal gain. He embodied the qualities Vermonters desire in their public servants.

It is important to mark such lives. In an age dominated by the short flash of entertainment and sports stars, it's necessary to talk of those who understand happiness, family, justice, reason and humanity, those who by their dedication add to the sum of a state's well-being. It's important because we desperately need more people like him.

It is impossible to offer a proper tribute to Bill Gray without breaking from formal prose and trying to get at the essence of what made him someone whom others wanted to be around, or to be like.

Part of it was his innate understanding of the word good as a noun. This framed his political and personal will. It's why others offered their trust in return. It was the underpinning of his motivation; he wanted to be good, to do good, and for others to understand why it was important.

This understanding allowed him the personal freedom to be happy with himself, his family, his friends, and to explore without fear of failure. That's what allows a person to love and to be loved.

It was this confidence that others found so engaging, and even though no other man could look down upon him, he was secure enough to be humble and to understand the importance of others.

He was as physical as he was intellectual. He was a superb athlete who enjoyed the harshness of Vermont's winters, a man proud of the calluses that came from running the farm.

With his strength came his rages. He despised injustice and fought it with vigor. He could not tolerate political sophistry, and said so. He was truth's best champion.

The sum of his qualities gave him the necessary strength in his fight against leukemia. Even with a black and blue body, hairless head and no reason to entertain others, his sense of humor was ever present, as was his determination, his courage, and his gentleness.

For his family, speech cannot define their love. From his friends and fellow Vermonters, we offer our hopes that others will follow in his path.

[From the Burlington Free Press, Mar. 24, 1994]

VERMONT COULD USE MORE TIME WITH GRAY

(By Sam Hemingway)

You can bet William B. Gray's name is already on the letterhead of heaven's law firm, but we sure could have used his skills a little longer down here on Earth.

We could have used his keen mind and compassion as a judge for the 2nd U.S. Circuit Court of Appeals.

That was the job U.S. Sen. Patrick Leahy, D-Vt., had nominated him for the one President Clinton and Congress would surely have bestowed upon Gray, 52, of Jericho, if he had not lost round 2 of his battle with leukemia Tuesday night in Boston. Gray served as U.S. Attorney from 1977–81 and ran for U.S. Senate in 1988.

"I've lost a good friend. Vermont has lost a good friend," Leahy said during a Washington, D.C., telephone interview Wednesday, his voice wavering until it could no longer hold back his tears.

We could have enjoyed his big heart.

Whether it was his love of the law, Vermont, music, running, gardening or even Red Sox Nation in its darkest hour, Gray gave the cause at hand all his passion, all his energy.

"He epitomized the warmth and outgoing quality of Vermonters," said William Mares of Burlington. "Bill was a living lie to the very wrong cliche that Vermonters are turned inward and silent. Bill did not know how to be mean."

We could have learned a thing or two from him about family.

One of his many proteges, Jerome O'Neil, recalled the time Gray cheered up O'Neill's young daughter by placing a ripe pumpkin in her non-productive pumpkin patch one night.

And who can forget Gray's tearful comment during the 1986 Equal Rights Amendment campaign? "It has to pass," he told a rally of ERA supporters two weeks before the measure was defeated. "Or I'm not going to be able to face my daughter on Nov. 5."

But most of all, we could have appreciated his love of country, his dedication to public service in its purest form.

"It was always important to Bill that anyone who went through the criminal justice

system feel like they had been treated fairly, even if they did not like the result," said O'Neill, who worked under Gray in the U.S. attorney's office. "Lots of times at sentencing, the person going to jail would come over afterward, just to shake his hand."

There was nothing phony about Gray's concern for the rights of the people he prosecuted, O'Neill said. One time, O'Neill said, Gray picked up a female hitchhiker and came to realize as they talked that she was wanted on a federal drug charge.

"He told her who he was and convinced her it was time she came in and dealt with us," O'Neill recalled. "The next morning, he stopped by her home, picked her up and brought her in so she could make peace with the government and get on with her life."

Not that Gray's tenure as U.S. Attorney wasn't tortuous at times. He endured a bitter personal attack on his integrity from famed defense lawyer William Kunstler in the case of alleged West German terrorist Christian Berster.

He also oversaw the government's lengthy investigation into an international arms smuggling scheme by Space Research Corp, of North Troy, a case that led to brief jail sentences for Canadian rocket scientist Gerald Bull and a colleague in 1981. Gray called the case his toughest as a prosecutor.

Although Gray was a Democrat, his admirers crossed all political lines. Republican New York Mayor Rudolph Giuliani got him interested in becoming a prosecutor. Republican Attorney General John Eaton picked him as his special prosecutor after the 1984 state police raid of an Island Pond religious sect.

"I needed someone I could rely on and have confidence in," Easton said later of his choice. "I just have such respect for his integrity and his ability to keep his eyes on the legal issues."

Democrats counted on him even more. When Gov. Madelein Kunin needed someone in 1985 to review the state parole system, she chose Gray. When the Bicentennial Commission needed a chairman five years later, she tapped Gray again.

"He was always very interested in bridging public issues and private lives," Kunin reflected. "He had very clear ethics, values and ideas and he communicated them in such a pristine way, with a certain gentleness."

Politics, the chance to serve the state, eventually pulled him in.

In 1986, he worked for no pay as Leahy's full-time campaign manager, partly because of his friendship for Leahy when the two were prosecutors and partly to see the world of politics up close.

And in 1988, Gray himself plunged into the electoral fray, embarking on an uphill and ultimately losing battle for the U.S. Senate against Republican James Jeffords, then a seven-term member of the U.S. House.

"It was a grueling campaign and he took the defeat very hard," said his campaign manager, Gary Robinson, now an assistant to the mayor of San Jose, Calif. "I've done a lot of campaigns before and since. Rarely do you move from a working relationship with the candidate to a close friendship, but when I finished that year, I was personally close with Bill and Sarah Gray."

He approached his deadly struggle with his disease the same way he did his longshot U.S. Senate battle—with determination and no trace of self-pity. During his hospitalization in Boston, he deepened his friendship with another cancer warrior, former presidential candidate Paul Tsongas, and the two spoke often of what they's been through.

"Facing serious disease has its rewards," he told the Free Press last year. "It's not all bad. There's something enriching in the process of facing your own mortality."

For a while a bone marrow transplant from his sister, Connie, seemed to work. In December, he talked enthusiastically about being appointed to the appellate judge post his friends always felt he was destined to hold.

"I think it's something that I would like very much to do," he said. "I will be just so honored if the opportunity comes my way."

But then came a relapse and, on March 3, a second bone marrow transplant at the Brigham & Women's Hospital in Boston.

By last weekend, when a case of pneumonia had settled into his body stripped of its immune defenses, his family and friends began preparing for the inevitable. Gray died shortly before 8 p.m. Tuesday with his wife, family members and O'Neill by his side. Thankfully, he was not in any pain, O'Neill said.

"We are just heartbroken down here," Judge James Oakes, the man Gray would have replaced, said sadly Wednesday afternoon. "When he first told me he had the leukemia and was going to do the bone marrow transplant, he was so brave so dignified, so. . . ."

Oakes paused, and took a deep breath. "I'm sorry, I can't talk," he wept. "He was just a great guy."

CAREER HIGHLIGHTS

Highlights from the life of William B. Gray, 52, a former U.S. attorney who died Tuesday night in Boston. At the time of his death, Gray was waiting for final confirmation to the 2nd U.S. Circuit Court of Appeals based in New York City. He would have replaced retired Chief Judge James Oakes of Brattleboro:

October 1972: Gray is named the first assistant U.S. Attorney for Vermont. He teamed up with his boss U.S. Attorney George W.F. Cook to convict two Central Vermont men for violating the civil rights of a 15 year-old Barre boy when they killed him so he could not testify against them for a burglary.

December 1975: Gray is appointed U.S. Associate Deputy Attorney General and director of the executive office for all 94 U.S. Attorneys.

September 1977: Gray is sworn in as U.S. Attorney for Vermont following his appointment by President Jimmy Carter. Gray and his chief assistant, Jerome O'Neill, later convicted Kristina Berster for illegal entry into Vermont in a highly publicized case. The arrest drew international attention because she was an alleged member of the West German Baader-Melnhof terrorist group.

May 1981: Gray joins the Burlington law firm of Sheehy Brue and Gray.

May 1985: Gray is asked by Gov. Madeleine Kunin to study the Vermont Parole system after Kent Hanson kills a woman three weeks after being released on parole. Gray said the board acted properly, but that it has too little latitude to deny paroles.

September 1986: Gray named to run the reelection campaign for U.S. Sen. Patrick J. Leahy, who defeats Gov. Richard Snelling.

February 1988: Gray formally announces he will run for the seat being vacated by retiring U.S. Sen. Robert Stafford. He eventually loses to Republican James M. Jeffords, who spent 14 years in the U.S. House.

[From the Burlington Free Press, Mar. 24, 1994]

A VERMONT LOSS

Bill Gray's untimely death Tuesday at 52 has left Vermont much the poorer.

For those who knew him as a friend—and there were many—it was as if some bright light had just gone out with the bad news—a class act unaccountably gone.

For those who did not know him, some of his long and varied record of public service will have to suffice:

Scrupulously fair as U.S. attorney for Vermont.

Methodical prosecutor in Space Research's illegal arms shipment case.

Enthusiastic chairman of Vermont's Bicentennial Commission.

Active Democrat, but also Republican Gov. Richard Snelling's non-partisan choice to investigate his administration's handling of the Island Pond case.

Long-time friend and campaign manager to Vermont Democrat U.S. Sen. Patrick Leahy.

Imminent choice of President Clinton to succeed Vermont Judge James Oakes on the U.S. Second Circuit Court of Appeals.

First and always a gentleman, Gray was next a highly respected lawyer and public servant; then, briefly and less comfortably but no less hopefully, a politician. His natural soft-spoken manner fit him so well it came as a shock to hear him try to talk tough on the stump in his unsuccessful 1988 run for the U.S. Senate. That higher-profile political role always came to him awkwardly—a plus in other ways.

Vermont's greatest loss, though, can be found in what it now can no longer do: count on and call on Bill Gray's fair-mindedness in a pinch. Every community needs a complement of such rare people, and Vermont is the poorer for having just lost one so exceptional.

[From the Rutland Daily Herald, Mar. 24, 1994]

GRAY IS REMEMBERED AS A MAN OF INTEGRITY

(By Christopher Graff)

MONTPELIER.—Bill Gray was Vermont's Mister Fix-It, the diplomat governors turned to in their times of trouble.

He was also one of the state's great success stories, a Putney native who once held a top post in the U.S. Justice Department and had just been tapped for one of the most prestigious judicial posts in the country.

His interests were amazingly diverse; he was as much at each analyzing opera as he was discussing in detail his sheep farm in Jericho, his foreign travels or his absolute passion, politics.

Gray, 52, died Tuesday after a two-year battle with leukemia.

At his core Gray was a man of effervescent optimism, describing himself as "a product of the American dream."

His father was a maintenance man at the private Putney School; his mother a staff worker there with household and nutritional duties.

"My parents worked hard, very hard," Gray once said. "Although they never earned much money, we never felt poor because they provided everything we needed to prosper. We children will always treasure them for making the stars seem so bright and possibilities so real."

With his parents working there, Gray was able to go to the Putney School; he was then able to attend Harvard University on a scholarship. After attending law school, Gray clerked for Judge Sterry Waterman on the U.S. 2nd Circuit Court of Appeals, the judgeship Gray was to take if his health had held.

His law career was outstanding, serving as associate deputy attorney general at the

U.S. Justice Department, supervising all the U.S. attorneys, and then serving for four years as Vermont's U.S. attorney.

In that job in 1978 he prosecuted West German Kristina Berster in a highly publicized trial in which the federal government termed Berster a terrorist. The courtroom drama pitted the quiet Gray against the theatrical William Kunstler. Gray won.

Gray handled several high-profile cases in his private law practice in Burlington, but most Vermonters probably learned about Gray during his ill-fated, unsuccessful race for the U.S. Senate in 1988.

Having just chaired the highly successful 1986 re-election bid of U.S. Sen. Patrick Leahy, Gray felt he could beat James Jeffords in the contest for the seat being given up by Sen. Robert Stafford.

On paper, his campaign strategy appeared strong, and Gray worked long and hard, but Jeffords' 14 years in the U.S. House gave him too big an edge.

Gray's greatest contribution to Vermont was serving state leaders in their time of trouble. And it wasn't just governors. The state Supreme Court's administrator turned to Gray to handle a complex case concerning mandatory retirement of judges.

Richard Snelling's darkest days as governor were following the state's unsuccessful 1984 raid on the Northeast Kingdom Community Church, a raid sparked by allegations of child abuse by church members.

Following the raid, Snelling, a Republican, and then-Attorney General John Easton, also a Republican, turned to Gray, a Democrat, to serve, in effect, as a special prosecutor evaluating the state's case.

[From the Rutland Daily Herald, Mar. 25, 1994]

WILLIAM GRAY

William Gray was a prosecutor, political adviser, lawyer, political candidate and would have been a federal judge. But after his death at age 52 on Wednesday, he is remembered above all as a decent man.

Gray, who had been battling leukemia, was in line to become a judge for the 2nd U.S. Circuit Court of Appeals. He would have replaced Judge James Oakes. But he died from pneumonia that set in because of his weakened condition at a hospital in Boston.

Those who knew him recall his love of opera and of politics, of the law and of baseball. But the lasting impression is of an honest man, enthusiastic and committed, someone to whom people of all political persuasions could confidently turn for help.

When he ran for the U.S. Senate in 1988 against Sen. James Jeffords, he lost handily. It was a race against a popular incumbent, and Gray had no previous experience as a candidate. So at best, the race was a long shot. But he had something else working against him, too: He seemed like such a nice person, straight-forward and honest about his ideas, heartfelt in his feeling. Some voters probably asked themselves: Is he really a politician?

He was more than a politician. He was a good and trustworthy man. As a judge, he would have served the nation well. His life of service in Vermont was proof of that.

[From the Burlington Free Press, Mar. 27, 1994]

GRAY'S WIT, COMPASSION REMEMBERED

(By Tom Hacker)

Celebration of a passionate life mixed with the sadness of unfulfilled promise Saturday as William Gray's friends said goodbye.

More than 500 people packed the First Unitarian Universalist Church in Burlington to honor Gray.

The former U.S. attorney and judicial nominee to the 2nd U.S. Circuit Court of Appeals died Tuesday, ending his fight with leukemia.

"He lives on in your lives, and in the lives of all others who knew him," said Sen. Patrick Leahy, D-Vt.

"He was a friend on the sunny days, but also on the dark days," said Leahy, who had nominated Gray to the appellate judgeship. "I remember the darkest. It was when he told me and Marcelle about his illness. And here he was, trying to cheer us up."

Interspersed with the personal reminiscences, musicians and singers—many of whom Gray had performed with as a member of the Musica Propia and Friends choral group—fought back tears as they rendered selection by Bach, Faure and Mozart.

Jerome O'Neill, who worked under Gray in the U.S. Attorney's office, traced his longtime friendship with Gray to his first acquaintance, when the two were united in the prosecution of a man caught selling a machine gun to an undercover federal agent.

"Here in Vermont, not everyone was sure that was a crime," O'Neill remembered.

O'Neill painted a vivid image of a man of endless optimism. "You taught us to look at a difficult situation and turn lemons into lemonade, and do it like no other person could," he said. "You will be Vermont's forever. Bill, you really made a difference. Not many people can say that."

Nick Littlefield, a lifelong friend who followed Gray into the job of Assistant U.S. Attorney in New York City, said Gray, a Putney native, had abandoned the promise of earning a fortune in New York for a simpler life in Jericho.

"Judge Gray, your honor," Littlefield said, "you brought us love, and wit, and music, sometimes exasperating tenacity, kindness, idealism, intellect—and, in the end, indominable courage. You take with you our dearest love."

At a reception after the memorial service, Leahy was quiet—and often alone. "It's so sad," he said. "It's so sad because it's not fair."

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. BOREN] under the order is recognized for not to exceed 15 minutes.

BILL GRAY

Mr. BOREN. Mr. President, I wish to offer my sincere sympathy to my colleague from Vermont on the loss of his dear friend and very talented and great citizen of our country. I am glad I was on the floor to hear his remarks because I think often, as we debate about abstract issues of policy, as we seek to serve here and make life better for large groups of our citizens, that sometimes in the rush of business we forget how much those individual relationships, personal friendships, family relationships mean to us. We forget that our lives, to be whole and complete, must be involved not only in the service of mankind and womankind collectively, but also in the service and relationship to individuals, one at a time, and especially to those who are closest to us.

CHANGES

Mr. BOREN. Mr. President, last week was a very meaningful week for me. It was a week of reflection about my life and what I wanted to do with it as the regents of the University of Oklahoma announced that they had requested that I leave the Senate to become president of the university at the end of this congressional session, an invitation which I have accepted—an opportunity for a new form of service.

On the day, last Wednesday, when that announcement was made and I was on the campus of the university for that announcement I also thought, as I was driving to Norman, OK, about events that were happening on the other side of the world.

I thought about the election in South Africa of a new President, Nelson Mandela. It brought back a flood of memories of my own experience in South Africa in the late fall of 1988, after the congressional elections had taken place.

Senator NUNN and I, and a delegation from the Congress, went to South Africa. It was one of the most life-changing experiences that I have ever had. We witnessed there firsthand a society in which people were being judged by the color of their skins, their ethnic background; being divided and separated from each other. We saw people of enormous talent whose talents were being wasted, again because of a classification by race. And while we saw much that distressed us, we also saw much that inspired us because we met some of the most remarkable people that I have ever met in my life.

We met Cyril Ramaphosa, a labor leader who was determined, in spite of the system of apartheid, to organize his own people for effective political action. He wanted to organize them in a way that would not bring violence to the society and in a way that would bring about effective peaceful change.

I met a young South African of Indian descent, classified as "colored" under the laws of South Africa at that time, named Azhar Cachalia, a brilliant young lawyer. He reminded me in many ways what Gandhi must have been like, devoting his life and taking great personal risks to try to change the system.

I will never forget the day when we traveled to Soweto, to the small three room house of Albertina Sisulu, wife of Walter Sisulu, deputy chairman of the ANC, who was still in prison along with Nelson Mandela. Albertina Sisulu had been under house arrest for over 20 years. Her only crime was that she had fought for equal educational opportunity for all of the children of South Africa. I will never forget, after she recounted the lack of opportunity for the children and what it was doing to the future of her country, she turned to us and said:

But we must never forget that we here in South Africa must love each other and un-

derstand each other. We must never become bitter. Because someday we are going to create a country of our own in which all of us are no longer classified in one way or another but we are all South Africans, brothers and sisters together.

I thought to myself, how remarkable for a woman, an immensely talented woman, who has been held under house arrest for 20 years; who has been separated from her husband because he has been in prison; who had seen her own son, a Harvard University trained scholar, not allowed to practice his career in journalism because of his race and his political views—to speak to us of love and reconciliation.

I will never forget that moment as long as I live. And when I think about the remarkable people I have met, that list will include names like Anwar Sadat, Nelson Mandela, F.W. de Klerk, and Albertina Sisulu.

We said to Mrs. Sisulu as we were sitting in the living room in her house: "Someday we want you to come to see us and sit in our living room in our house in the United States."

And she laughed and she said: "That will never happen. President Carter wanted to give me an award last year but our government would not let me leave. They have kept me under house arrest."

I said: "Oh yes, that is going to happen someday."

I came back from that trip and sat down with then President-elect Bush who said: "I want to send a signal to South Africa that we want to become more engaged in bringing about progressive change in that country. What shall I do?"

On the advice of our Ambassador, Ed Perkins, I said: "Mr. President, if you could write a handwritten letter to Albertina Sisulu and ask her to come see you in the White House as soon as you are inaugurated, as a personal guest, and send a message to the South African Government if they do not allow her to come there will be repercussions in our policy, I think it would make a tremendous difference."

President Bush did exactly that. In July of 1989, just a few months later, Albertina Sisulu, after a visit to the White House, was sitting in our living room in Washington, DC.

Now to have seen all of the other things that have happened—the release of Nelson Mandela from prison, the election of President de Klerk and his beginning a dialog with Nelson Mandela to bring about a new South Africa—we are reminded again that people who take a stand with real moral courage can make a difference in terms of the course of history.

It was a privilege for my wife and I and then Senator Terry Sanford and his wife to host Mr. Mandela at a dinner in the Senate when he came to the United States. And just a few months later, in September, I had the privilege of hosting then President de Klerk for coffee in my office with several other Senators.

Think about the contribution of these two individuals: One leaving prison after so many years with no bitterness saying again, as Mrs. Sisulu did, we must love each other, we must reconcile, we must all be South Africans together; the other voluntarily relinquishing power that had been held by the white minority and, just this last week, entering into an election campaign that he knew he could not win in order to give legitimacy to the political process that was creating a new nation.

How remarkable. What courage, what integrity, what character has been demonstrated by both these two great individuals. Today I salute them, as do people all around this world. I will always count it one of the great privileges of my life that I have had the opportunity to get to know them and to be inspired by them.

Mr. President, as I mentioned last week, I also made a decision that I should take up a new challenge. I honor public service. I have served in elective office now for 28 years. Nothing could have given me greater pride and satisfaction than to have been able to represent the people of Oklahoma and to work for them.

I believe that people of courage, as I have said, can make a difference in the political arena. I continue to encourage our best and brightest young people to enter into public service through elective office.

But there are also other ways of serving. I have come to believe over time that, if we are going to revitalize this country, it is going to come mainly from the grassroots. It will come from the people themselves, from the people who involve themselves in volunteer activities in their communities and who work to rebuild our great institutions, our schools, our universities and others, even more than it will come from Washington.

I have also come to believe that, if we get everything else right but we fail to meet the needs for education and nurturing of the next generation, we will lose everything, our greatness as a nation and our strength as a society.

So I believe at this point in my life I can serve best by directly committing my life to the education of the next generation.

I also believe that some change is healthy. President Kennedy once said we in the Senate live in an iron lung of politics and it is hard to get outside this rarefied environment and breathe the fresh air that our constituents breathe. I think it is time for me to do that. I think it is healthy for new people come into our system constantly with different life experiences and backgrounds and skills to share with the people of this country, to invigorate the political process.

While I look forward with great anticipation to a new opportunity for service, I also view with some alarm polls in this country which show two things: First, the encouraging development that more and more of our people are getting involved at the local level as community volunteers and local officials, but a second development caught in the polls that more and more people are disillusioned with the normal political process because they are not sure they can make a difference here.

Mr. President, there is an urgent need to address that problem, to restore the vitality of this institution. The current Presiding Officer, the distinguished President pro tempore of this institution, a great historian of this body, has himself been a great leader year in and year out for reform of this institution, to change the way we finance campaigns, to end the money chase in American politics where special interests are perceived to have too much influence. It is a situation in which more and more of the time of our Members is having to be spent raising money instead of dealing with the problems of the period.

It has to change. We have to change the fact that there is too much partisanship in this institution, too much attention to scoring points for Democrats and Republicans and not enough attention paid to serving the national interest.

When I first came here, it was a tradition that no Senator campaigned against any other Senator. No Senator went to another Senator's State and campaigned against them just because they were in the other party. I have still never done that during my service. I hope we will get back to that rule because it is very difficult for people to work together here in the national interest when they have been out campaigning against each other in their home States.

I hope we will reform this institution in a way that our time will not be so fragmented. Again, the distinguished President pro tempore has pointed out to us that our lives are too fractured. We have too many committees. We are running from one place to another. We need to be able to focus our attention, and we will be able to vote on a chance to do that when the report of the Joint Committee on the Reform of Congress comes before the full Senate.

So, Mr. President, when I leave here at the end of the year, I hope I will leave having seen great progress made in the area of campaign finance reform and reform of the procedures of this institution itself. I appeal to my colleagues, do not wait, do not wait for reform. We are the trustees of this institution. If we do not change it, we run the risk that the frustration and anger and disappointment of the American people, expressed through proposals for

term limits and other kinds of proposals, will end up unintentionally damaging the political process of this country.

That is why we ourselves must stand up and take constructive action to restore the vitality of this institution, to restore what the Presiding Officer has referred to as the soul of this institution. With the time I have left as a Senator I will be working as hard as I possibly can with my colleagues on both sides of the aisle to try to help in that effort.

So, Mr. President, last week was a meaningful week for me. It was a week filled with examples of political and moral and personal courage on the other side of the globe and a week in which I pondered how best to invest my own life in public service.

A reporter came up to me as I was walking to the announcement of my possible presidency of the university, and he said, "How could you possibly decide to trade a position of some power and influence as a Senator to become a university president?"

My answer to that was, "Public service is not about power; it's about where you can do the most good."

I made that decision in my own life.

Mr. President, I ask unanimous consent, in closing, to print the text of my address to the people of Oklahoma on that occasion in the RECORD.

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

A TELEVISION ADDRESS BY SENATOR DAVID L. BOREN TO THE PEOPLE OF OKLAHOMA, APRIL 27, 1994

My Fellow Oklahomans: For the past 28 years you have given me the honor of serving you in elected office—first as a State Legislator, then as Governor, and for the past 16 years as your United States Senator.

Nothing has given me greater pride and satisfaction. I truly believe that I have had the privilege of representing and working for the most special people on earth—the people of Oklahoma. Your support, encouragement, and confidence in me mean more to me than I can possibly put into words. Thank you from the bottom of my heart.

Oklahoma is a special place because there is still a real sense of community in our state which is so badly needed in other parts of our country. We care about each other. We look out for each other. We encourage each other and take pride in seeing our young people succeed. We are truly like a family. During our time in public life, Molly and I have never thought of you simply as voters or as constituents and we have never felt that you have regarded us purely as public officials or political figures. We have indeed felt with you a close bond of friendship and family.

Tonight, as members of our family, I would like to share with you a decision which I have made and ask once again for your help and support. The regents of the University of Oklahoma, acting on behalf of the University community, have asked me to become the President of the University and I have accepted their invitation.

After 16 years in Washington, Molly and I are happy and excited to be coming home. While I have come back to Oklahoma an average of 40 times each year, I have missed living in Oklahoma year round.

It is healthy for all of us as individuals to take on new challenges. It's also good for the political system to have a wide range of people with different life experiences coming into the system. They bring with them their perspectives to help solve the problems which we face. John Kennedy once observed "all of us in the Senate live in an iron lung—an iron lung of politics. It is no easy task to emerge from that rarified atmosphere in order to breathe the same fresh air as our constituents breathe."

I agree with President Kennedy's assessment. Service to our nation and to our communities should be a life-long commitment for all of us. However, that does not mean that we should serve exactly in the same way throughout our lives.

Because there are so many important issues now before the Senate, the Regents have agreed that I should not leave the Senate until it has adjourned for the year and its business has been completed. Under Oklahoma law, the Governor does not fill this vacancy by appointment. A special election must be called. By staying in the Senate until the session is over, I will make sure that Oklahoma is fully represented this year. In addition, by returning to Oklahoma in November, my departure will give the state time to elect a new Senator before the major work of Congress begins next year.

I believe strongly that public service is an honorable calling. Early in life, I learned from watching my father, who was a Congressman, that public officials who truly care about people and have the courage of their convictions can make a difference. That is why I do not regret a single day that I have spent in public office. This is why I continue to encourage our best young people, including over 400 interns and staff members who have worked in my own office, to enter the political arena.

I look back with pride on the things that we have done together. I say "together" because your encouragement and help, and sometimes public pressure, made it possible for us to bring about meaningful changes.

Some of you carried brooms in the 1974 campaign. Others have written letters to the editor and spoken out in public meetings. You have made a difference in the public life of our state because you cared enough to get involved. Don't ever quit. Don't ever stop caring. I don't intend to stop working for what is best for our state and nation. Citizenship is a life-long responsibility for each and every one of us, to serve where we can do the most good.

Looking back, I recall that together we changed both the state and federal tax laws to end the unfair inheritance taxes between husband and wife. We began landmark educational programs in Oklahoma like The Oklahoma Foundation for Excellence, over 120 local private foundations to help public schools, the Scholar-Leadership Enrichment Program, The Oklahoma Arts Institute, state funding for special classes for gifted and talented students, a system of area vocational-technical schools and programs to provide scholarships for medical personnel in rural areas. We passed The National Security Education Act which will allow our college students to study overseas and gain the skills they need to compete internationally.

Together we have worked for Oklahoma's legitimate economic interests, to repeal the windfall profits tax, to stop the unfair BTU tax and to establish a new export enhancement program for agriculture to help our farmers compete against the unfair trade practices of other governments.

I look back with satisfaction on reforms we have helped to bring to state government, including stronger open meetings laws, conflict of interest laws and more disclosure of campaign contributions.

I also thank you for understanding that as a Senator, I should also work for the broader national interest. As Chairman of the Senate Intelligence Committee, I worked to make sure that our intelligence operations would be more effective and more accountable to the American people. I have worked hard for bipartisanship in foreign policy with Presidents of both parties.

Some people have expressed surprise that I would want to leave what they view as a position of power as a Senator to become a university president. But I believe that a decision about public service is not about power or notoriety. It is solely about where one can do the most good.

While I believe political involvement is of great value, after 28 years in public office, I believe that at this point in my life, I can render the greatest public service by committing myself to the education of the next generation.

While the national government has an important role to play, I believe that the revitalization of our country will come not from Washington, but from the grassroots. It will come from all of you who are active in your own communities. It will come from those who volunteer their time to help others. It will come from those who work to rebuild our great institutions like our schools and universities.

A recent survey by the Kettering Foundation reached two very interesting conclusions. First, it found a growing disillusionment with traditional political involvement as a way to make a difference. Second, it found a real determination on the part of our people to get involved where they thought they could make a difference—as community volunteers. A new book called "The Quickening of America" reaches the same conclusion. The authors discovered thousands of average Americans who have dramatically improved their workplaces, schools and communities through volunteer activity.

While all of us should be heartened by this new commitment to voluntary activity, we must continue to work to change the reasons for disillusionment with politics.

These studies and public opinion polls showing growing disillusionment with our political institutions, should serve as a wake up call to all those now in public office.

This year there will be a vote in Congress on my bill to limit campaign spending and to reduce the influence of special interests in elections. There will be an opportunity for Congress to accept the recommendation of a special reform committee which I helped to chair, to reduce unnecessary committees and bureaucracy in Congress to make Congress live under the laws which it passes as do all other Americans. It is high time these reforms are adopted. Sitting members of Congress are the trustees of our great constitutional institutions. These institutions are far more important than the political careers of any of us.

At the same time, at all levels of government, we must put aside partisan bickering and pull together as Americans. To be frank about it, there are too many people in Congress today who seem more concerned about scoring points for the Republican or Democratic parties than they are about what is

good for America. Political parties have a legitimate role but the national interest must come first. I hope that those who will serve us in Congress in the future will put America first.

While we continue the effort to reform our political system, all of us must begin the renewal of America where we live, with our families and our neighbors.

One thing is certain: if we get everything else right but fail to provide for the education and nurturing of the next generation we will lose everything. We will lose our place as a great nation and our strength as a society.

Last year in the ten largest cities in our country, over 80% of children born were to single parents, 15% were born to no parent families—into situations in which both parents had deserted the child before it was 2 weeks old.

We know all too well what happens to children with little family support and no role models. They drop out of school and often become criminal statistics. In our nation, the drop out rate exceeds 25%. In Japan it is only 1%. We can't waste the talent of one fourth of our people and lead the world. Wasted talent often leads to frustration and to crime. Last year the United States was number one in the world in the percentage of our population in prison.

We desperately need the largest volunteer effort in our history to mobilize our citizens to act as role models and mentors for young people who have no real family encouragement.

We must also vow that every level of education in this country must meet the highest possible standards from kindergarten to graduate school.

Molly and I look forward to the opportunity to continue to serve our state at the University of Oklahoma. I hope that I will have many years to give to it.

The University of Oklahoma and the other fine colleges and universities in our state, are critical to our future. I look forward to working with my colleagues who lead these other institutions to help strengthen our entire system of higher education in Oklahoma.

Sometimes, what is going on at the university campus, like the campus at Norman, seems far removed from us. In fact, every single Oklahoman has a stake in what is happening in higher education in our state. While a great university is not all that it takes to build a great state, it is certainly one of those building blocks that we cannot do without. Martin Luther was right when he said, "The prosperity of a country depends not on the abundance of its revenues or the strengths of its fortifications but in the number of its educated citizens." The University helps train our future leaders—political leaders, business leaders, education, religious and community leaders. Their vision and wisdom are greatly impacted by the quality of their university education.

Institutions like the University of Oklahoma create economic growth by carrying out research and by training our workforce. Above all, the University enriches our lives through stimulating lectures that keep us growing, through athletic events which excite us and through artistic experiences that feed us spiritually.

Sometimes I believe that our greatest failing as Oklahomans is that we don't have enough confidence in ourselves. Time and time again, outside observers remind us about the talent and energy of our people but we shrink from believing in ourselves.

The University of Oklahoma is a good example. We do not tell others often enough about its excellence. The University has one of the brightest student bodies in the country and ranks in the top ten of all universities in the United States in Merit Scholars enrolled. It has a committed faculty which includes many scholars of national and international stature. It has a dedicated alumni who have increased their contributions to the University by one third in the last 5 years. It has a growing presence in research with a 40% increase in research grants in the last 4 years. It has a nationally renowned health sciences center ranked in the top twenty by the U.S. News and World Report Survey. I could list scores of other achievements. In short, The University of Oklahoma is ready to become a pace-setter and a national model. It is time for us to believe in ourselves and go to work to accomplish this task.

Many outstanding men and women have come before us and built a strong foundation in our state. We owe much to them. Above all, we owe it to them to use that foundation to launch this state to real greatness—not only for ourselves but to help lead the rest of our country to achieve a true sense of community based upon real standards of excellence.

Let us determine that the "Quickening of America," the rebuilding of our national strength and spirit, will begin with us in Oklahoma.

That you and goodnight.

Mr. BOREN. I thank the Chair and I relinquish the floor.

TRIBUTE TO SENATOR DAVID BOREN

Mr. NICKLES. Mr. President, I rise to compliment my colleague from Oklahoma for the statement he has just made. I also compliment him for 16 outstanding years of service in the U.S. Senate. I congratulate him for his announcement that he will be retiring from the Senate at the conclusion of this year and assuming the presidency of the University of Oklahoma, and I do that with mixed emotions. I am delighted for the University of Oklahoma and for my State, because he will be a tremendous asset in that capacity. But I do it with mixed emotions, because I hate to see him leave the Senate. He has been a friend to this Senator, and we have worked together in a way that has been good for our State and certainly good for me. I have enjoyed our friendship and our relationship, and I have enjoyed working with him on behalf of our State and our country.

Senator BOREN has done an outstanding job as a servant to our country. He has worked on many issues in a bipartisan fashion, whether you are talking about foreign policy, energy, budget policy, or congressional reform. He has been a leader in many capacities. He not only served in the Senate for 16 years, he served in the State House of Representatives for 8 years. He served as our Governor for 4 years. He has established a bond and a trust with the people of Oklahoma.

Senator BOREN has shown that his true love is really education. This is a big step. It is a big step and a big move to leave the U.S. Senate and assume the presidency of the University of Oklahoma. DAVID BOREN has let it be known for a long time that he has had a real love for education. He has proven that in his Foundation For Excellence in Education, which has helped hundreds of people in the State of Oklahoma through scholarships and rewarding teachers for excellence. He did it when he was Governor of Oklahoma, and he is continuing it now with his next challenge of responsibility—that is, assuming the presidency of the University of Oklahoma.

So it is with real regret that I see him making the announcement today that he will be leaving the Senate later this year. But I wish to compliment him on his decision. I wish him well. He is a true friend of not only this Senator but of all Senators, and he will certainly be missed in the Halls of the U.S. Senate.

I yield the floor.

The PRESIDENT pro tempore. Under the order previously entered, the two Senators, Mr. LIEBERMAN and Mr. GRASSLEY, are recognized to speak for a total of 20 minutes. Do the Senators wish to be recognized jointly for those 20 minutes, or do they prefer to be recognized sequentially?

Mr. GRASSLEY. Mr. President, I would like to have you notify me so I do not take more than 10 minutes.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. GRASSLEY] will be recognized for not to exceed 10 minutes.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY, Mr. LIEBERMAN, and Mr. NICKLES pertaining to the introduction of S. 2071 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

HEALTH CARE REFORM

Mrs. BOXER. Mr. President, I rise today to share with my colleagues an experience that I had this morning that I wish each and every one of them could have shared.

Today, I joined with several Senators and the First Lady at a hearing to listen to the concerns of parents who care for chronically ill children. The children were there too, and they participated attentively.

Mr. President, there was not one person in that room who has a heart who was not moved beyond words at what they heard from these loving families.

Seeing these moms and dads in that room with children who have terrible disabilities, disabilities which require almost constant care, seeing the affection that these families have and then listening to them talk about the horror stories they are facing because of the current health care system left everyone in the room with the sense that we

must summon up every ounce of courage we have to pass health care reform now.

There was a little boy there from my State of California named Christopher Monkman, 7 years old. You know, it is hard to describe a 7-year-old as a fighter. But Christopher Monkman is a fighter. He has been through intensive care many times—a kidney transplant, diabetes, deafness, and chronic lung disease. Yet, when anyone came up to him, he would smile and put out his hand, Mr. President. He has suffered more than most of us could imagine going through in a lifetime—and he is 7 years old. He is fighting for survival and to be with those who love him. But let me tell you about his health insurance, because his health insurance is what is wrong with this country. It is a disgrace. When Christopher and his mother should be spending all their time trying to get Christopher better, they have learned that his maximum benefits will run out very soon, and at 7 years old, he will be uninsurable and uninsured.

Mr. President, the one message I want to leave here today on this subject is this: The only way that loving family can be certain to get health care for Christopher is if that child leaves his family and becomes a foster child. That is the only way they are certain he will be covered by insurance. It is either that, or the family becomes completely destitute.

Mr. President, we have heard many eloquent speeches on this floor, and we will hear more—and I hope we hear more. I just want to say to my friends and my colleagues today that if that story is not enough to get us to act now, to make sure that we reform health care so that insurance can never be taken away, so that there will be no limits, what is the point of insurance, Mr. President, if it is there when we are well, and it is gone when we are sick? It makes no sense.

So I wanted to share that story with my colleagues today.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from New York is recognized.

FCC PROCEDURE

Mr. D'AMATO. Madam President, on March 16, I came to this floor to express my objections to the troubling manner in which the Federal Communications Commission has treated one of my constituents, Infinity Broadcasting Corp. In my remarks, I took issue with the Commission for holding up an attempt by Infinity to purchase a Los Angeles radio station—at an enormous cost to Infinity—because the Commission did not like the content of one of Infinity's programs—The Howard Stern Show.

My point was not to debate the merits of the Howard Stern show, or any other. As I said on the floor, If you like him, you like him. If you do not, you do not. And if someone thinks that anything Howard Stern or anyone else says on the air is indecent, they can file a complaint. There are procedures for adjudicating those complaints. And—as I stated on March 16—if Howard Stern, or Infinity, or anybody else, breaks the law they should be punished.

What brought me to the floor on March 16 was my outrage at the manner in which the FCC overstepped its bounds by delaying Infinity's acquisition of a Los Angeles radio station by improperly linking the sale to what is required by law to be a separate procedure for adjudicating indecency complaints.

While I did not expect my remarks to go unanswered by the FCC, nothing could have prepared me for Commissioner Quello's inaccurate and offensive reply of April 29, 1994.

And nothing in that reply could have been more offensive to me personally than his attempt to suggest that my ethnic and religious heritage ought to disqualify me from taking a stand for the first amendment when I see it being violated in the actions of the Federal Communications Commission.

Let me read from page 1 of Commissioner Quello's letter.

He says:

> It would embarrass any responsible adult, let alone we Catholic Italian-Americans, to condone the egregious Stern broadcasts * * *

On page 2, he states:

> Please Senator, take time to read the more detailed excerpts of the indecency violations attached to this letter but please don't share them with your priest even in the confessional, and risk excommunication.

Madam President, the first amendment is the same for all Americans no matter what their religion or ethnic background. I am no less entitled to stand up for the protection that the first amendment represents as a Catholic Italian-American than is any other American of any other ethnic or religious heritage.

Unfortunately, Commissioner Quello seems to be trying to impose his own personal views on what is appropriate first amendment expression on all Americans.

Now he is using ethnicity and religion as the basis for his official actions. This is just plain wrong. Federal regulators wield tremendous power, especially in the case of licensing proceedings. Someone who comes before the FCC with a license application should be judged fairly and on their own merits. They should not have to fear that the ethnic background and religion of the decisionmaker will determine the outcome. This is not what our country is about.

Madam President, I point out in my reply and in my remarks seven specific examples of what I believe to be errors that Commissioner Quello's letter of April 29 contains, because it is filled with inaccuracies and distortions. The point is, Infinity is entitled to be treated fairly and without bias on the part of the bureaucrats. Commissioner Quello's letter of April 29 is filled with inaccuracies and distortions of the facts of this matter. Let me briefly discuss them:

First, Commissioner Quello states, once again, that Infinity has been repeatedly found to have violated the indecency standard. To date, Infinity has been the subject of a final decision by the FCC as to an indecency standard violation only once—resulting in a $6,000 fine for a single broadcast by Howard Stern in 1988.

Commissioner Quello's references to fines in excess of $1,506,000 for "repeated, egregious indecency violations" are false, statements picked up by the press over and over. He knows that the FCC itself has not finally acted on its notices to Infinity other than the one $6,000 proposed fine.

Second, when Commissioner Quello repeatedly uses the word "violations", referring to Infinity and several Howard Stern broadcasts, he also shows his willingness to serve as judge and jury and his ignorance of elemental principles of due process. Not only has he not been able as yet to get the rest of the Commission to agree with him, other than the one instance from the single 1988 broadcast, but he fails to mention that Infinity has never gotten its day in court. The one final citation issued by the FCC—the 1988 broadcast, resulting in the $6000 fine—is merely an administrative citation, like a traffic citation. Infinity, or any other broadcaster, has a right to have its day in court when it can defend itself like any other citizen. Yet under current law, a broadcaster cited by the FCC for indecency doesn't ever get its day in court until the U.S. Department of Justice decides to enforce the fine by filling a collection action in court. That is right, Infinity has never had its day in court, even regarding the one instance in which the FCC has issued a final decision.

Third, Commissioner Quello makes a highly misleading reference to the Act III decisions as supporting his views of the indecency standard. In fact, three unanimous decisions by the U.S. Court of Appeals for the District of Columbia struck down the indecency standard enforcement policy utilized against Infinity and supported by Commissioner Quello as unconstitutional and inconsistent with the first amendment. Let us be clear: The very enforcement policy Commissioner Quello embraces has been determined by the D.C. Court of Appeals to be unconstitutional by virtue of the first amendment. The full court of appeals en banc is now reviewing the last decision of the court of appeals in the Act III case.

Fourth, the most remarkable aspect of Commissioner Quello's diatribe is that he thinks the indecency standard is not what the Commission has clearly stated but what personally offends him. In other words, on the one hand Commissioner Quello wants broadcasters to comply with the law and not violate the indecency standard, but on the other hand, Commissioner Quello thinks he is free to ignore the indecency standard and enforce one which is based on his own personal tastes. Fortunately, we live in a country which is governed by the rule of law, not by the personal whims and tastes of a particular regulator.

Fifth, Commissioner Quello's reference to the delays concerning Infinity's acquisition of KRTH is also misleading. It was Commissioner Quello himself who called the New York Times just before New Year's 1993 to brag that his opposition to granting Infinity's application to purchase KRTH as a result of alleged indecency violations was the reason for the delay. This blatant admission of regulatory abuse by one Commissioner was subsequently criticized, in public to the press, by the two other Commissioners he was presuming to speak for—who made it clear that Commissioner Quello was off on his own and should not have presumed to speak for the Commission.

Sixth, speaking of the rule of law: Commissioner Quello should read the words of section 504(c) of the Communications Act, which forbids using nonfinal citations on alleged indecency violations to prejudice any other proceeding, such as an application to approve an acquisition. He knows that his words and actions constitute open defiance of this provision. But once again, Commissioner Quello seems unwilling to abide by, or not to care at all about his own disregard of, the law.

Seventh, the result is that Infinity is not receiving its right to due process by the FCC. There is no final court order in the indecency cases. Yet the FCC is using these cases as a basis for delaying Infinity's purchases of other stations. That is unfair. It is bad public policy. The FCC should comply with the law and proceed to process the applications for assignment, including the pending one concerning the acquisition of WPGC here in Washington.

I simply point out, if I might, that this is outrageous. I do not think that my religious or ethnic background—or what a priest may or may not say should have any bearing on my responsibility to uphold the first amendment as it relates to Howard Stern, Infinity Broadcasting Corp., or anyone else.

I do not think in this day and age a Commissioner should be exercising his judgment based on ethnicity or religion. I think the letter speaks for itself as to the outrageous conduct of the FCC.

I thank the Chair for being as gracious as she has been, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I thank the Chair for recognizing me.

BONUSES

Mr. PRYOR. Madam President, this morning I would like to take a moment to discuss some recent press reports about a figure of $32 million worth of bonuses paid to employees of the Social Security Administration. This has certainly drawn a lot of attention in our country. I know that my colleagues have, and I can state for myself, received many, many phone calls and now many, many letters about this issue.

On Saturday, the Washington Post reported that some 45,000 employees of the agency's 65,000 employees, roughly two-thirds of its work force, received some type of bonus in fiscal year 1993. One employee had only worked for SSA for 2½ months and received a bonus of $9,256.

Madam President, that makes people angry. It makes this Senator angry. It is not right.

The Social Security Administration may be just the tip of the iceberg, however, because I have looked into the use of bonuses in prior years, and in recent months at other agencies. And, as this chart that I am about to demonstrate shows, some agencies give even more bonuses than the Social Security Administration.

In fact, the most recent fiscal year figures that we have is fiscal year 1991. In 1991 fiscal year, the Department of Agriculture—here they are right down here, Madam President, USDA, the Department of Agriculture—only gave 18 percent of its employees a bonus. That is interesting, the Department of Agriculture giving only 18 percent of its employees a bonus, when you contrast and compare that with the Agency for International Development. The Agency for International Development in 1991 fiscal year gave 72 percent of their employees a bonus—72 percent for AID, 18 percent for USDA. The Veterans Administration gave 22 percent of its employees a bonus. The Army gave 28 percent of its employees a bonus. The Department of the Treasury—right here, Madam President—gave 32 percent, the Navy 34 percent, Commerce 50 percent. Half of all the employees in the Department of Commerce received a bonus in fiscal year 1991. The Air Force 54 percent, HHS 63 percent, and listen, Madam President, the Office of the Secretary of Defense, a whopping 63 percent of all of the people in DOD headquarters received a bonus.

Madam President, this was not a bonus given to the folks out there in the foxholes, or flying the F-16's, or on the battleships or aircraft carriers. These were the people in the Pentagon. These were the people in the highest echelon of the Department of Defense, 63 percent getting a bonus. And, of course, the all-time champion of bonus givers, the Agency for International Development.

Madam President, while I have no doubts there are good employees throughout this system, I think it is time for us to evaluate the problem that we are faced with. I think there is another good question to ask. Why is it that the Army only felt it could give out, or only had individuals there who—28 percent could get a bonus? The Navy gave 34 percent, but the Air Force—are their people so much better or the Navy so much worse and the Army so much worse that the Air Force would give actually 54 percent of its personnel a bonus?

I might say, I do not think these are military uniformed individuals. These are people who work behind the desks.

This issue, Madam President, I think is worth our attention, because our Government is spending today about $500 million on 695,559 bonuses for Federal employees. While the average award is about $700, the individual awards can be much higher.

Bonuses, and how they are used have often been criticized and questioned. I have been one who has questioned those bonuses. For example, the Washington Post article states that SSA, the Social Security Administration, was required by law to pay bonuses to mid-level managers.

Madam President, that is not the law today. That may have been true in the past, but that is not the law today. The program mandating the payment of bonuses, the Performance Management Recognition System, known as PMRS had for years been criticized by agencies and employees alike. I am very pleased that this so-called PMRS system was finally allowed to die. It expired at the end of 1993 fiscal year, Madam President, and no longer are any agencies of the Federal Government required under law to pay a bonus.

Just over a year ago, the Subcommittee on Federal Services that I chair discovered that political appointees were lavished with bonuses in the final days of the past administration. S. 1070 was a bill introduced by Senators LEVIN and STEVENS. It was bipartisan. It was approved by this body last year to permanently eliminate all bonuses to political appointees in the senior executive service and schedule C political appointees from June 1 of a Presidential year to January 20 following the election.

Madam President, this bill is directed at the apparent abuses of the bonus system uncovered during the last Presidential election. As a result of information uncovered by our sub-

committee and others on the Hill, OPM, the Office of Personnel Management, conducted a review of cash bonuses given to political appointees during the transition and found that the number of awards had risen from 49 in 1991 to 133 in 1992. OPM stated:

Current safeguards clearly were not adequate to prevent misuse of flexibilities in the awards program. The political leadership at several agencies used these flexibilities to grant awards to political appointees that create the appearance they were given as 'political favors' rather than for their intended purpose.

I hope the House takes up and passes S. 1070 this year.

Madam President, now that some of the problems with bonuses have been addressed, we have to work on the cause of this problem. I believe the problem starts with the managers of our agencies—managers who cannot or will not make tough decisions. Managers in some agencies seem to be giving out bonuses like candy, as a matter of routine, rather than as a reward for truly outstanding work. These managers need to be trained to use bonuses only as an incentive, not as a matter of routine.

I believe that all too often Federal employees do believe that bonuses are a matter of routine, rather than a reward for truly outstanding work. Two-thirds of the SSA's employees received bounses. Under current law, bonuses can only be paid to employees who are rated fully successful or above. Now, while I have no doubt that most SSA employees are hard working, I do not think that all managers are really evaluating and rating their employees.

Also, Madam President, one thing that has always concerned me about this so-called bonus system in the Federal Government is it must not—it must not—be dependent upon the buddy system. If it does, we will see that the attitude and the actual feeling by the Federal employees toward their bosses is going to take a dramatic change for the worse.

I have written the Vice President, calling on him to address these problems as he drafts civil service reform legislation to implement the National Performance Review recommendations.

Madam President, I hope to work with the administration as this administration drafts its civil service reform legislation to address this particular problem which is angering so many American taxpayers, as it justifiably should.

Madam President, I ask unanimous consent that the letter that I am sending to the Vice President on this subject be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 4, 1994.

The VICE PRESIDENT,
U.S. Senate, Washington, DC.

DEAR MR. VICE PRESIDENT: I am writing in regard to recent reports of bonuses being paid to two-thirds of the employees of the Social Security Administration (SSA). In Fiscal Year 1993, SSA paid $32 million to 45,644 of its 65,000 employees. While I recognize that Social Security's workforce has dropped from 84,000 to 64,000 since 1983 and its workload has grown substantially, I am concerned that the number of bonuses is excessive.

The National Performance Review (NPR) recommended that "agencies should be allowed to design their own performance management and reward systems, with the objective of improving the performance of individuals and organizations." I understand that you are working to craft civil service reform legislation to implement this and many other NPR recommendations. I would urge you to consider, as you draft this legislation, the need to improve the manner in which bonuses, or incentive awards, are used.

All too often, federal employees have been given reason to believe that bonuses are a matter of routine, rather than in return for truly exemplary performance. Section 4505a of Title 5, United States Code, states that employees who are rated fully successful or above may be paid a cash award. This is not an entitlement and should not be treated as one by either the manager or the employee. Managers must receive better training in how to review and evaluate their employees. Frequent criticisms of the bonus system have been that it works as a buddy system or that managers will pass the bonuses around to employees in turn. If the bonus system does not work well, it can actually serve as a disincentive for productivity improvements, as employees quickly learn that their job performance is not directly linked to bonus awards.

The NPR envisions a smaller workforce that is rewarded for individual or group performance. A respected performance evaluation and assessment system is essential to making that vision a reality. I look forward to working with you on this issue.

Sincerely,

DAVID PRYOR.

Mr. PRYOR. Madam President, I thank the Chair and I thank my good friend from Wisconsin for his understanding. I hope I did not consume too much of the time that I know he wants to use.

I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Madam President, I thank you for recognizing me and I thank my colleague from Arkansas, who is not only a fine Senator, but one of the finest people that I have ever met.

(The remarks of Mr. KOHL pertaining to the introduction of S. 2070 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KOHL. I thank the Chair, and 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. BRYAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

STATELY DEBATE

Mr. SIMON. Madam President, I ask unanimous consent to insert at the end of my comments, the article that appeared in the St. Louis Post-Dispatch, written by Jo Mannies, under the title "Stately Debate: Danforth and Eagleton Don't Act Like Politicians—Or Do They?"

The article tells about dialog between our colleague Senator JOHN DANFORTH and our former Senator Tom Eagleton.

And it is a good illustration of why Tom Eagleton is missed and why JACK DANFORTH will be missed.

I believe that JACK DANFORTH sums up our problems well when he is quoted as saying: "The real problem [is] the political penchant to tell the public what they want to hear, instead of what they need to know."

The article contains a great deal of wisdom and common sense.

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

[From the St. Louis Post-Dispatch]

STATELY DEBATE: DANFORTH AND EAGLETON DON'T ACT LIKE POLITICIANS—OR DO THEY?

(By Jo Mannies)

For about 90 minutes last week, it seemed like old times:

Missouri's "Dynamic Duo" in the U.S. Senate for much of the 1980s—Republican John C. Danforth and Democrat Thomas F. Eagleton—entertained a crowd by spiritedly sparring over an issue and poking holes in each other's arguments.

And just like the old days, the animated atmosphere spoke of friendship, not feuds. The jabs were jovial, not jugular.

Although neither gave any quarter, neither exacted a piece of the other's hide.

The display was, said many of those in attendance, an example of what political discourse should be—a debate without digs.

"In Missouri, we ought to be thankful to have had two of the giants," said Lawrence K. Roos, a Republican and former St. Louis County executive who sponsored the Wednesday night forum at Webster University that featured the two men.

Danforth, 57, is leaving the Senate this year after serving 18 years. Ten of those years were alongside Eagleton, 64, who retired in 1986 after 18 years. Although the two have had joint appearances in recent years, Wednesday's forum marked the first substantive public discussion between the two since Eagleton's retirement.

The topic was, fittingly enough, ethics in public service. Although they singled out different problems and disagreed on solutions, Eagleton and Danforth shared the view that political discourse and political campaigns have hit a new low.

Both blasted the popularity of the 30-second sound bite and gutter tactics. Both called for the public to demand—and for television to provide—more substantive discussion of the major issues.

Eagleton, who favors public financing of campaigns, lobbied for more limits on campaign spending. Danforth, who says more limits are unnecessary, argued that the real problem was the political penchant to tell the public what they want to hear, instead of what they need to know.

"Anybody in my line of work can talk about any subject for 2 or 3 minutes—and you'll hear nothing," said Danforth. "But keep them on the subject for one hour, and they'll begin to feel the heat."

Eagleton told of watching colleagues using the 10 phone booths in the Senate cloakroom to make fundraising calls between votes. "About two-thirds of a senator's time is spent fundraising during the last 2 years of a 6-year term," he said. "Doing it, planning it, thinking about it, going to it . . . Flying to it . . . Where am I going to find it? How are we going to get it?"

But, to many in Wednesday's crowd, what the two men said was almost overshadowed by how they said it.

Except when one was at the podium, they sat side by side on the stage, inches apart. Each listened intently as the other spoke. There were no interruptions, no rude remarks.

Their display of mutual respect, said several in the audience, demonstrated by example how politicians should behave, on and off the stump.

It came after years of practice.

During their 10 years together in the U.S. Senate, Eagleton and Danforth—despite their sharp philosophical and political differences—developed an unusual friendship that continues to this day.

While both were in office, their staffs worked closely on Missouri projects. Press releases frequently were issued jointly. the duo often held court together with groups of constituents who came to Washington to visit.

Since Eagleton's departure, the two continue to keep in touch. Besides occasional phone calls, they sometimes have lunch together when both are in St. Louis. Their wives remain close.

Says Danforth of Eagleton: "It's always fun to be with him."

Says Eagleton of Danforth: "The vibes are good."

It's common in Washington for politicians of different parties to be friends, particularly in the clubby 100-member Senate. Such odd couples include Democrat Ted Kennedy of Massachusetts and Republican Orrin Hatch of Utah.

But it's rare for close ties to form between a Democrat and a Republican hailing from the same state.

Why? Because each one has allies back home intent on knocking off the other. And as a U.S. senator, each one often is campaigning for opposing candidates running for other state offices.

So, often as not, partisan politics back home take a toll on relationships at the office.

"It's a little more ticklish," Eagleton conceded.

This year, for example, Danforth already is campaigning hard to get former Gov. John Ashcroft elected as his successor. Eagleton, meanwhile, is siding with U.S. Rep. Alan Wheat of Kansas City, one of several Democratic hopefuls who regularly bash Ashcroft.

And there's the given that Danforth and Eagleton hold different political views, particularly on national issues. (The two do, however, hold the same view on abortion; both are against it.) By GOP standards, Danforth may be a moderate, but he's much more conservative than Eagleton.

The two men also have very different styles. Danforth tends to be reserved and deliberate. Eagleton is usually gregarious and spontaneous. Danforth harbors a dry wit; Eagleton leans toward side-splitters.

But somehow, with humor and humanity, Danforth and Eagleton appear to have succeeded in keeping politics from becoming personal. And that, said Roos, is something that more politicians need to emulate.

During their time in the Senate, some observers theorized that Danforth and Eagleton got along because they knew they'd never be running against each other. They were often known for ganging up on House members of the Missouri delegation to get them to go along with whatever deal the two senators had worked out.

Eagleton says now that the two became allies, in part, out of necessity. For most of the time they were in the Senate together, said Eagleton, Democrats controlled the Senate, and Republicans controlled the White House. (There were a few years when the GOP had the Senate as well, giving Danforth all the cards.)

For Missouri to get its fair share, he said, the two had to work together. That partnership included trust, he said, when "both of us realized that one wouldn't take advantage of the other."

Danforth theorizes that the two men also shared a similar view of public life.

"Tom and I have both discovered the same secret of public service," Danforth said, in a parting shot during Wednesday's speech.

"Retire before you're indicted."

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Madam President, I hereby submit to the Senate the Budget Scorekeeping Report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through April 28, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $4.8 billion in budget authority and $1.1 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $311.7 billion, $1.1 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated April 26, 1994, there has been no action that affects the current level of budget authority, outlays, or revenues.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 2, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through April 28, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated April 25, 1994, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer, Director).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS APRIL 28, 1994

[In billions of dollars]

	Budget resolution (H. Con. Res. 64)[1]	Current level[2]	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,223.2	1,218.5	−4.8
Outlays	1,218.1	1,217.1	−1.1
Revenues:			
1994	905.3	905.4	0.1
1994–98	5,153.1	5,122.8	−30.3
Maximum Deficit Amount	312.8	311.7	−1.1
Debt Subject to Limit	4,731.9	4,471.3	−260.6
OFF-BUDGET			
Social Security Outlays:			
1994	274.8	274.8	([3])
1994–98	1,486.5	1,486.5	([3])
Social Security Revenues:			
1994	336.3	335.2	−1.1
1994–98	1,872.0	1,871.4	−0.6

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS APRIL 28, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	—	—	905,429
Permanents and other spending legislation[1]	721,182	694,713	—
Appropriation legislation	742,749	758,885	—
Offsetting receipts	(237,226)	(237,226)	—
Total previously enacted	1,226,705	1,216,372	905,429
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	(2,286)	(248)	—
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	—
Offsetting receipts	(38)	(38)	—
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	—

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS APRIL 28, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total enacted this session	(2,686)	(648)	—
PENDING SIGNATURE			
Extending Loan Ineligibility Exemption for Certain Colleges (S. 2004)	5	3	—
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted[2]	(5,562)	1,326	—
Total Current Level [3 4]	1,218,462	1,217,054	905,429
Total Budget Resolution	1,223,249	1,218,149	905,349
Amount remaining:			
Under Budget Resolution	4,787	1,095	—
Over Budget Resolution	—	—	80

[1] Includes budget committee estimate of $2.4 billion in outlay savings for ECC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66.

[3] In accordance with the Budget Enforcement Act, the total does not include $14,145 million in budget authority and $9,057 million in outlays in emergency funding.

[4] At the request of Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

Notes: Numbers in parentheses are negative. Detail may not add due to rounding.

NOTICE

Financial disclosure reports required by the Ethics in Government Act of 1978, as amended, and Senate rule 34 must be filed no later than the close of business on Monday, May 16, 1994. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. to accept these filings, and will provide automatic written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Tuesday, June 14. Advance requests for copies of full sets of 100 Senators' reports are now being accepted by the Public Records Office. Any questions regarding the availability of reports or their purchase should be directed to that Office—224–0322. Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics—224–2981.

SMALL BUSINESS WEEK 1994

Mr. PRESSLER. Madam President, today I ask my colleagues to join me in saluting those whose contributions too often are taken for granted—our Nation's small business men and women. The local market, gas station, pharmacy, and cafe are everyday fixtures, but they form the cornerstones of a community. These small businesses make the difference. They create jobs, provide necessary services and knit people together. Without this entrepreneurial spirit, many of our towns and small cities would cease to exist. This week has been designated National Small Business Week. It is fitting that we recognize the quiet perseverance of our Nation's small businesses.

Small businesses form the base of our economy. Their job creation brought us through the recent recession. Between 1980 and 1990, small firms in our country created two out of every three jobs. Our 21.3 million small businesses collectively are the world's third largest economic power, ranking only behind the U.S. economy as a whole and Japan. Quite simply, these entrepreneurs are the key to our economic strength. In my home State of South Dakota for example, 99 percent of businesses are small businesses and they employ over 90 percent of the work force. These small businesses are run by men and women of every race and social class. In fact, by the year 2000, women will own half of all small firms. The number of minority-owned firms is growing rapidly as well.

Statistics such as these tell an incredible story of vitality and success. However, I am troubled by the tendency here in Washington to try and steal this success. The Federal Government repeatedly treats small businesses as if they are some kind of a money tree, an unlimited source of funding for an endless list of Federal programs. We saddle these job creators with tax increases and ream upon ream of regulations, which further increase their costs. While under this constant pressure, it is amazing our small businesses are able to remain competitive at home and abroad. If this trend continues, that may not remain the case. As ranking member of the Senate Small Business Committee, I fight daily to break this senseless cycle.

A prime example of taking advantage of small business is the Clinton health care plan. The plan's employer mandate would force businesses to pay for 80 percent of their employees' health care. We need to improve access to health care in this country. We need to control costs. But President Clinton's plan would put 60 percent of the cost on the small business community. The job loss estimates from this employer mandate run from 600,000 to 3.1 million. We all want to create jobs. However, I warn my colleagues that it cannot be done by beating down our Nation's premier job creators.

Despite all the barriers Washington erects, small businesses continue to persevere. I would like to share some special success stories from South Dakota. Gordon Thomsen of Trail King Industries, Inc., in Mitchell, SD, has been named National Small Business Exporter of the Year. I congratulate Gordon and Trail King for this very special and well-deserved honor.

Trail King is a true success story. The company began 18 years ago in the back of Gordon's home with only four employees. With dogged persistence and a willingness to embrace change in the global economy, the once tiny company has become the largest specialized trailer manufacturer in the Nation. Trail King now employs 400 people and trailers bearing their name can be found all around the world. A nearly completed joint venture with an equipment manufacturer in Mexico is a sign of their future success in new markets. Indeed, many Trail King employees in Mitchell are learning Spanish. Through his work on numerous trade missions, the District Export Council and the South Dakota Export Council, Gordon lives his motto, "The world is your marketplace."

I also would like to commend and congratulate another exporting company, AaLadin Industries of Elk Point, SD. Founders Patrick Wingen, president, and William Busker, senior vice president, have been named the South Dakota Small Business Persons of the Year. Overcoming great obstacles to find credit, they built the company from scratch in 1981. AaLadin now is the fourth largest manufacturer of high pressure cleaning systems in the country. They employ 80 people and have annual sales of more than $11.5 million.

Other South Dakota entrepreneurs deserving recognition are: Aelred Kurtenbach of Daktronics, Inc., South Dakota Entrepreneurial Success of the Year; Elsie Meeks of the Lakota Fund, South Dakota Minority Small Business Advocate of the Year; Audrey Elfering of Alternative Resources, South Dakota Women in Business Advocate of the Year; Lois Besmer of Norwest Bank, South Dakota Financial Services Advocate of the Year; Matthew Swalley of Business Page South Dakota, South Dakota Media Advocate of the Year; and Valerie Simpson of Ketel, Thorstenson & Co., South Dakota and Regional Veteran Small Business Advocate of the Year. I congratulate each and every one of them. These individuals and entrepreneurs provide shining examples of innovation and leadership.

Madam President, we have set aside this week to honor these individuals and entrepreneurs just like them across the country. However, if we truly wish to honor them, let us follow this week of celebration with serious and meaningful actions. By scaling back taxes and Government regulation, we can ensure a successful and vibrant small business community. This, in turn, means the creation of jobs, continuity in our towns and cities, large and small, and prosperity throughout our economy.

I again would like to congratulate the many small businesses who make such an important difference in our communities and daily lives. I salute them.

SOUTH AFRICAN ELECTIONS

Mr. DECONCINI. Madam President, I want to congratulate the people of South Africa for the strength and vision which allowed them to successfully carry out their first all-race elections. The acceptance of victory by Nelson Mandela, imprisoned for more than 20 years for attempts to achieve basic rights for black South Africans, was an historical culmination of decades of struggle against the reprehensible system of apartheid. The image of elderly black South Africans holding election ballots for the first time was a reminder of the immeasurable suffering which they have endured and the basic human rights and dignity which this election has restored to them.

Nelson Mandela has shown incredible leadership and grace in the negotiations that led to Black majority rule. Former President F.W. de Klerk is also to be congratulated for the risks he took to end a shameful system of political and economic exploitation. While I was in South Africa in 1991, I had the opportunity to thank and praise Mr. de Klerk for the initial steps he took to remove the underpinnings of apartheid. Zulu Chief Mangosuthu Buthelezi deserves praise for ending the Inkatha Freedom Party's boycott of the election. I also met with him in 1991. While Inkatha's longstanding rivalry with the ANC has a long trail of violence, Mr. Buthelezi's last minute decision to participate fully in the political process was one which was truly for the good of his country.

While the elections have changed the course of South African history, the challenges that face the new government as they prepare a new constitution are enormous. Mr. Mandela will have to share power not only with the party which invented and enforced apartheid but also the Inkatha party with which the ANC has had a historic rivalry.

Mr. Mandela has promised to fashion a true coalition government in order to escape the violence that has befallen many of South Africa's neighbors and claimed the lives of more than 13,000 South Africans since 1990. Honoring this pledge is crucial to successful governing in the new South Africa. The rights of all minorities must be respected—including those who failed to receive sufficient votes to be represented in the interim government. Furthermore, the new government must address the country's economic problems which are the result of apartheid laws which left the economy in ruins. Mr. de Klerk has promised his cooperation during the transition period and he must honor that pledge. I believe he will. And Mr. Buthelezi must continue to be part of the process rather than part of the problem. All three leaders must work together constructively if there is to be a peaceful transition to representative democracy, and the other smaller parties must be a part of this new government.

Congress struggled deeply over how best to aid the victims of apartheid and to dismantle this reprehensible system. In the end, we took what I believe was the right course by enacting sanctions against the South African Government in 1986 over former President Reagan's veto. I supported the strongest sanctions put forth during that debate. The sanctions proved effective in convincing the leaders of South Africa that the government could not continue to operate in the way it was operating.

The sanctions proved effective beyond a doubt, in my judgment, in convincing the leaders of South Africa at that time that a government which imprisoned peacemakers, banned journalists and cameras, and denied basic human rights to a majority of its citizens, would not benefit from the economic might of the United States.

The sanctions, together with disinvestment by companies from South Africa, contributed to an economic decline in that country which pressured the government to negotiate with leaders of the antiapartheid opposition. According to a South African bankers' report, the country lost between $32 billion and $40 billion because of the sanctions. Mr. Mandela said that the sanctions, "* * *brought us to the point where the transition to democracy has now been enshrined in the law of our country." I have no doubt that the economic effects of the sanctions, including the loss of capital and technology, along with their psychological effect, accelerated the demise of apartheid.

President Reagan's veto and the concern of many in that administration and some in Congress that sanctions would undermine an ally were far out of line with the opinion of most Americans. A quote of Mark Twain which I stated in 1986 in reference to South Africa is equally true today: "Loyalty to a petrified opinion never yet broke a chain or freed a human soul." The people of South Africa deserve our strongest respect for enabling this truly momentous day to arrive in which they are finally proclaiming, "free at last."

FREDERICK L. RIEDEL RETIREMENT

Ms. MIKULSKI. Madam President, I rise today to recognize Frederick L. Riedel of Towson, MD for his 43 years of service to the Baltimore City Fire Department. Mr. Riedel retired on March 12 as the second most senior member of his department.

Mr. Riedel's dedication to fighting fires is unsurpassed. During his 43 years of service, he was never called for disciplinary action, nor did he ever once report to work late. This impeccable record reflects Mr. Riedel's rare level of commitment to his work and his community. Mr. Riedel's dedication to a job which can be difficult and dangerous is truly admirable. His accomplishments and career are worthy of the highest praise and serve as an example for us all.

Madam President, I salute Frederick Riedel's contributions to my home city of Baltimore and the State of Maryland. Through his consistent hard work, he has made a real difference in the lives of many residents in the Baltimore area. His dedicated service represents what is best in Maryland and our country.

REBECCA SHEPPARD GIRL SCOUT GOLD AWARD

Ms. MIKULSKI. Madam President, I rise today to congratulate Rebecca Sheppard of Walkersville, MD who has been selected for the Girl Scouts of the United States of America Gold Award. This is the highest achievement award in Girl Scouting and symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development.

Serving over 2.6 million girls, the Girl Scouts of the United States has awarded more than 20,000 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, design and implement a Girl Scout Gold Award project, earn the Senior Girl Scout Leadership Award and earn the Senior Girl Scout Challenge. 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 adult Girl Scout volunteer.

For her Girl Scout Gold Award project, Rebecca refurbished the doll house at Rose Hill Manor's Children Museum in Frederick, MD.

Madam President, I salute Rebecca Sheppard's hard work and dedication. The character, perseverance, and leadership that enabled Rebecca to reach this goal will serve her well in the future and are an inspiration for others striving for success in their own lives.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,569,523,962,905.25 as of the close of business yesterday, Tuesday, May 3. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,527.16.

THE FEDERAL COURT ORDER TO BLOCK IMPLEMENTATION OF THE CENTRAL VALLEY PROJECT IMPROVEMENT ACT OF 1992

Mr. BRADLEY. Madam President, on Thursday, April 28, 1994, a Federal district court judge in California enjoined implementation of the Central Valley Project Improvement Act pending completion of an environmental impact statement. I am quite concerned that this ruling is going to hurt virtually every water user in California.

Congress passed the CVPIA to do two basic things: To restore some certainty to California's water supply, and to deliver some very basic protection to endangered fish and waterfowl. Under the act, for the first time, CVP farmers enjoy assured contract renewals, urban interests gain access to CVP water through voluntary water transfers, and fish and wildlife resources garner a minority share in available CVP supplies.

Congress gave the Secretary of the Interior very specific directions on what to do, how to fund those actions, and precisely what kind of environmental impact reviews would be required. The whole point of the bill was to get things moving right away, not sometime down the road once a study was finished.

Congress struck a careful and reasoned balance in the CVPIA among the competing needs of agricultural water contractors, urban residents, and fish and wildlife resources in California. With Thursday's decision, this carefully crafted balance has been replaced by chaos. Some 65 pending contract renewals are now at risk. Urban users are barred from negotiating voluntary water transfer agreements. Environmental resources are denied their hard-won water supplies. Restoration funding will all but disappear.

I deeply regret that big Central Valley agribusiness, led by the Westlands Water District, chose to bring this litigation and that the court sided with their claims. Westlands, in particular, has consistently fought even the most modest efforts to help California's environment and to bring some sense of fairness to the State's water system.

Contaminated irrigation wastewater from Westlands caused severe environmental and wildlife damage at Kesterson National Wildlife Refuge. The resulting deaths of a multitude of waterfowl are takings under the Migratory Bird Treaty Act. And yet Westlands continues to resist taking financial responsibility for the cleanup of Kesterson—estimated at $49.2 million—or contributing to the studies mandated by the Department of the Interior to document drainage contamination problems in the San Joaquin Valley and throughout the West.

Although one of the last to become CVP water contractors, Westland's water use has resulted in increasing diversions from the Delta that have contributed to the listing of two stocks of fish under the Endangered Species Act.

Westlands farmers continue to illegally irrigate more than 47,000 acres of land outside the State permitted place of use with more than 120,000 acre-feet of CVP water.

Westlands farmers pump 60,000 to 70,000 acre-feet of groundwater each year next to—out of—the Mendota Pool, dump it back into the pool, and get delivery credits from the Bureau of Reclamation. The credits allow Westlands to draw from the pool a second time, a double dip.

GAO found that Westlands Water District farmers had exploited a loophole in the Reclamation Reform Act of 1982 by reorganizing its large farms operations—not otherwise entitled to federally subsidized water—into smaller, eligible components. Even though the smaller components continued to operate collectively as one large farm, the entire acreage was then eligible for cheap CVP water.

Much of the water Westlands gets at low cost goes to grow crops that are subsidized or are in chronic oversupply, such as cotton.

Madam President, I ask unanimous consent to submit for the RECORD an editorial from the May 2, 1994, edition of the San Francisco Chronicle which portrays this ruling as "the triumph of selfish cynicism over reform."

I sincerely, hope that, on review, this decision will be overturned. However, should an appellate court support the district court's decision to reward a few self-serving water barons, I will do whatever it takes to meet the needs of all Californians.

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

[From the San Francisco Chronicle, May 2, 1994]

WATER LAW RULING SETS BACK REFORMS

What took Republicans and Democrats and most of the diverse interests of California years of hard negotiation and compromise to create has been threatened by the single stroke of a pen in the hands of U.S. District Judge Oliver Wanger of Fresno. His injunction last week against implementation of the 1992 Central Valley Improvement Act represents a triumph of selfish cynicism over democratic reform.

As a direct result of the overbroad court ruling on behalf of Central Valley agricultural interests, led by the powerful Westlands Water District, nearly all of the critically important reforms achieved by the landmarks water reform law will be delayed indefinitely.

Not only will fish and wildlife restoration efforts be imperiled, but the ability of urban water districts to acquire needed water transfers from willing sellers in the valley may be stymied at a time when severe drought conditions have returned to California. In effect, the water future of California has been thrown into dangerous turmoil just when the need for direction and predictability is greatest.

Who does all this disruption serve? It is not at all clear that it will benefit even the heavily subsidized agricultural irrigators of Westlands, who cynically used provisions of environmental law to undermine environmental goals. If the extremely broad injunction ordered by Judge Wanger—which reaches well beyond what was sought by Westlands—is strictly observed by resource officials, it could create havoc in the valley itself, where 65 short-term, interim water contracts are due to be awarded this year. If those contracts are delayed, water districts could find themselves without water next year—which is why many valley farmers have broken ranks with the intransigent spoilers of the Westland Water District.

Westlands' opposition to the 1992 reforms is easy to understand. As Representative George Miller, D-Martinez, the principal author of the reforms, observed: "That's business as usual for them; they have tried to frustrate every effort at ending their excessive use of water and their multimillion-dollar taxpayer subsidies."

What is harder to understand is the judge's failure to observe the clear congressional intent behind the water reform law, which aimed at immediate implementation of fish and wildlife restoration and mitigation measures, while delaying other aspects of the reforms until an environmental impact report is completed in 1995.

In all likelihood, last week's ruling will be overturned on appeal. In the meantime, though, environmental interests will suffer, urban districts may bear unfair hardships, and negotiations toward permanent water quality standards for the San Francisco Bay and delta may be disrupted. Under no circumstances should the anti-environmental cynics who have cloaked themselves in environmental law be allowed to benefit.

CONGRESSIONAL ACCOUNTABILITY ACT

Mr. KOHL. Madam President, I rise today as an original cosponsor of the Congressional Accountability Act. Since at least the passage of the 1964 Civil Rights Act, there has been an insidious and growing perception among the American people that Congress considers itself above the law, that we enact legislation which applies to everyone but ourselves. Some have joked that if it could, Congress would exempt itself from the law of gravity. This trend—unless it is arrested and ultimately reversed—is destructive of the bedrock notion that ours is a system of government of the people, by the people, and for the people.

I recognize that there are legitimate Constitutional and policy concerns

which must be considered in addressing the overall issue of placing Congress under laws which apply to the private sector and/or the executive branch. I am satisfied that the Congressional Accountability Act maintains our system of separation of powers and checks and balances while bringing Congress under the provisions of the civil rights laws, labor legislation, and laws providing rights of access to certain information that are specified in the Act.

This is clearly an act whose time has come. Its enactment will go a long way toward rebuilding the bonds of trust between the people and their government. I urge my colleagues to support the Congressional Accountability Act.

PSYCHO-FACTS ABOUT ENVIRONMENTAL RISK

Mr. JOHNSTON. Madam President, I ask unanimous consent that the attached article from the opinion page of this morning's Washington Post be included in the RECORD following these remarks. It is entitled "The Triumph of the Psycho-Fact," by Robert J. Samuelson.

I strongly recommend that my colleagues take the time to read this piece because it directly relates to the risk assessment and cost-benefit amendment that I plan to offer when the Safe Drinking Water bill reaches the floor. Mr. Samuelson tells of how we are hounded about psycho-facts that create fears about rising crime, increasing health hazards, falling living standards, and a worsening environment, that are not supported by hard evidence.

As many of you know, one of the purposes of my amendment is to get the facts out about the environmental risks that we face, and to put those risks in perspective. And that means comparing the risks that EPA regulates to other risks that we face in our daily lives. Mr. Samuelson speaks eloquently to that same point, and includes a table showing the likelihood of dying from a variety of risks. I am confident that my colleagues will find his piece informative.

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

We live in a world of real dangers and imagined fears. The dangers are often low and falling, while the fears are high and rising. We are hounded by what I call "psycho-facts": beliefs that, though not supported by hard evidence, are taken as real because their constant repetition changes the way we experience life. We feel assaulted by rising crime, increasing health hazards, falling living standards and a worsening environment. These are all psycho-facts. The underlying conditions aren't true, but we feel they are and, therefore, they become so.

Journalists—trafficking in the sensational and the simplistic—are heavily implicated in the explosion of psycho-facts. But so are politicians, policy advocates and promoters of various causes and lifestyles. Rarely does any of us deliberately lie. However, we do peddle incomplete or selective information that inspires misleading exaggerations or unwarranted inferences. People begin to feel that something's wrong, and this new sensation becomes an irrefutable fact or (worse) the basis for a misguided policy.

Crime? Yes, there's long been too much of it. But the best surveys do not show that it's dramatically worsened. Indeed, some victimization rates have dropped. The household-burglary rate declined by 42 percent between 1973 and 1991. The number of annual murders has fluctuated between 20,000 and 26,000 since 1980; the major increase occurred in the 1960s, when the number doubled. A Gallup poll reports that 86 percent of the respondents haven't been victims of violent crime. By contrast, our consciousness of crime—fanned by local TV news—has risen.

"Are We Scaring Ourselves to Death?" asks ABC correspondent John Stossel on a recent network special exploring these issues. The answer is yes. But psycho-facts are seductive precisely because they are often plausible. We've been told for years, for example, that our living standards are dropping, and this became a big Clinton theme in 1992. It isn't really so. Over any extended period, our living standards have risen. In the past 25 years, median family income is up by about one-fifth. But the rise is much slower than we expected and so slow that it's often imperceptible or nonexistent in any one year. We don't feel it.

Health, safety and environmental hazards inspire similar misconceptions. Suppose an experiment shows that substance X causes cancer—at some dosage in some animal. We're soon worried that everything we eat or breathe is giving us cancer or heart disease. We feel that identifiable risks should be avoidable risks. We act as if there's a constitutional right to immortality and that anything that raises risk should be outlawed. Our goal is a risk-free society, and this fosters many outsize fears.

Lots of theoretical dangers (like asbestos or plane crashes) aren't large practical dangers. The easiest way to grasp this is to glance at the adjoining table. It compares relative risks of dying. What's worth remembering is that roughly 2.2 million Americans die every year. With about 260 million Americans, this means that in a crude arithmetic sense the average risk of dying is about 1 in 118 (2.2 million goes into 260 million 118 times). Now obviously, the old die in much greater numbers than the young. Still, the general risk of dying from natural causes or unavoidable accidents is much greater than the specific dangers of many hazardous substances or jobs. (The table shows both.)

Alarmists will point out that all the specific risks of dying create the overall risk of dying. True. But no matter how much we reduce any specific risk, we'll still die from something, and many specific risks aren't very threatening. In the ABC program, Stossel tweaks Ralph Nader for seeing danger almost everywhere: hot dogs have too much fat; airplanes aren't adequately maintained; coffee has caffeine; rugs collect dust and cause indoor pollution. "Life is preparedness—the old Boy Scout motto, be prepared," Nader says. The trouble is that if you spend all your life preparing, you may miss out on living.

Of course, we should take sensible personal precautions and enact prudent safety and environmental regulations. But they should be sensible and prudent. We should not overreact to every ghoulish incident or conceivable danger. The abduction and murder of Polly Klaas late last year was horrifying, but so was the kidnapping of the Lindbergh child in 1932. Cloistering children in generally safe neighborhoods is not a sensible reaction. The old, too, often senselessly barricade themselves indoors against imagined crime. We "give up some freedom," as Stossel says.

Likewise, misguided regulations based on exaggerated risk can waste lots of money. The asbestos panic was a costly mistake, as federal Judge Stephen Breyer shows in a new book, "Breaking the Vicious Circle: Toward Effective Risk Regulation." Leaving asbestos in buildings poses almost no hazard; removing it increases the danger by putting asbestos particles into the air. Breyer cites a toxic-waste case in which the company objected to the final cleanup. The site was already so clean that children could eat some dirt 70 days a year without significant harm. Why do more? "There were no dirt-eating children playing in the area," he writes, "for it was a swamp."

The standard retort is: A rich country like ours can afford absolute safety. No we can't. Regulatory costs raise prices or taxes. Our incomes are lower than they might be. That's okay if we receive lots of benefits—much cleaner air or healthier food. But it's not okay if the benefits are trivial or nonexistent.

Good judgment requires good information. Every imagined danger or adverse social trend is not as ghastly as it seems. Consciousness-raising be truth-lowering. We fall prey to our fears and fantasies. We create synthetic truths from a blend of genuine evidence, popular prejudice and mass anxiety. Psycho-facts are not real facts. We should try to tell the difference.

THE ODDS OF DYING

Every year, nearly 1 in 100 of us dies. The dangers from high-profile risks such as asbestos and plane crashes are relatively small.

For everyone—1 in 118.
For those 35 to 44 years old—1 in 437.
For police on the job—1 in 4,500.
For women giving birth—1 in 9,100.
From airplane crashes—1 in 167,000.
From lightning—1 in 2 million.
From asbestos in schools—1 in 11 million.

A CRITIQUE OF U.S. FOREIGN POLICY UNDER PRESIDENT CLINTON

Mr. D'AMATO. Madam President, I rise today to discuss a topic of growing frustration to myself and many other Americans: the President's handling of this Nation's foreign affairs. Increasingly, the President's lack of attention, lack of interest, and lack of fortitude in foreign affairs and national security concerns is hurting this Nation's prestige overseas and this will, in turn, come back to hurt us in the future.

There has been a spate of articles detailing the President's inactivity in the foreign policy field. The outgoing American Ambassador to the United Kingdom, Raymond Seitz, was quoted in the May 9, 1994 edition of U.S. News & World Report, as saying that:

There's no confidence in Europe that the administration, or the United States, has adapted to the big changes in the world, identified what is important and what is not important and what the priorities are * * *.

Joe Klein, in Newsweek's May 9, 1994 edition, also commented on the President's handling of foreign affairs. Klein, wrote:

A president's every word, the nuances of each position he takes, must be carefully considered. There is no room for carelessness—or promiscuity; positions can't be casually struck as negotiating ploys and then indiscriminately abandoned.

These statements are instructive, for they are symbolic of the President's problem with foreign affairs: he seems to think that foreign policy by trial balloon will work—as he does with domestic policy by trial balloon. This idea is simply wrong. When an administration official makes a statement or doesn't make one, misses a meeting, or comes late, someone gets offended and we have a problem. When a President breaks his promise, the problem becomes infinitely bigger. Foreign policy is not a practice in which promises can be made and then broken. Foreign policy is also a practice which requires attention, not wholesale abandonment. While there certainly are domestic concerns, there are also foreign ones that require the President's constant, not casual attention.

Thus far, the President, has, in Ambassador Seitz's word, lost the confidence of the world. This situation reflects badly upon us not only because of its existence, but through lack of attention, we can miss some event that can start off small, but snowball into a crisis.

Beyond lack of attention to foreign affairs, the President seems all too willing to appease rogue nations only feeding their appetite. He offered economic aid to North Korea in order to convince it to allow nuclear inspections. This is ludicrous. He also offered to cancel military exercises to influence it. This too is wrong. The only thing this brutal communist dictatorship understands is a firm stance, backed up with the willingness to enforce its word. Bosnia is another clear example of waffling and appeasing to avoid the problem.

Moreover, the President thinks that multilateralism is the wave of the future. In reality, he is foregoing American leadership in favor of the United Nations, which has never really proven itself in collective action. Somalia is a proven example of this case. In Bosnia, the President claimed to have not even have been informed that American jets were being used to bomb Serb positions. Where is Presidential leadership? He has allowed American forces to be commanded by foreign entities and commanders, without any input by our own commanders. This is embarrassing and exceedingly dangerous.

Clearly the situation cannot proceed as it has. If it does, the world will continue to mistrust us and we will be left to face a crisis, perhaps without friends. Worse yet, a crisis can evolve that will overwhelm us simply because we did not pay the proper attention to the problem in its infancy.

Madam President, I ask unanimous consent that the following chronology of significant foreign policy events of the Clinton administration, be included in the RECORD following the conclusion of my remarks.

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

CLINTON FOREIGN POLICY: CHRONOLOGY OF SIGNIFICANT EVENTS FROM JANUARY 1993 TO MARCH 1994

1993

January 14, 1993

Haitian Policy.—President-elect Clinton reverses his present campaign position, announcing he will continue the Bush Administration policy of interdicting and returning Haitians found on the high sea. Clinton is consulted before the Jan. 15 placement of Coast Guard ships around Haiti to prevent a massive migration from there. March: Clinton names Lawrence Pezzullo special adviser on Haiti, meets with President Aristide. June: Clinton increases sanctions against Haiti. July: Aristide and Cedras sign Governors Island accord to restore Aristide to office. October: Haitians block landing of U.S. ship with U.N. military training mission aboard, Clinton reimposes sanctions, stations ships around Haiti to enforce U.N. embargo. March 1994: Clinton Administration proposes new plan to restore Aristide to office, which critics charge does not put enough pressure on the military regime to relinquish power.

To this date, the Administration has made no progress on returning Aristide to power. The Administration has even conceded that Aristide might not be able to return to power. Yet, under pressure, the Administration has taken to issuing threats of military action to return Aristide to power. It has also suggested that U.S. "trainers" would be sent to Haiti. Who will they train?

February 26, 1993

World Trade Center Bombing.—A huge bomb was detonated in a garage of the World Trade Center in New York City, killing 6 people and injuring more than a thousand others. A group of Muslim extremists living in the New York City area were arrested several days later and charged with the crime, raising questions about possible complicity in the plot by terrorist countries in the Middle East. Sudan was named as a prime suspect. President Clinton in his weekly radio address on 2-28, said that he had called New York Governor, Mario Cuomo and New York City Mayor, David Dinkins, and promised "full support of federal law enforcement resources to investigate the blast." Subsequent Congressional hearings criticized the State Department's procedures for screening visa applicants in overseas missions.

On April 14, 1994, INS announces that it will no longer require fingerprint checks on immigrants. Under public and Congressional pressure, on April 19, 1994, INS rescinds this policy.

March 12, 1993

North Korea "Suspends" Withdrawal From NPT.—North Korea announced that it would withdraw from the Nuclear Non-Proliferation Treaty (NPT) after the International Atomic Energy Commission (IAEA) demanded a "special inspection" of hidden nuclear facilities. North Korea "suspended" its withdrawal after the Clinton Administration decided to negotiate bilaterally with North Korea—the first negotiation occurring in June 1993. However, North Korea refused to allow any IAEA inspection until March 1994. That inspection was aborted when North Korean officials barred inspectors from carrying out key functions that North Korea had agreed to in a note to the IAEA on February 15, 1994. The U.N. Security Council has taken up the issue. The Council has passed an initial resolution and will consider sanctions against North Korea, probably in May 1994, if Pyongyang does not allow the IAEA to complete the March inspection. China's position on sanctions may be the key of future Security Council decisions.

U.S. negotiations offered cancellation of joint U.S.-South Korean military exercises, and offered economic aid in an effort to persuade the North Koreans to allow inspections. The Administration was even willing to accept limited inspections, appearing to be appeasing Kim Il-Sung.

March 27, 1993

Export Administration Act Extension.—The President signed a bill extending the act unchanged until June 1994. The authorities in the act had been kept in force by executive order since the fall of 1990 following a pocket veto of the bill extension in November 1990, and the failure of Congress to agree upon an acceptable replacement in 1991 and 1992. The 15 month extension was intended to allow some sort of consensus to be reached on the terms of export controls in an era characterized by the end of the Cold War and increased concern over proliferation.

The core of the U.S. proposal for a successor regime to CoCom is that supplier nations agree on a list of military critical products and technologies that would be denied to a handful of rogue regimes. Many of our allies opposed this principle and instead proposed that such controls be left to "national discretion", effectively replacing multilateral export controls with a loose collection of unilateral export control policies. This approach would obviously be adverse for the United States security and economic interests. CoCom went out of existence on April 1, 1994. To this date, there is a no successor regime. With CoCom gone and no comprehensive multilateral controls in place, Iran, Iraq, North Korea, Libya and other rogue regimes will be able to accumulate the technology to build weapons of mass destruction with increased speed and greater quality.

April 27, 1993

Plot to Assassinate Former President Bush.—Kuwaiti authorities arrested a group of Iraqis who had intended to assassinate former President Bush during an official visit to Kuwaiti April 14-16. The President was accompanied by his wife and former members of his cabinet. After a lengthy investigation and conviction of the conspirators by the government of Kuwait, President Clinton, on June 27, ordered a missile attack on Iraqi intelligence headquarters in Baghdad in retaliation for the plot. Ambassador Albright presented evidence of the plot at the United Nations.

This nighttime attack resulted in the destruction of the Iraqi intelligence agency's building, but by no means could be seen as retaliatory for it only put the agency's assets out of service. This was a hollow gesture.

April 1993–May 1993

Bosnia-Hercegovina.—The Clinton Administration came out in favor of lifting the arms embargo against the Bosnian govern-

ment and threatening air strikes against the Bosnian Serbs. Secretary Christopher travelled to Europe to consult with European allies and Russian leaders on the U.S. proposals, but met with resistance from European countries. On May 22, the United States, Russia, France, the United Kingdom, and Spain agreed on a "joint action program from Bosnia." The United States also pledged to contribute some U.S. forces to the U.N. peacekeeping operations in Macedonia.

While claiming that it favored lifting the arms embargo, the Administration's lack of foreign policy credibility and its waffling on the issue, has created a situation whereby the Europeans will not go along with our diplomacy.

May 28, 1993

China's MFN Eligibility.—President Clinton issued an executive order which made China's eligibility for MFN beginning July 3, 1994, contingent upon its making significant progress on a number of human rights conditions.

Despite campaign pledges to condition MFN on human rights improvements and denunciations of President Bush for "turning its back on those struggling for democracy in China," the President Clinton renewed MFN for China, by executive order, not through legislation.

June 24, 1993

Plot to blow-up critical sites in NYC.—The FBI arrested 9 men, all described as Muslim Fundamentalists on charges of plotting a series of terrorist bombings of prominent sites in and around New York City. Targets included UN Headquarters, the Lincoln and Holland tunnels and busy thoroughfares linking New York City and New Jersey. The case was complicated by the implication of a prominent Muslim cleric, Sheik Abdel Rahman.

Attorney General Reno's decision not to arrest the sheik met with wide criticism. Public pressure ultimately led to his arrest and initiation of deportation action which is still unresolved.

August 18, 1993

Sudan placed on terrorism list.—The U.S. State Department placed Sudan on the list of states that sponsor terrorists. The action restricted U.S. trade with Sudan and prohibited U.S. aid other than humanitarian aid. The action was taken in response to reports that the Sudanese government was allowing its territory to be used as sanctuary for terrorists and to train extremists who commit terrorist acts in other countries. Furthermore, eight individuals linked with the Sudanese government were arrested and charged with planning to bomb the United Nations and other headquarters in New York City.

August 24, 1993

Missile sanctions against China.—The United States determined that China in 1992 had transferred M-II missile-related technology to Pakistan in violation of MTCR guidelines, which China has promised to honor. As a result, the Clinton Administration announced it was imposing sanctions against China. The effect of the August 24 sanctions is to deny for 2 years U.S. Government contracts with the sanctioned entity, and licenses for transfer to the sanctioned entity, for missile equipment or technology listed in the MTCR Annex.

September 10, 1993

Israel-PLO mutual recognition.—Following 9 months of secret negotiations in Norway, Israel and the Palestine Liberation Organization exchanged letters of recognition. The next day, President Clinton announced that the United States would resume the dialogue with the PLO that it had broken off after a June 1990 terrorist incident.

The secret negotiations took place in Norway, and according to the Administration, took them by "surprise." The U.S., to the surprise of many, had no role in this agreement, other than hosting the ceremony.

September 27, 1993

Non-proliferation policy.—The President declared a "higher priority" for non-proliferation, while seeking to expand trade and to build a new consensus to promote effective non-proliferation efforts. He also set a restrictive policy on fissile material, emphasized the importance of extending the Nuclear Non-Proliferation Treaty in 1995, reaffirmed support for the Missile Technology Control Regime, pledged to promote measures to prevent the proliferation of biological and chemical weapons, placed a new emphasis on proliferation issues in regional affairs and in intelligence collection and analysis, and indicated the Administration would review conventional arms transfer policy.

Despite this, the Administration failed to persuade its allies in Cocom to renew that organization. Having gone out of existence on April 1, 1994, export policies of former Cocom member countries, while nominally adhering to the Old Cocom export restriction lists, will revert to individual national discretion. This policy will in turn amount to increased proliferation and the U.S. will have little or no leverage with its allies to stem the flow of dangerous technology to rogue regimes such as Libya, Iran, Iraq, North Korea, and Cuba. In essence, while talking non-proliferation, the Administration is actually proliferating with its ineffective export control policies.

September 27, 1993

Peacekeeping.—President Clinton, addressing the U.N. General Assembly, noted that "U.N. peacekeeping holds the promise to resolve many of this era's conflicts." At the same time, he stated that the "United Nations simply cannot become engaged in every one of the world's conflicts." This seeming disparity in his remarks expresses only a small portion of the debate within the Administration over the past year as it sought to develop a coordinated U.S. policy guidance on the use and support of peacekeeping. That policy guidance, in the form of Presidential Decision Directive 13, is expected to be signed shortly.

After the disastrous U.S. debacle in Somalia, on October 3, 1993, coupled with the string of U.S. casualties leading up to the failed raid, Congress forced the Administration to agree to withdraw from Somalia by March 31, 1994. Not learning from its mistakes, the Administration tried to land peacekeeping troops in Haiti, but they were not allowed to land, having been scared off by crowds of Haitian thugs. Nevertheless, the Administration is still contemplating sending up to 25,000 U.S. troops to Bosnia, and is again talking about sending "U.S. military trainers" to Haiti.

September 30, 1993

National Export Strategy Report.—The Clinton Administration released a report to Congress from the Trade Promotion Coordinating Committee on the measures needed to increase exports. Under the heading "Regulatory Obstacles to Exports" the report focused on export controls and product standards. The report asserted that the telecommunications and computer sectors were most affected by exports controls, and several recommendations were made to liberalize export controls over these commodities.

It is painfully obvious that the Administration is catering to the technology center in Southern California, and this type of export strategy, with an emphasis on erasing export restrictions in these areas will provide more support for a State very important in 1996. The lack of intention to U.S. national security is quite evident.

October 6, 1993

Computer Export Decontrols.—The Commerce Department took the first of several steps to greatly reduce controls on the export of computers and telecommunications equipment. In the first step, exports of computers with an operational speed of 195 MTOPS (Millions Theoretical Operations Per Second) were to be allowed to most free-world destinations with little restriction. The previous speed for control had been 20 MTOPS. At the same time, the Administration announced it would attempt to change the definition of supercomputer from 195 MTOPS to 2000 MTOPS, and to raise the allowed speed to most COCOM proscribed destinations to 500 MTOPS. Machines defined as supercomputers required much more stringent operational and end-use monitoring. Further liberalizations concerning allowable speeds and destinations took place at the end of December 1993, and in February and March 1994.

Even Japan objected to liberalizing the controls to these levels. If the Administration had non-proliferation as a goal, than this decontrol will again run counter to its states policy. Faster and more available computers will allow rogue states to acquire weapons of mass destruction only faster. This is proliferation, not counter-proliferation.

October 11, 1993

Greek National Election.—In a sweeping victory, Socialist Andreas Papandreou, known for his anti-American rhetoric during his 1981-89 term, was returned to power. President Clinton congratulated Papandreou and invited him to the United States. Papandreou had never before been invited and, in his maiden address to parliament, expressed his hope for warm U.S.-Greek relations.

In March 1994, the United States provided diplomatic recognition to the Former Yugoslav Republic of Macedonia, clearly offending Greece, and millions of Greek-Americans, whom the President promised while campaigning in October 1992, that he would not recognize Macedonia until it satisfied numerous Greek concerns.

October 28, 1993

Kashmir Initiatives.—In a background briefing for South Asian journalists in Washington, U.S. Assistant Secretary of State for South Asia Robin Raphel stated the longstanding U.S. view that Kashmir is disputed territory and also questioned the finality of Kashmir's accession to India in 1947. In response, the Indian government lodged a protest and the Indian press exploded with anti-American rhetoric. Raphel's comments and subsequent statements by President Clinton and other Administration officials were part of Administration efforts to promote progress on the decades-old, increasingly dangerous Indo-Pakistani standoff over Kashmir. Such efforts, however, continued to fuel vitriolic reactions in India, where any comments on sensitive subjects such as Kashmir, Punjab, or human rights are viewed as a tilt toward Pakistan in the zero-

sum game of South Asian politics. In late March 1994, Raphel held three days of talks in New Delhi in a partially successful effort to ease tensions.

Nevertheless, the Administration offended Indian-Americans, and broke a long-standing American policy by making these statements. Additionally, Administration has offered to sell F-16 fighters to Pakistan, only complicating the situation.

November 22, 1993

South Asia Nuclear Proliferation Initiatives.—In search of avenues to progress on the South Asia nuclear proliferation issue, the Clinton Administration sent to Congress a "discussion draft" of a proposal to eliminate various "country specific" provisions of the Foreign Assistance Act (FAA) of 1961, including Sec. 620E(e), the so-called "Pressler Amendment," under which aid and most arms sales to Pakistan remain cut off since October 1990. The Administration later dropped the proposal as a result of strenuous objections from some Members of Congress. Early in 1994, the Administration began floating a proposal to release F-16 fighter aircraft paid for by Pakistan but blocked because of the Pressler Amendment. In return Pakistan reportedly would be required to agree to cap their nuclear program and open their facilities to inspection by the International Atomic Energy Agency.

This policy only adds more acrimony to U.S.-Indian relations and could in fact, fuel the dispute, perhaps stimulating an arms race in the region, forcing India to seek plans to counter this sale.

1994

February 3, 1994

U.S. Trade Embargo Against Vietnam Lifted.—President Clinton lifted the U.S. trade embargo against Vietnam that had been in effect since 1975. Administration officials cited as justification continued progress with Vietnam in accounting for American missing in action (MIAs) from the Vietnam War. U.S. companies, eager for business opportunities in Vietnam, supported the Administration's decision. Groups representing the families of MIAs were critical, asserting that Vietnam needed to do much more to account for the MIAs. The Vietnamese Government praised the decision and called on the Clinton Administration to grant Vietnam Most Favored Nation (MFN) trade status; but Vietnamese officials warned that they would reject any future U.S. pressure related to human rights conditions inside Vietnam.

Again, the Administration was more concerned with potential business ties, than the lack of total cooperation from Vietnam on the issue of the MIA's.

February 7, 1994

Release of National Drug Control Strategy.—The Administration released its National Drug Control Strategy. The strategy represents a shift in emphasis from international programs to domestic ones. The international strategy constitutes a diminution in the importance of drug trade destruction in relation to other foreign policy issues such as democracy, market-based economic growth, and human rights. It continues to define cocaine as the primary threat and envisions a shift of resources from interdiction beyond U.S. borders and territorial seas towards host nation enforcement programs. The new Federal Drug Control Budget requests $13.18 billion in budget authority for FY1995, an 8.6% increase ($104 billion) over the amount enacted in FY1994. Also, it reflects the Administration's decision to increase funding for demand reduction (prevention and treatment). The FY1995 split for supply reduction and demand reduction is 59% and 41%, respectively, as compared to a 63% and 37% split in FY1994. The FY1995 budget request seeks to restore FY1994 congressional cuts for funding of international narcotics control programs. The new budget request seeks $231.8 million for international programs, a 21.7% increase over FY1994 appropriations levels.

The report that National Drug Control Policy Director Lee Brown released is, just as its title suggests, "interim". This report is full of what "should" be done, and what "can" be done, with few suggestions of what "will" be done. It is more a promotion for the Administration's Health Care proposal and its recently passed National Service bill, than any real plan to carry on the Drug fight. While stating that it is the Administration's goal to fight drugs through crime control, the strategy offers the ill-conceived strategy of gun control, not real crime control.

February 9, 1994

NATO Ultimatum.—After the February 5 mortar attack on the Sarajevo market, the Clinton Administration decided to take further action. Weeks of diplomatic negotiations, had seen the United States and France find common ground on the issue of air strikes. They jointly proposed the February 9 NATO ultimatum, which threatened air attacks against Serbian guns position if the siege continued. President Clinton outlined U.S. strategic and humanitarian interests in taking this action, including preventing the conflict from becoming a wider war, maintaining the credibility of the NATO alliance, curbing destabilizing refugee flows, and responding to the dire humanitarian situation. He also emphasized that only a political solution would end the conflict.

This threat was one of many issued by the Administration. In this case threats worked and forced Serb gunners to pull back from Sarajevo, but only after nearly two years of inaction by the Administration in Bosnia. Further threats by the Administration were ignored and not backed up with force giving the further impression of a U.S. foreign policy weakness.

February 24, 1994

Export Administration Act Proposal.—The Clinton Administration submitted a 99 page draft proposal for extension of the Export Administration Act. According to administration officials, the bill integrated foreign policy, national security and export promotion interests. Its major objectives were supposedly to increase discipline on the imposition of unilateral export controls; establish a preference for multilateral export controls; improve the ability to pursue non-proliferation goals; streamline export license processing; limit controls that would have an "unfair impact" on U.S. exports; and strengthen enforcement mechanisms.

This proposal abandons the idea of protecting U.S. national security, in favor of business. There is no balance between the two in the proposal.

February 26, 1994

Hebron Mosque Massacre.—An Israeli settler killed 30 Palestinian worshippers in a mosque in the West Bank town of Hebron. In protest, Syria, Lebanon, Jordan, and the PLO suspended their participation. President Clinton issued a statement deploring the violence and, to prevent the peace process from derailing, invited Israel and the PLO to send delegations to expedited peace talks in Washington. The United States abstained on votes for 2 paragraphs of U.N. Security Council Resolution 904 condemning the massacre that referred to Jerusalem as "occupied territory." Israel and the PLO subsequently resumed to talks in Egypt.

Amazingly, the Administration did not veto this odious paragraph. They could have done so without endangering the entire resolution, but the Administration was afraid of offending Arafat and the PLO.

March 25, 1994

U.S. Withdrawal From Somalia.—Remaining U.S. military forces withdrew from Somalia. Approximately 50 Marines stayed in Mogadishu to protect the U.S. Embassy there, and about 12 U.S. personnel were still serving in the U.N. headquarters. President Clinton had announced on October 7, 1993 that U.S. forces would be withdrawn by March 31, 1994. The announcement followed the combat deaths of 18 American soldiers in clashes with forces loyal to faction leader Mohammed Farah Aideed on October 3-4.

TRIBUTE TO TEAM FROM PRAIRIE GROVE HIGH SCHOOL COMPETING IN THE "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" PROGRAM

Mr. PRYOR. Madam President, last Saturday, over 1,000 students from 47 States and the District of Columbia were in Washington to compete in the finals of the "We the People . . . The Citizen and the Constitution" program. It is my pleasure today to recognize the students of Prairie Grove High School, who represented the State of Arkansas in this competition.

The team members from Prairie Grove are: Becky Bowerman, Amy Bullock, Nye Carnahan, Tina Carte, Keith Cohea, Todd Copeland, Deanna Dillingham, Jodie Divin, Sommer Faulkenberry, Heather Hall, Kara Ireland, Jolene Key, Adam Morano, Jenny Pearson, Anne Stark, Brian Stark, and Marla Webb.

I would also like to recognize their teacher, Frank Dalmut, who has given so much of his time to these students, as well as the district coordinator, Lacy Randall, and the State coordinator, Barbara Stafford, whose direction on behalf of the program is unparalleled.

Madam President, the "We the People . . . The Citizen and the Constitution" program is supported and funded by Congress. This competition is designed specifically to educate young people about the Constitution and the Bill of Rights. This year's 3-day national competition simulated a congressional hearing in which students' oral presentations were judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

This worthy program is now in its 7th year, and has reached thousands of elementary, middle, and high schools nationwide. We in the Congress do our part by discussing current constitutional issues with both students and

teachers. This year, the Thomas Jefferson Commemoration Commission made special presentations to the students in honor of Jefferson's legacy.

Madam President, this past weekend was a very exciting time for all the students and teachers who participated in this competition and their exemplary performance is a great source of pride to all Arkansans.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONSUMER REPORTING REFORM ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, the Senate will now resume consideration of S. 783, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 783) to amend the Fair Credit Reporting Act, and for other purposes.

The Senate resumed consideration of the bill.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1671

(Purpose: To establish a Privacy Protection Commission)

Mr. SIMON. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 1671.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new title:

TITLE III—PRIVACY PROTECTION COMMISSION

SEC. 301. SHORT TITLE.

This title may be cited as the "Privacy Protection Act of 1994".

SEC. 302. FINDINGS AND PURPOSE.

The Congress finds that—

(1) we live in an age of ever-increasing dependence on electronic data storage, communications, and usage;

(2) vast quantities of data are stored electronically and may be instantly transferred electronically from 1 party to another for business or for other purposes;

(3) the nature of such data allows for the increasing possibility that an individual's privacy rights may be violated;

(4) the technology is growing so rapidly that broader societal consequences may not have been reviewed or studied nor is it clear how the use of such technology will affect existing data systems and their use; and

(5) a United States Privacy Protection Commission should be established to—

(A) ensure that privacy rights of United States citizens in regard to electronic data and fair information practices and principles are not abused or violated;

(B) provide advisory guidance to the public and private sector on matters related to electronic data storage, communication, and usage;

(C) provide the public with a central agency for information and guidance on privacy protections and fair information practices and principles;

(D) advise the Congress on the Federal agencies' implementation of section 552a of title 5, United States Code; and

(E) promote and encourage the adoption of fair information practices and principles in the public and private sector, which should include—

(i) the principle of openness, which provides that the existence of recordkeeping systems and databanks containing information about individuals be publicly known, along with a description of main purpose and uses of the data;

(ii) the principle of individual participation, which provides that each individual should have the right to see any data about him or herself and to correct any data that is not timely, accurate, or complete;

(iii) the principle of data quality, which provides that personal data should be relevant to the purposes for which they are to be used, and data should be timely, accurate, and complete;

(iv) the principle of collection limitation, which provides that there should be limits to the collection of personal data, that data should be collected by lawful and fair means, and that data should be collected, where appropriate, with the knowledge and consent of the subject;

(v) the principle of use limitation, which provides that there are limits to the use of personal data and that data should be used only for purposes specified at the time of collection;

(vi) the principle of disclosure limitation, which provides that personal data should not be communicated externally without the consent of the data subject or other legal authority;

(vii) the principle of security, which provides that personal data should be protected by reasonable security safeguards against such risks as loss, unauthorized access, destruction, use, modification, or disclosure; and

(viii) the principle of accountability, which provides that recordkeepers should be accountable for complying with fair information practices and principles.

SEC. 303. ESTABLISHMENT OF PRIVACY PROTECTION COMMISSION.

There is established the Privacy Protection Commission (referred to in this title as the "Commission").

SEC. 304. PRIVACY PROTECTION COMMISSION.

(a) MEMBERSHIP.—(1) The Commission shall be composed of 3 members who shall be appointed by the President, by and with the advice and consent of the Senate, from among members of the public at large who are qualified for service on the Commission by their knowledge and expertise in—

(A) civil rights and liberties;

(B) law;

(C) social sciences;

(D) computer technology;

(E) business; or

(F) State and local government.

(2) Not more than 2 members of the Commission shall be members of the same political party.

(3) The President shall designate 1 of the members as Chairperson of the Commission.

(b) MEETINGS.—The Chairperson shall preside at all meetings of the Commission, but the Chairperson may designate another member as an acting Chairperson who may preside in the absence of the Chairperson. A quorum for the transaction of business shall consist of at least 2 members present, except that 1 member may conduct hearings and take testimony if authorized by the Commission. Each member of the Commission, including the Chairperson, shall have equal responsibility and authority in all decisions and actions of the Commission, and shall have full access to all information relating to performance of the duties or responsibilities of the Commission, and shall have 1 vote. Action of the Commission shall be determined by a majority vote of the members. The Chairperson or acting Chairperson shall see to the faithful execution of the policies and decisions of the Commission and shall report thereon to the Commission from time to time or as the Commission may direct.

(c) TERMS.—(1) A member of the Commission shall serve for a term of 7 years, except that of members first appointed to the Commission—

(A) the member designated as Chairperson by the President shall be appointed for a term of 7 years;

(B) 1 member shall be appointed for a term of 5 years;

(C) 1 member shall be appointed for a term of 3 years; and

(D) all such terms shall begin on—

(i) January 1, next following the date of the enactment of this title; or

(ii) such date as designated by the President.

(2) A member may continue to serve until a successor is confirmed.

(3) Members shall be eligible for reappointment for a single additional term.

(d) VACANCIES.—(1) Vacancies in the membership of the Commission shall be filled in the same manner in which the original appointment was made.

(2) If there are one or more Commission members in office, vacancies in the membership of the Commission shall not impair the power of the Commission to execute functions and powers of the Commission.

(e) COMPENSATION AND RESTRICTION ON OTHER EMPLOYMENT.—(1) The members of the Commission may not engage in any other employment during their tenure as members of the Commission.

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

"Members of Privacy Protection Commission (5).".

(f) REQUESTS AND RECOMMENDATIONS.—(1) Whenever the Commission submits a budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that request to the Congress.

(2) Whenever the Commission submits a legislative recommendation, testimony, or comment on legislation to the President or Office of Management and Budget, it shall concurrently transmit a copy of such recommendation, testimony, or comment to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendation, testimony, or comment on legislation, to any officer or agency of the

United States for approval, comment, or review, prior to the submission of such recommendation, testimony, or comment to the Congress.

(g) SEAL.—The Commission shall have an official seal which shall be judicially noted.

SEC. 305. PERSONNEL OF THE COMMISSION.

(a) EXECUTIVE DIRECTOR AND GENERAL COUNSEL.—The Commission shall appoint an Executive Director and a General Counsel who shall perform such duties as the Commission determines necessary and appropriate. Such appointment may be made without regard to the provisions of title 5, United States Code. The Executive Director and the General Counsel shall be compensated at a rate not in excess of the rate payable for a position under level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) LIMITATION ON EMPLOYEES.—The Commission is authorized to appoint and fix the compensation of not more than 25 officers and employees (or the full-time equivalent), and to prescribe their functions and duties.

(c) CONSULTANTS.—The Commission may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(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.

SEC. 306. FUNCTIONS OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) provide leadership and coordination to the efforts of all Federal departments and agencies to enforce all Federal statutes, Executive orders, regulations, and policies that involve privacy or data protection;

(2) maximize effort, promote efficiency, and eliminate conflict, competition, duplication, and inconsistency among the operations, functions, and jurisdictions of Federal departments and agencies responsible for privacy or data protection, data protection rights and standards, and fair information practices and principles;

(3) develop model standards, guidelines, regulations, policies, and routine uses for and by Federal, State, and local agencies in implementing the provisions of section 552a of title 5, United States Code;

(4) publish on a regular basis a guide to sections 552 and 552a of title 5, United States Code, and other laws relating to data protection, for use by record subjects;

(5) publish a compilation of agency system of records notices, including an index and other finding aids;

(6) not later than December 1, 1996, make recommendations to the Congress regarding any possible amendments to section 552a of title 5, United States Code, and for improving the coordination between such section and section 552 of such title;

(7) provide active leadership, guidance, education, and appropriate assistance to private sector businesses, organizations, groups, institutions, and individuals regarding privacy, data protection rights and standards, and fair information practices and principles;

(8) develop model privacy, data protection, and fair information practices, principles, standards, guidelines, policies, and routine uses for use by State and local governments and by the private sector; and

(9) upon written request, provide appropriate assistance in implementing privacy, data protection, and fair information practices, principles, standards, guidelines, policies, or routine uses of privacy and data protection, and fair information.

(b) DISCRETIONARY FUNCTIONS.—The Commission may—

(1) issue advisory opinions relating to section 552a of title 5, United States Code, or privacy and data protection practices, principles, standards, guidelines, policies, or routine uses of data at the request of a Federal agency, a data integrity Commission of an agency or business, a court, the Congress, a business, or an individual;

(2) investigate compliance with section 552a of title 5, United States Code, and report on violations of such section to the appropriate agency, the President, the Attorney General, and the Congress;

(3) file comments with the Office of Management and Budget and with the appropriate agency on each proposal to—

(A) amend section 552a of title 5, United States Code, or a regulation promulgated under such section;

(B) create or modify a system of records; or

(C) establish or alter routine uses of such a system;

(4) request an agency to stay—

(A) the establishment or revision of a system of records;

(B) a routine use;

(C) an exemption; or

(D) any other regulation promulgated under section 552a of title 5, United States Code;

(5) review Federal, State, and local laws, Executive orders, regulations, directives, and judicial decisions and report on the extent to which they are consistent with privacy and data protection rights, and fair information practices and principles;

(6) at the request of a Federal, State, or local government agency, a private business, or an individual, provide assistance on matters relating to privacy or data protection;

(7) comment on the implications for privacy or data protection of proposed Federal, State, or local statutes, regulations, or procedures;

(8) propose legislation on privacy or data protection;

(9) accept and investigate complaints about violation of privacy or data protection rights, and fair information practices and principles;

(10) participate in each formal or informal Federal administrative proceeding or process when, in the judgment of the Commission, the action being considered would have a material effect on privacy or data protection, either as a result of direct Government action or as the result of direct Government regulation of others;

(11) petition a Federal agency to take action on a matter affecting privacy or data protection;

(12) conduct, assist, or support research, studies, and investigations on the collection, maintenance, use, or dissemination of personal information, the implications for privacy or data protection of computer, communications, and other technologies, and any other matter relating to privacy or data protection;

(13) assist in the development or implementation of policies designed to provide for the protection of personal information maintained by private sector recordkeepers;

(14) assist United States companies doing business abroad to respond to foreign privacy or data protection laws and agencies;

(15) assist in the coordination of the United States privacy and data protection policies with the privacy and data protection policies of foreign countries; and

(16) cooperate and consult with privacy or data protection commissions, boards, or agencies of foreign governments.

SEC. 307. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—Each department, agency, and instrumentality of the executive branch of the Government, including each independent agency, shall furnish to the Commission upon request made by the Chairperson, such data, reports, and other information as the Commission determines necessary to carry out its functions under this title.

(b) CONFIDENTIALITY.—In carrying out its functions and exercising its powers under this title, the Commission may accept from any Federal agency or other person, any identifiable personal data if such data is necessary to carry out such powers and functions. In any case in which the Commission accepts any such information, it shall provide all appropriate safeguards to ensure that the confidentiality of such information is maintained and that under completion of the specific purpose for which such information is required, the information is destroyed or returned to the agency or person from which it was obtained.

SEC. 308. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may, in carrying out its functions under this title—

(1) conduct inspections;

(2) sit and act at such times and places as it determines necessary;

(3) hold hearings;

(4) take testimony;

(5) require by subpoena the attendance of witnesses and the production of books, records, papers, correspondence, documents, film, and electronic information;

(6) administer oaths; and

(7) make appropriate and necessary expenditures.

(b) SUBPOENAS.—(1) Subpoenas shall be issued only upon an affirmative vote of a majority of all members of the Commission. Subpoenas shall be issued under the signature of the Chairperson or any member of the Commission designated by the Chairperson. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) In the case of a disobedience to a subpoena issued under this title, the Commission may invoke the aid of any district court of the United States in requiring compliance with such subpoena. Any district court of the United States within the jurisdiction where such person is found or transacts business may, in the case of contumacy or refusal to obey a subpoena issued by the Commission, issue an order requiring such person to appear and testify, to produce such books, records, papers, correspondence, documents, films, and electronic information. Any failure to obey the order of the court shall be punished by the court as a contempt of such court.

(c) APPEARANCES.—Appearances by the Commission in judicial and administrative proceedings shall be in its own name.

(d) DELEGATION.—The Commission may delegate any of its functions to such officers and employees of the Commission as the Commission may designate and may authorize such successive redelegations of such functions as it may determine desirable.

(e) ADMINISTRATIVE POWERS.—To carry out this title, the Commission may—

(1) enter into contracts or other arrangements with any State or local government, any agency or department of the United States, or with any individual, firm, association, or corporation; and

(2) establish advisory committees in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 309. REPORTS AND INFORMATION.

In an annual report to the President and the Congress, the Commission shall report on its activities in carrying out the provisions of this title. The Commission shall undertake whatever efforts it may determine to be necessary or appropriate to inform and educate the public of data protection, privacy, and fair information rights and responsibilities.

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $1,500,000 in fiscal year 1995;

(2) $2,000,000 in fiscal year 1996;

(3) $2,500,000 in fiscal year 1997; and

(4) such sums as may be necessary in each succeeding fiscal year thereafter.

Amend the table of contents accordingly.

Mr. SIMON. Madam President, I have discussed this with Senator BRYAN. This is a fairly simple measure in concept. I think we can dispose of it rather quickly. I regret it is being resisted for reasons that I understand have nothing to do with the amendment itself.

I ask unanimous consent that we have a time limit of 20 minutes, 10 minutes on each side.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, we would like to have the short time limit. We have a problem of availability of some of our leadership with respect to the vote. I might need to ask that the unanimous consent request be amended to put the vote back until about 1 o'clock. We would have no objection to a 20-minute time limit. I will discuss with my colleagues the appropriate time for the vote.

Mr. SIMON. I think we can work that out. Frankly, the White House has a bill-signing ceremony on a bill of which I happen to be the chief sponsor. That will take place around 1 o'clock.

So, if we cannot vote, say, by 12:30, then I would prefer, subject to approval of my colleagues, that we put off the vote until 2 or 2:30.

The PRESIDING OFFICER. Is there objection to the revised request?

Mr. BOND. May I inquire, is the unanimous consent request that we have 10 minutes equally divided? I would have no objection to that.

The PRESIDING OFFICER. The Chair understands 20 minutes equally divided with the vote to be held at 2:30.

Mr. SIMON. I ask that no second-degree amendments be in order.

Mr. BRYAN. Madam President, I think what we could do—and I am certainly willing to try to accommodate the distinguished Senator from Illinois because I recognize his time request. I have been asked by the leadership not to agree to a vote at a time certain. I have absolutely no problem with 10 minutes either side.

Let me assure my colleague that we will work to accommodate his schedule on the vote. We recognize that he is not available at 1 o'clock. I think we can work that out. So if we can just have the unanimous consent agreement of 10 minutes either side and that there be no second degree—I am advised by the floor staff that apparently someone has called in and has raised some concerns about the proposed unanimous consent request. I apologize to my colleague. He has been trying to be helpful, as have I. Perhaps if he can proceed with the amendment, then maybe we can work out a time agreement shortly after that.

The PRESIDING OFFICER. Objection is heard. The amendment is before the Senate. The Senator from Illinois is recognized.

Mr. SIMON. Madam President, what this amendment proposes is very simple: That we appoint a three-member privacy commission with no more than 25 employees, $1.5 million authorization the first year that would take a look at the whole question of privacy in our country.

It is very interesting, as you look at the countries that have privacy commissions, 35 countries have privacy commissions right now: Australia, Austria, Belgium, Canada, Czech Republic. You go down the list. Thirty-five countries. We are the biggest user of this kind of information, and we have no privacy commission.

This simply sets up a commission to advise us on where we are going in this field. It is very interesting that the European Community apparently is going to make an advisory to corporations in Europe that they should be careful in providing computer information to the United States because we have no privacy commission and there is no certainty that information can be protected.

The group of people who have endorsed this include the American Association of Retired Persons, the Consumer Federation of America, National Consumers League, Public Citizen, Consumer Research Institute, the American Civil Liberties Union, and the American Library Association.

Very shortly, Madam President, you and I hope we are going to be moving to health care reform. That is going to add a great many more privacy questions in this country.

I think it is essential that we have some protection.

I would add, this is not just PAUL SIMON'S idea. I have a statement of November 18 of last year from Sally Katzen, the Administrator of the Office of Information and Regulatory Affairs at OMB. Let me just read a couple of statements.

As she says:

Senator Simon's bill responds to an issue of critical importance, protecting the privacy of individuals in an electronic age. The need to protect individual privacy has become increasingly important as we move forward on two major initiatives: Health care reform and national information infrastructure. The success of these initiatives will depend in large part on the extent to which Americans trust the underlying information systems. Recognizing this concern, the National Performance Review has called for a commission to perform a function similar to that envisioned in Senator Simon's proposal.

Mr. BRYAN. Will the distinguished Senator from Illinois yield for a moment?

Mr. SIMON. I would be pleased to yield to the Senator from Nevada.

Mr. BRYAN. I appreciate the Senator's indulgence.

The Senator's effort which he undertook in good faith I believe we are ready to consummate on both sides of the aisle, to agree to a 20-minute debate, 10 minutes equally divided, with no second-degree amendment to follow, and that after the 20 minutes a vote on or with respect to the amendment could occur immediately.

Mr. SIMON. That would put the vote at about 12:10.

Mr. BRYAN. It would do that.

Mr. SIMON. I certainly have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BOND. No objection.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered. The Senator from Illinois.

Mr. BRYAN. I thank the Chair and I thank the Senator from Illinois.

Mr. SIMON. Basically, that is it, Madam President. It is not a complicated issue. We simply have to provide some privacy protection for people. We are not doing that adequately. We are behind other nations, even though we are ahead in the field, in the use of electronics and computers and that sort of thing. I think this makes sense. I hope my colleagues will agree. I recognize the jurisdictional problem we face in this, but I would ask for the yeas and nays, Madam President, at 12:10.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered at 12:10.

Mr. SIMON. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

It is always very difficult for me to resist an amendment offered by my able friend and colleague for whom I had such great respect before I came to the Chamber and even an enhanced respect for him having had the privilege of serving with him and even traveling a bit with him and having a chance to get to know him.

I am forced to oppose this amendment for several reasons. First, this is a measure which the distinguished Senator has introduced and is currently in Governmental Affairs. It has not had a hearing, and so we are really not familiar with the merits. And I do not want to address the merits because I do not feel I am in a position to do so because we have not had that hearing.

It is not, as my colleagues know, germane to the legislation with which we are dealing.

And finally, I would appeal to my colleagues who may be listening that for the past 3 years and then some the able Senator from Missouri, who has been my principal cosponsor, has labored mightily on behalf of this legislation; that this is such a delicately crafted piece of legislation, if the amendment of our friend, the distinguished senior Senator from Illinois, is added to this legislation, it complicates the referral process in the House. As the distinguished Presiding Officer knows, based upon her experience, the referral would then go outside to the Banking Committee and would greatly complicate the prospect of passage which we believe, if we can dispose of the other amendments, looks reasonably good and reasonably soon.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, the floor manager on this side has yielded me a couple of minutes. I rise just to expand upon what Senator BRYAN has already said.

This is, as we know, a very delicately crafted piece of legislation. It has been a long time coming. We have worked hard to get to the point where we have an opportunity to pass it. I am gravely concerned not with the substance of the amendment of my good friend from Illinois but what adding it to this bill would do.

I happen to be the cosponsor, along with the distinguished Senator from Michigan [Mr. RIEGLE], of privacy provisions in the health information modernization and security system. We believe this is an important part of health care. Privacy provisions exist throughout Government agencies as has already been stated.

There is a measure the Senator from Illinois has which I understand has been referred to the Committee on Governmental Affairs. This committee should hold hearings on this matter to determine whether a statutory commission is necessary. I believe that the administration would have the power to appoint by Executive order a commission which could provide the study and review. At a time when we are trying to cut back on the number of commissions and studies, I think they would want to be very careful in the extent to which they get into new commissions and new bodies.

In summary, while I appreciate the interest that the Senator has, this is a very important question. Privacy affects all of us. I would urge my colleagues not to support this amendment because there will be another time and a place for the discussion of the broader privacy concerns. We need to protect consumers who have had misinformation put into their credit information files. To attempt to deal with privacy might endanger that broader goal. Thus, I urge that we not accept the amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Let me say, with all due respect to my two colleagues, I think things can get worked out over on the House side.

We always find a reason not to move ahead. One of the reasons for coming directly to the floor is, frankly, there are people who do not want any restrictions, who do not want this kind of thing to happen. This is not a new idea. The first time this was proposed statutorily was 20 years ago this year by Senator Sam Ervin. He wanted a 5-person advisory board on privacy.

That is all this is, an advisory board. It has no jurisdiction over any—it cannot move into territory where it does not belong, but it can advise agencies how we can secure privacy. It can advise agencies and it can advise the private sector.

I think it is needed. We can work out the House problems on this bill. I support the legislation. I wish to see protection. But when my friend, and he is my friend, from Nevada said this is not germane, this comes much closer to being germane than most amendments we consider on the floor of the Senate. We are talking about protecting people in their electronic records. That is what this bill is about. That is what this amendment is about.

I hope we can approve the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BRYAN. Madam President, may I inquire how much time is remaining under my control?

The PRESIDING OFFICER. Yes. The Senator from Illinois has 7 minutes and 41 seconds remaining, and the Senator from Nevada has 5 minutes and 37 seconds remaining.

Mr. BRYAN. I yield myself 2 minutes.

I say to my friend from Illinois that his concerns about privacy and the potential encroachment by an increasingly sophisticated technological world in which we live are not misplaced, and I share those concerns. Again, I share with him my only concern is the vehicle to which he has chosen to add this amendment. He is certainly within his rights. I understand there may be others who share a different philosophy and perspective and are not interested in moving forward. As the Senator knows, the administration has indicated to us that they are going to, in the very near future, advance their own view in terms of conceptually what should be done with respect to the concept which the Senator from Illinois is seeking to incorporate into this legislation. I think a further reason for us to act with a measure of restraint is to await the administration's proposal so we will know precisely what they have to say about this issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. Madam President, I will just point out one other thing. We have had several Government studies that have recommended precisely what this amendment does. The 1972 Advisory Committee on Automated Personnel Data, the data systems, Department of Health, Education and Welfare, recommended that we set up a privacy commission—1972, 22 years ago. We are still talking about it now.

In 1975, the Commission on Federal Paperwork, 19 years ago, recommended it. We are still talking about it.

In 1977, the Privacy Protection Study Commission recommended it. We are still talking about it.

I think the time is here to act. I hope we act favorably.

If no one seeks the floor, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. BRYAN. 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. BRYAN. Mr. President, I yield the remainder of the time under my control.

Mr. SIMON. Mr. President, I yield the remainder of my time, and I assume that we can then proceed directly to a vote.

Mr. BRYAN. Mr. President, I move to table the pending Simon agreement.

Mr. BOND. 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 motion of the Senator from Nevada to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Florida [Mr. GRAHAM] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

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

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—77

Akaka	Domenici	Lott
Baucus	Dorgan	Lugar
Bennett	Exon	Mack
Biden	Faircloth	McCain
Bingaman	Feingold	McConnell
Bond	Feinstein	Mikulski
Boren	Ford	Mitchell
Boxer	Glenn	Moynihan
Breaux	Gorton	Murkowski
Brown	Gramm	Murray
Bryan	Grassley	Nickles
Bumpers	Gregg	Nunn
Burns	Hatch	Pressler
Byrd	Heflin	Reid
Campbell	Helms	Riegle
Chafee	Hollings	Rockefeller
Coats	Hutchison	Roth
Cochran	Inouye	Sarbanes
Cohen	Kassebaum	Simpson
Conrad	Kempthorne	Smith
Coverdell	Kennedy	Specter
Craig	Kerrey	Stevens
D'Amato	Kerry	Thurmond
Danforth	Kohl	Wallop
DeConcini	Levin	Warner
Dole	Lieberman	

NAYS—21

Bradley	Johnston	Pell
Daschle	Lautenberg	Pryor
Dodd	Leahy	Robb
Durenberger	Mathews	Sasser
Harkin	Metzenbaum	Simon
Hatfield	Moseley-Braun	Wellstone
Jeffords	Packwood	Wofford

NOT VOTING—2

Graham	Shelby

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

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

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

The motion to lay on the table was agreed to.

Mr. RIEGLE. Mr. President, I again want to congratulate Senators BRYAN and BOND for their outstanding work on the Consumer Reporting Reform Act of 1994. This is one of the most important pieces of consumer legislation that the Congress will consider this year and it has been my top consumer priority for 1994.

During my tenure as chairman of the Banking Committee, the Banking Committee has taken numerous significant steps to safeguard the public interest and consumers. Among them we have strengthened our fair lending and community investment laws. We have expanded the Home Mortgage Disclosure Act to make data concerning loan applications available to the public, strengthened the Community Reinvestment Act to disclose both ratings and the data behind those ratings and required examiners to refer patterns of mortgage discrimination to the Justice Department for further action.

The Consumer Reporting Reform Act of 1994 continues this line of achievement of the Senate Banking, Housing, and Urban Affairs Committee. The drafting of the Consumer Reporting Reform Act has been a long and difficult process which has taken over 3 years. Numerous interests have had to be extremely carefully balanced.

In addition to the leadership of Senators BRYAN and BOND, I want to acknowledge the excellent staff work that has been done on this bill. While numerous people have had a significant impact on this legislation. I want to particularly acknowledge and thank Andy Vermilye of Senator BRYAN's staff, Maggie Fisher of Senator BOND's staff, Doug Nappi of the Banking Committee staff and, of course, Mark Kaufman of my own and the committee's staff. They have been simply outstanding.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1672

Mr. BRYAN. Mr. President, I send an amendment to the desk on behalf of Senator LEVIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for Mr. LEVIN, proposes an amendment numbered 1672.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

It is the sense of the Senate that: (a) individuals should generally be judged for credit worthiness based on their own credit worthiness and not on the zip code or neighborhood in which they live; and (b) the Federal Trade Commission after consultation with the appropriate Federal banking agencies shall report to the Banking Committee within 6 months as to whether and how the location of the residence of an applicant for unsecured credit is considered by many companies and financial institutions in deciding whether an applicant should be granted credit.

Mr. BRYAN. I would represent to my colleagues this is a sense-of-the-Senate amendment that has been approved on both sides of the aisle.

I yield to my distinguished minority floor manager.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Missouri.

Mr. BOND. This amendment is cleared on our side, and we are ready to accept it.

Mr. LEVIN. Mr. President, the amendment I am offering expresses the sense of the Senate that an individual's creditworthiness should be judged on his or her own credit history and not on where that individual happens to live. The amendment also requests that a report be made to the Banking Committee within 6 months on whether and how location of the residence of an applicant seeking unsecured credit is routinely considered by companies and financial institutions in granting credit.

Mr. President, the stereotyping of consumers based on where they live is a social evil with very negative social consequences. The Congress has been instrumental in formulating legislation that seeks equal credit opportunity for all. If creditworthy persons can be rejected on account of his or her place of residence, our work is incomplete.

When people in a neighborhood or other geographical area are told that the place where they live is the reason or a reason for their being denied credit, that neighborhood or that other geographical area is hurt as well as the people living in it.

Mr. President, credit applicants should be considered on the basis of their individualized creditworthiness and not on the basis of spurious statistical correlations which some companies have decided to utilize as part of a point system in establishing whether or not someone gets credit. The resulting stereotyping and generalizing about certain regions of the country and particular neighborhoods contribute to a vicious cycle which adds to further decay of our cities and communities.

Mr. President, I understand the Banking Committee has no objection to this amendment. I ask unanimous consent that the text of my amendment be printed following my remarks. The amendment is as follows:

It is the sense of the Senate that: (a) individuals should generally be judged for credit worthiness based on their own credit worthiness and not on the zip code or neighborhood in which they live; and (b) the Federal Trade Commission, after consultation with the appropriate Federal banking agencies, shall report to the Banking Committee within 6 months as to whether and how the location of the residence of an applicant for unsecured credit is considered by many companies and financial institutions in deciding whether an applicant should be granted credit.

The PRESIDING OFFICER. Is there further debate? Is there objection to adoption of the amendment? Without objection, the amendment is agreed to.

So the amendment (No. 1672) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1673

(Purpose: To make a series of amendments)

Mr. BRYAN. Mr. President, I send to the desk a series of technical amendments on behalf of Senator RIEGLE, Senator BOND, and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for Mr. RIEGLE, for himself, Mr. BRYAN, and Mr. BOND, proposes an amendment numbered 1673.

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

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

The amendment is as follows:

On page 71, strike lines 1 through 13 and insert the following:

(1) in subparagraph (A)—

(A) by inserting "(i)" after "(A)"; and

(B) by inserting before the semicolon at the end the following: "; (ii) any communication of that information among persons related by common ownership or affiliated by corporate control; or (iii) any communication of information from a credit application by a consumer among persons related by common ownership or affiliated by common corporate control, if (I) it is clearly and conspicuously disclosed to the consumer with the credit application that the information may be communicated among such persons; and (II) the consumer is provided with the option to prohibit such communication (in writing, using a signature line that is separate and distinct from that used for the consumer's consent to the extension of credit) and does not exercise such option";

On page 73, between lines 8 and 9, insert the following new subsection:

(e) EXCLUSION OF CERTAIN COMMUNICATIONS BY EMPLOYMENT AGENCIES FROM DEFINITION OF CONSUMER REPORT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681(a)), as amended by subsections (a) through (d), is amended—

(1) in subsection (d), by adding at the end the following new sentence: "The term also does not include a communication described in subsection (n)."; and

(2) by adding at the end the following:

"(n) COMMUNICATIONS BY EMPLOYMENT AGENCIES EXCLUDED FROM DEFINITION OF CONSUMER REPORT.—For purposes of subsection (d), a communication is described in this subsection if it is a communication—

"(1) that, but for the third sentence of subsection (d), would be an investigative consumer report;

"(2) that is made to a prospective employer for the purpose of—

"(A) procuring an employee for the employer; or

"(B) procuring an opportunity for a natural person to work for the employer;

"(3) that is made by a person that regularly performs such procurement;

"(4) that is not used by any person for any purpose other than a purpose described in subparagraph (A) or (B) of paragraph (2);

"(5) with respect to which—

"(A) the consumer who is the subject of the communication—

"(i) consents orally or in writing to the nature and scope of the communication, before the collection of any information for the purpose of making the communication;

"(ii) consents orally or in writing to the making of the communication to a prospective employer, before the making of the communication; and

"(iii) in the case of consent under clause (i) or (ii) given orally, is provided written confirmation of that consent by the person making the communication, not later than 3 business days after the receipt of the consent by that person;

"(B) the person making the communication does not, for the purpose of making the communication, make any inquiry that if made by a prospective employer of the consumer who is the subject of the communication would violate any applicable Federal or State equal employment opportunity law or regulation; and

"(C) the person making the communication—

"(i) discloses in writing to the consumer who is the subject of the communication, not later than 5 business days after receiving any request from the consumer for such disclosure, the nature and substance of all information in the consumer's file at the time of the request, except that the sources of information that is acquired solely for use in making the communication and actually used for no other purpose need not be disclosed other than under appropriate discovery procedures in the court in which an action is brought; and

"(ii) notifies the consumer who is the subject of the communication, in writing, of the consumer's right to request the information described in clause (i).".

On page 107, line 10, insert "and" after the semicolon.

On page 107, line 22, strike "; and" and insert a period.

Beginning on page 107, strike line 23 and all that follows through the first period on page 108, line 2.

On page 130, line 20, strike "charge or".

At page 117, line 1, delete "Duty" and all that follows through the end of line 8 and insert the following in lieu thereof:

"DUTY TO PROVIDE NOTICE OF DELINQUENCY OF ACCOUNTS.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall, by not later than 90 days after furnishing the information, notify the agency of the month and year of the commencement of the delinquency which immediately preceded the action.".

Mr. BRYAN. Mr. President, this is a series of technical amendments which we have worked out with my distinguished colleague from Missouri and the chairman of the committee. I do not believe there is any objection.

Mr. BOND. Mr. President, I wish to express once again my thanks to the Senator from Nevada for the efficient and effective way that he and his staff have helped guide this bill. The technical amendments now I believe take care of a number of questions that have been raised. I believe these are all good amendments. We have no objection on this side, and we are ready to accept them.

The PRESIDING OFFICER. Is there further debate? Is there objection to the adoption of the amendment? Without objection, the amendment is agreed to.

So the amendment (No. 1673) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BRYAN. Mr. President, there are no further amendments pending, to the best of my knowledge. Let me again say, as I said earlier in the week, that my friend, with whom I have had a relationship dating back to the days when the distinguished occupant of the chair and the two of the floor managers served in a different capacity in our respective States, Senator BOND has been extraordinarily helpful, and I think that everyone needs to know that we would not be in the position we are now awaiting third reading and final passage but for his leadership. I wish to acknowledge personally and publicly that I am profoundly grateful to him and his staff and the consumers of America and the business community that are very much a part of this transaction should be deeply indebted to him for his leadership.

Mr. BOND. Mr. President, I could say the same and even more about Senator BRYAN for his leadership on this issue. As we have seen in previous efforts to pass this measure, it is very complicated. It requires a great deal of balancing of interests. Consumers' rights must be protected, and we must have the access to full, fair, and timely information on credit so that much of the consumer credit operations, whether they be cars, homes or other kinds of lending activities, can go forward in this country.

I believe the bill as it now stands reflects a workable compromise that will move us forward significantly. I believe consumers stand the most to benefit and they will gain from having a much greater assurance that their credit will not be destroyed because of inaccurate or improper information put in their files. And for that they have the Senator from Nevada to thank for his great leadership on this bill.

I do not believe, as the Senator said, that there are more amendments to be offered on this bill. I take this opportunity to urge all of my colleagues to vote for the bill, and we will set the time for the vote. I hope the House would be able to accept this bill. We think the time has come to pass reforms to the Fair Credit Reporting Act.

I express my appreciation first to Senator BRYAN but also to a number of colleagues who have worked with us who have brought to us a number of concerns with the bill. Chairman RIEGLE and Senator D'AMATO deserve our great thanks. Senators HELMS, FAIRCLOTH, COVERDELL, and BENNETT on our side have offered constructive suggestions which we have incorporated. I believe they make this a very good bill. I hope we will see it passed by a significant margin.

Mr. BRYAN. Mr. President, I thank the distinguished Senator from Missouri.

CIVIL PENALTIES

Mr. RIEGLE. Mr. President, our amendment to sections 621(a) and 621(d)(1)(D) of S. 783 would preclude the Federal Trade Commission and the States from obtaining civil penalties for initial violations of section 622(a)(1) relating to the reporting of information by creditors to consumer report agencies. My question is if a creditor is found liable for violation of section 622(a)(1) by either the Commission or the States, and has been put under order, is it the intent of your amendment to preclude the Commission and States from seeking civil penalties for violations of Commission or State orders prohibit such conduct in the future?

Mr. BRYAN. No. While a creditor would be immune from civil penalties for initial violations of section 622(a)(1), it would continue to be subject to civil penalties for violation of Federal Trade Commission or State orders, even if the same conduct would also constitute a violation of section 622(a)(1). The limitation in the amendment only addresses statutory violations, not order violations which are a separate matter. It is critical that the Commission and States be able to vindicate their authority by sanctioning violations of their orders. Therefore, the prohibition on seeking civil penalties is clearly limited to violators of section 622(a)(1) who are not also under Commission or State order.

PRESCREENING

Mr. BRYAN. Mr. President, one of the most important issues in S. 783 deals with the process of prescreening. I am conscious of the needs to balance privacy concerns created by prescreening with the benefit of a firm offer of credit to consumers. In our effort to protect privacy, I recognize that the safety and soundness of financial institutions rests on their ability to efficiently obtain sufficient information to make intelligent credit decisions.

The statutory language of section 103 makes it clear that information not identified or identifiable to an individual consumer may be provided by a credit reporting agency. Such information should not include the credit payment history, credit limit or credit balance of any consumer with any identified creditor or other information that identifies the consumer's relationship and experience with an identified creditor. It is important, however, to unsecured and secured creditors alike, that numerical or other predictors of creditworthiness or other information bearing on the creditworthiness that do not identify the consumer's relationship and experience with any particular creditor be available to the creditor.

All of us here know the bill is a compromise between many parties. We have carefully crafted a sunset of Federal preemption in order to balance industry needs for uniformity with the States' interest in protecting their citizens. In the prescreening area, I note that prescreening operates pursuant to long-standing Federal law and Federal agency interpretation. When State contemplate FCRA legislative actions in future years, they should recognize the inherent federal basis of prescreening and that Congress intends for prescreening to be allowed as provided for in this bill.

The PRESIDING OFFICER. If there is no further debate, under the previous order, the committee substitute is incorporated in the bill, and the bill will be read as such for the third time.

So the committee substitute, as amended, was agreed to and the bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I now ask unanimous consent that the vote on final passage occur at the hour of 2:30 p.m. today, without intervening action, notwithstanding rule 12, paragraph 4.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BRYAN. I now ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

MORNING BUSINESS

Mr. BRYAN. Mr. President, I ask unanimous consent that there be a period for morning business not to extend beyond the hour of 2:30 p.m. with Senators permitted to speak therein for a period not to exceed 10 minutes each.

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

CONSUMER REPORTING REFORM ACT OF 1994

Mr. BRYAN. Mr. President, I do not see another of our colleagues on the floor who seeks to be recognized.

Let me make an additional comment. Senator BOND, I think has stated the case so well.

This is a piece of legislation which is a victory for the American consumers. It fundamentally changes in the most fair way the burden of correcting misinformation that innocently becomes a part of an individual's credit history. As we began this discussion on Monday, an observation was made that there are 450 million credit reports, histories, in America, and more than 2 billion entries made each month. With that kind of a volume, there are going to be mistakes made. Many of us have common last names. We are in a society which is increasingly mobile and transitory as people move from one part of the country to the other. And as the record has demonstrated in the hearings, and in town hall meetings that Senator BOND and myself and other colleagues have, it has become a consumer nightmare to remove that inaccurate information.

This piece of legislation places the burden to correct that inaccurate information upon the individual that furnishes that information. I believe that this is a fundamental, significant change in the way in which the Consumer Reporting Act has been dealt with; the enactment back in 1970.

So this is really a milestone for consumers. We carefully crafted this so as not to impede the flow of information from those furnished credit because that is essential for consumers to be able to go to get credit, to buy a home, to finance an automobile, to buy an appliance, even in terms of applying for a job or a job promotion. These credit histories are a very integral part of our society. So I think that this is a milestone piece of legislation.

Again, I acknowledge the support of the distinguished senior Senator from Missouri, the ranking member on his side of the aisle, Senator RIEGLE, our chairman.

COMMENDATION OF STAFF

Mr. BRYAN. I would like to say that my staff, Andy Vermilye, in particular, has done just an extraordinary job in working with the very able staff of the Senator from my Missouri. We will not be here without the fine staff work we have had.

Mr. BOND. Mr. President, I was going to save the final accolades to see whether this passes or not. But I believe it will pass.

I want to echo what Senator BRYAN said, and add my sincere thanks and congratulations to him for his leadership.

Andy Vermilye has been outstanding to work with. We spent a great deal of time together working on this problem. It required a lot of good humor and patience to come this point.

I want to single out two people on my staff, Maggie Fisher and John Kamarck, who have worked long and hard. Maggie in particular has been involved in many, many negotiations to assure that we get the best possible bill.

This was a very long and very tedious task. There were times when I thought we would never see the day when we would even be coming to the situation where we would have a vote on final passage.

But I believe the staff should be mentioned, and the others deserve a great deal of thanks because it has been a long and arduous process, but I think a very profitable one.

I will save further congratulations until we see what the final votes are.

I thank the Chair.

Mr. BRYAN. Mr. President, if there are no other Senators seeking recognition at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Florida, I ask that the quorum call be rescinded.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from Florida, I move that the Senate be in recess subject to the call of the Chair.

The motion was agreed to, and the Senate, at 1:19 p.m., recessed subject to the call of the Chair.

Whereupon, the Senate reassembled, at 2:30 p.m., when called to order by the Presiding Officer (Mr. REID).

CONSUMER REPORTING REFORM ACT OF 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

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

The legislation clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

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

The result was announced—yeas 87, nays 10, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—87

Akaka	Dole	Kerry
Baucus	Domenici	Kohl
Biden	Dorgan	Lautenberg
Bingaman	Durenberger	Leahy
Bond	Exon	Levin
Boren	Feingold	Lieberman
Boxer	Feinstein	Lott
Bradley	Ford	Lugar
Breaux	Glenn	Mathews
Brown	Gorton	McConnell
Bryan	Graham	Metzenbaum
Bumpers	Grassley	Mikulski
Burns	Gregg	Mitchell
Byrd	Harkin	Moseley-Braun
Campbell	Hatfield	Moynihan
Chafee	Heflin	Murkowski
Coats	Helms	Murray
Cohen	Hollings	Nickles
Conrad	Inouye	Nunn
Craig	Jeffords	Packwood
D'Amato	Johnston	Pell
Danforth	Kempthorne	Pressler
Daschle	Kennedy	Pryor
DeConcini	Kerrey	Reid
Riegle	Sasser	Stevens
Robb	Simon	Thurmond
Rockefeller	Simpson	Wallop
Roth	Smith	Warner
Sarbanes	Specter	Wellstone

NAYS—10

Bennett	Gramm	Mack
Cochran	Hatch	McCain
Coverdell	Hutchison	
Faircloth	Kassebaum	

NOT VOTING—3

Dodd	Shelby	Wofford

So, the bill (S. 783), as amended, was passed, as follows:

S. 783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Reporting Reform Act of 1994".

(b) TABLE OF CONTENTS.—The following is a table of contents for this Act:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

Sec. 101. Definitions.
Sec. 102. Furnishing and using reports; use of information obtained from reports.
Sec. 103. Amendments relating to prescreening of consumer reports.
Sec. 104. Amendments relating to obsolete information and information contained in consumer reports.
Sec. 105. Amendments relating to compliance procedures.
Sec. 106. Amendments relating to consumer disclosures.
Sec. 107. Amendments relating to procedures in case of the disputed accuracy of any information in a consumer's file.
Sec. 108. Amendment relating to charges for disclosure.
Sec. 109. Amendments relating to duties of users of consumer reports.
Sec. 110. Amendments relating to civil liability.
Sec. 111. Amendments relating to responsibilities of persons who furnish information to consumer reporting agencies.
Sec. 112. State action to enforce Act.
Sec. 113. Administrative enforcement.
Sec. 114. Establishment of toll-free telephone number.
Sec. 115. Action by FTC.
Sec. 116. Relation to State laws.
Sec. 117. Fair debt collection practices.
Sec. 118. Effective dates.

TITLE II—CREDIT REPAIR ORGANIZATIONS

Sec. 201. Regulation of credit repair organizations.
Sec. 202. Credit worthiness.

TITLE III—FINANCIAL ACCOUNTING STANDARDS BOARD

Sec. 301. Findings.
Sec. 302. New accounting treatment of employee stock options and purchase plans.
Sec. 303. Status.

TITLE IV—MISCELLANEOUS PROVISION

Sec. 401. Securities and Exchange Commission, Seattle district office.

TITLE I—AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

SEC. 101. DEFINITIONS.

(a) ADVERSE ACTION.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(k) The term 'adverse action', when used in connection with an action based in whole or in part on information contained in a consumer report, means an action that is adverse or less favorable to the interest of the consumer who is the subject of the report. Without limiting the general applicability of the foregoing, the following constitute adverse actions:

"(1) CREDIT.—

"(A) ACTIONS INCLUDED.—A denial or revocation of credit, an increase in the charge for credit, an adverse change in the terms of an existing credit arrangement, or a refusal to grant credit in substantially the amount or on substantially the terms requested.

"(B) ACTIONS NOT INCLUDED.—For the purposes of this paragraph, the term 'adverse action' does not include—

"(i) an attempt to collect a debt owed or allegedly owed;

"(ii) an action taken with respect to a credit or insurance transaction that is not initiated by the consumer if—

"(I) no change is made with respect to the interests of the consumer; or

"(II) a change is made that is not unfavorable to the interests of the consumer; and

"(iii) an action taken with respect to the review of an account under section 604(a)(3)(A), if—

"(I) no change is made with respect to the interests of the consumer; or

"(II) a change is made that is not unfavorable to the interests of the consumer.

"(2) EMPLOYMENT.—A denial of employment or other adverse or less favorable decision relating to employment.

"(3) INSURANCE.—A denial or cancellation of, an increase in any charge for, or reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with the underwriting of insurance.

"(4) LICENSE OR BENEFIT.—A denial or cancellation of, or an increase in any charge for, or any other adverse or unfavorable change in the terms of, any license or benefit described in section 604(a)(3)(D).

"(5) CONSUMER INITIATED BUSINESS TRANSACTION.—A denial or cancellation of, or any other adverse or unfavorable change in the terms of, any business transaction that the consumer has initiated or sought to initiate.".

(b) DEFINITION OF CONSUMER REPORT.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the second sentence—

(1) in subparagraph (A)—

(A) by inserting "(i)" after "(A)"; and

(B) by inserting before the semicolon at the end the following: "; (ii) any communication of that information among persons related by common ownership or affiliated by corporate control; or (iii) any communication of information from a credit application by a consumer among persons related by common ownership or affiliated by common corporate control, if (I) it is clearly and conspicuously disclosed to the consumer with the credit application that the information may be communicated among such persons; and (II) the consumer is provided with the option to prohibit such communication (in writing, using a signature line that is separate and distinct from that used for the consumer's consent to the extension of credit) and does not exercise such option";

(2) in subparagraph (B), by striking "or" after the semicolon at the end; and

(3) in subparagraph (C), by striking the period at the end and inserting the following:

"; or (D) any communication of information about a consumer between persons who are affiliated by common ownership or common corporate control and in connection with a credit or insurance transaction that is not initiated by the consumer, if either person has complied with section 615(d)(2)(B) with respect to a consumer report from which the information is taken and the consumer has consented to use of the report for the transaction in accordance with section 615(d)(2)(C).".

(c) FIRM OFFER.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(l) The term 'firm offer' means an offer of credit or insurance to a consumer that will be honored by the offeror if—

"(1) based on information in the consumer report on the consumer or other information bearing on the creditworthiness of the consumer, the consumer is determined to meet the criteria used to select consumers for the offer; and

"(2) the information provided by the consumer in the application in response to the offer—

"(A) is not determined to be incorrect or inadequate; and

"(B) meets the criteria established by the offeror in advance of the offer for such extension of credit or insurance.".

(d) CREDIT OR INSURANCE TRANSACTION THAT IS NOT INITIATED BY THE CONSUMER.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a), as amended by subsection (c), is amended by adding at the end the following new subsection:

"(m) The term 'credit or insurance transaction that is not initiated by the consumer' does not include the use of a consumer report by a person with whom the consumer has an account, for purposes of—

"(1) reviewing the account; or

"(2) collecting the account.".

(e) EXCLUSION OF CERTAIN COMMUNICATIONS BY EMPLOYMENT AGENCIES FROM DEFINITION OF CONSUMER REPORT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681(a)), as amended by subsections (a) through (d), is amended—

(1) in subsection (d), by adding at the end the following new sentence: "The term also does not include a communication described in subsection (n).''; and

(2) by adding at the end the following:

"(n) COMMUNICATIONS BY EMPLOYMENT AGENCIES EXCLUDED FROM DEFINITION OF CONSUMER REPORT.—For purposes of subsection (d), a communication is described in this subsection if it is a communication—

"(1) that, but for the third sentence of subsection (d), would be an investigative consumer report;

"(2) that is made to a prospective employer for the purpose of—

"(A) procuring an employee for the employer; or

"(B) procuring an opportunity for a natural person to work for the employer;

"(3) that is made by a person that regularly performs such procurement;

"(4) that is not used by any person for any purpose other than a purpose described in subparagraph (A) or (B) of paragraph (2);

"(5) with respect to which—

"(A) the consumer who is the subject of the communication—

"(i) consents orally or in writing to the nature and scope of the communication, before the collection of any information for the purpose of making the communication;

"(ii) consents orally or in writing to the making of the communication to a prospective employer, before the making of the communication; and

"(iii) in the case of consent under clause (i) or (ii) given orally, is provided written confirmation of that consent by the person making the communication, not later than 3 business days after the receipt of the consent by that person;

"(B) the person making the communication does not, for the purpose of making the communication, make any inquiry that if made by a prospective employer of the consumer who is the subject of the communication would violate any applicable Federal or State equal employment opportunity law or regulation; and

"(C) the person making the communication—

"(i) discloses in writing to the consumer who is the subject of the communication, not later than 5 business days after receiving any request from the consumer for such disclosure, the nature and substance of all information in the consumer's file at the time of the request, except that the sources of information that is acquired solely for use in making the communication and actually used for no other purpose need not be disclosed other than under appropriate discovery procedures in the court in which an action is brought; and

"(ii) notifies the consumer who is the subject of the communication, in writing, of the consumer's right to request the information described in clause (i).".

SEC. 102. FURNISHING AND USING REPORTS; USE OF INFORMATION OBTAINED FROM REPORTS.

(a) USE OF REPORTS FOR EMPLOYMENT AND BUSINESS PURPOSES.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) by striking "A consumer reporting agency may furnish" and inserting the following:

"(a) IN GENERAL.—A consumer reporting agency may furnish";

(2) in subsection (a)(3)(A) (as designated by paragraph (1)), by striking "and involving the" and all that follows through the semicolon and inserting "or involving the extension of credit to, or review or collection of a credit or other account of, the consumer;";

(3) in subsection (a)(3) (as designated by paragraph (1)), by striking subparagraph (E) and inserting the following:

"(E) otherwise has a legitimate business need for the information in connection with a business transaction that—

"(i) is initiated by the consumer; or

"(ii) is a direct marketing transaction for which the furnishing of a consumer report by the agency is not prohibited under subsection (e).''; and

(4) by adding at the end the following new subsection:

"(b) CONDITIONS FOR FURNISHING AND USING CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—

"(1) CERTIFICATION FROM USER.—A consumer reporting agency may furnish a consumer report for employment purposes only—

"(A) if the person who obtains such report from the agency certifies to the agency that—

"(i) the disclosure required under paragraph (2) has been made and, if necessary, the disclosure required under paragraph (3), shall be made; and

"(ii) information from the consumer report will not be used in violation of any applicable Federal or State equal employment opportunity law or regulation; and

"(B) if the consumer reporting agency provides with the report a summary of the consumer's rights under this title, as prescribed in accordance with section 609(c)(3).

"(2) DISCLOSURES TO PROSPECTIVE AND CURRENT EMPLOYEES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to a prospective or current employee unless—

"(i) the prospective or current employee has received, before the report is procured, a clear and conspicuous disclosure made in writing that consumer reports may be used for employment purposes; and

"(ii) the prospective or current employee has provided a general or specific written authorization for the procurement of the report prior to such procurement.

"(B) WRITTEN MATERIAL CONSTITUTING NOTICE.—A written statement that consumer reports may be used for employment purposes which is contained in employee guidelines or manuals available to employees and prospective employees or included in written materials provided to employees or prospective employees shall constitute a written disclosure for purposes of subparagraph (A).

"(3) CONDITIONS ON USE FOR ADVERSE ACTIONS.—Before taking an adverse action based on a consumer report used for employment purposes, a person shall provide to the consumer to whom the report relates—

"(A) a copy of the report;

"(B) a description of the consumer's rights under this title, as prescribed in accordance with section 609(c)(3); and

"(C) a reasonable opportunity (not more than 5 business days following the receipt of the report by the consumer) to respond to any information in the report that is disputed by the consumer, except that if the person has a reasonable belief that the consumer has engaged in fraudulent or criminal activity, no such opportunity to respond shall be required.".

(b) USE OF INFORMATION OBTAINED FROM REPORTS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(c) CERTAIN USE OR OBTAINING OF INFORMATION PROHIBITED.—A person shall not use or obtain information from a consumer report for any purpose unless—

"(1) it is obtained for a purpose for which the consumer report is authorized to be furnished under subsection (a); and

"(2) the purpose is certified in accordance with section 607 by a prospective user of the report.".

(c) DISCLOSURE OF CONSUMER REPORTS BY USERS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding at the end the following new subsection:

"(c) DISCLOSURE OF CONSUMER REPORTS BY USERS ALLOWED.—A consumer reporting agency may not prohibit a user of a consumer report furnished by the agency on a consumer from disclosing the contents of the report to the consumer if adverse action against the consumer has been taken or is contemplated by the user of the consumer report, based in whole or in part on the report.".

(d) USE OF REPORTS TO ESTABLISH AND ENFORCE CHILD SUPPORT ORDERS.—Section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by subsections (a)

and (b), is amended by adding at the end the following new paragraph:

"(4) In response to a request from the head of the agency, department, or office (or an official authorized by the head of that agency, department, or office) that is responsible under law for obtaining child support orders, in order to establish an individual's obligation to make child support payments or to determine the appropriate level of such payments. Any consumer report obtained pursuant to this paragraph shall be kept confidential (other than for its use in connection with a public hearing related to child support) and shall not be used in connection with any other civil, administrative, or criminal proceeding.".

SEC. 103. AMENDMENTS RELATING TO PRESCREENING OF CONSUMER REPORTS.

(a) IN GENERAL.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by section 102, is amended—

(1) in subsection (a), by striking "A consumer reporting agency" and inserting "Subject to subsection (d), a consumer reporting agency"; and

(2) by adding at the end the following new subsection:

"(d) LIMITATIONS ON REPORTS RELATING TO CREDIT OR INSURANCE TRANSACTIONS NOT INITIATED BY THE CONSUMER.—

"(1) IN GENERAL.—A consumer reporting agency may furnish a consumer report relating to a consumer pursuant to subsection (a)(3)(A) to any person referred to in such subsection in connection with any credit or insurance transaction that is not initiated by the consumer only if—

"(A) the consumer authorizes the agency to provide such report to such person; or

"(B)(i) the transaction consists of a firm offer of credit or insurance;

"(ii) the consumer reporting agency has complied with subsection (f); and

"(iii) the consumer has not elected in accordance with subsection (f)(1) to have the consumer's name and address excluded from lists provided by the agency.

"(2) LIMITS ON INFORMATION RECEIVED UNDER PARAGRAPH (1)(B).—A person may receive pursuant to paragraph (1)(B) only—

"(A) the name and address of a consumer;

"(B) an identifier that is not unique to the consumer and that is used by the person solely for the purpose of verifying the identity of the consumer; and

"(C) information pertaining to a consumer that is not identified or identifiable with the consumer.

"(3) INFORMATION REGARDING INQUIRIES.—Except as provided in section 609(a)(4), a consumer reporting agency shall not furnish to any person a record of inquiries resulting from credit or insurance transactions that are not initiated by a consumer.".

(b) FURNISHING CONSUMER REPORTS FOR DIRECT MARKETING TRANSACTIONS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by subsection (a), is amended by adding at the end the following new subsections:

"(e) FURNISHING CONSUMER REPORTS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMER.—

"(1) FURNISHING REPORTS PROHIBITED.—Except as provided in subsections (a)(2) and (d), a consumer reporting agency may not furnish a consumer report for use for a direct marketing transaction that is not initiated by the consumer to whom the report relates, if—

"(A) the consumer notifies the agency that the consumer does not consent to that use;

"(B) the report includes any information other than the name and address of the consumer; or

"(C) furnishing the information would disclose the credit payment history, credit limit, credit balance, or any negative information pertaining to the consumer.

"(2) NOTIFICATION.—A consumer may notify a consumer reporting agency for purposes of paragraph (1)(A) either—

"(A) in writing; or

"(B) in the case of an agency that compiles and maintains files on consumers on a nationwide basis, by calling the toll-free telephone number established pursuant to subsection (f)(3).

"(f) ELECTION OF CONSUMER TO BE EXCLUDED FROM LISTS.—

"(1) IN GENERAL.—A consumer may elect to have such consumer's name and address excluded from any list provided by a consumer reporting agency pursuant to subsection (d)(1)(B) or (e)(2), by—

"(A) notifying the agency, in writing or through the notification system maintained by the agency under paragraph (3), that the consumer does not consent to any use of consumer reports relating to the consumer in connection with any credit or insurance transaction that is not initiated by the consumer or in connection with a direct marketing transaction that is not initiated by the consumer; or

"(B) returning to the agency a signed written notice of the election, as provided by the agency in accordance with paragraph (2).

"(2) PROVISION OF WRITTEN NOTICE TO CONSUMER.—A consumer reporting agency shall mail to a consumer a written notice for purposes of paragraph (1)(B), not later than 5 business days after being notified of the election of the consumer in accordance with paragraph (1)(A).

"(3) NOTIFICATION SYSTEM.—Each consumer reporting agency that furnishes a consumer report pursuant to subsection (d)(1)(B) in connection with any credit or insurance transaction that is not initiated by a consumer or pursuant to subsection (e) in connection with any direct marketing transaction that is not initiated by the consumer, shall establish and maintain a notification system, including a toll-free telephone number, which permits a consumer whose consumer report is maintained by the agency to notify the agency, with appropriate identification, of the consumer's election to have the consumer's name and address excluded from any list of names and addresses provided by the agency or its affiliates pursuant to subsection (d)(1)(B) or (e)(2). Establishment and maintenance of a nationwide notification system and publication by a consumer reporting agency on a nationwide basis in accordance with this paragraph shall be considered to fulfill the requirements of this paragraph with respect to each affiliate of the agency.

"(4) AGENCIES OPERATING NATIONWIDE.—Each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis shall establish and maintain a notification system under paragraph (3) jointly with other such consumer reporting agencies.

"(5) EFFECTIVENESS OF ELECTION.—An election of a consumer under paragraph (1)—

"(A) shall be effective with respect to a consumer reporting agency beginning on the date on which the consumer notifies the agency in accordance with paragraph (1)(A);

"(B) shall be effective—

"(i) for a period of 2 years after that effective date; or

"(ii) permanently, as may be specified by the consumer in his or her notification of election under paragraph (1)(B), except that the consumer may notify the agency at any time of a change of election in accordance with paragraph (1);

"(C) shall be effective with respect to each affiliate of the consumer reporting agency; and

"(D) shall be effective with respect to any list provided by a consumer reporting agency pursuant to subsection (d)(1)(B) or (e)(2), unless otherwise specified by the consumer.".

(c) FIRST NOTIFICATIONS BY CONSUMERS.—Not later than 1 year after the date of enactment of this Act, each consumer reporting agency that furnishes a consumer report pursuant to subsection (d) or (e) of section 604 shall establish and thereafter maintain a notification system in accordance with section 604(f).

SEC. 104. AMENDMENTS RELATING TO OBSOLETE INFORMATION AND INFORMATION CONTAINED IN CONSUMER REPORTS.

(a) REPEAL OF EXEMPTION PROVISIONS.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended in subsection (a), by striking "(a) Except as authorized under subsection (b) of this section, no" and inserting "(a) OBSOLETE INFORMATION.—Except as otherwise specifically authorized, no".

(b) ADDITIONAL INFORMATION ON BANKRUPTCY FILINGS REQUIRED.—Section 605(b) of the Fair Credit Reporting Act (15 U.S.C. 1681c(b)) is amended to read as follows:

"(b) INFORMATION REQUIRED TO BE DISCLOSED.—A consumer reporting agency that furnishes a consumer report that contains information regarding any case involving the consumer which arises under title 11, United States Code, shall include in the report an identification of the chapter of such title 11 under which such case arises if provided by the source of the information. If any case arising or filed under such title 11 is withdrawn by the consumer prior to a final judgment, the consumer reporting agency shall include in the report that such case or filing was withdrawn upon receipt of documentation certifying such withdrawal.".

(c) CLARIFICATION OF REPORTING PERIOD.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following new subsection:

"(c) RUNNING OF REPORTING PERIOD.—The 7-year period referred to in paragraphs (4) and (6) of subsection (a) shall begin, with respect to a delinquent account that is placed for collection (internally or by referral to a third party, whichever is earlier), charged to profit and loss, or subjected to any similar action, upon the expiration of the 180-day period beginning on the date of the commencement of the delinquency that immediately preceded the collection activity, charge to profit and loss, or similar action. The requirements of this subsection shall apply only to information added to a consumer report beginning 1 year after the date of enactment of the Consumer Reporting Reform Act of 1994.".

(d) DISCLOSURE OF PERSONAL INFORMATION.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsection (c), is amended by adding at the end the following new subsection:

"(d) DISCLOSURE OF PERSONAL INFORMATION.—A person who prepares a consumer report that includes personal credit information on a consumer shall not include in the report any adverse item of information on the consumer with respect to matters which antedate the report by more than 10 years or

which could not be included in any consumer report on the consumer in accordance with this section.".

(e) INDICATION OF CLOSURE OF ACCOUNT.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsection (d), is amended by adding at the end the following new subsection:

"(e) INDICATION OF CLOSURE OF ACCOUNT BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 622(a)(4) that a consumer's credit account was voluntarily closed by the consumer, the agency shall indicate that fact in any consumer report that includes information related to that account.".

(f) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended to read as follows:

"SEC. 605. REQUIREMENTS RELATING TO INFORMATION CONTAINED IN CONSUMER REPORTS.".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 605 and inserting the following:

"605. Requirements relating to information contained in consumer reports.".

SEC. 105. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

(a) NOTICE TO USERS AND PROVIDERS OF INFORMATION TO ENSURE COMPLIANCE.—

(1) IN GENERAL.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e), as amended by section 102(c), is amended by adding at the end the following new subsection:

"(d) NOTICE TO USERS AND FURNISHERS OF INFORMATION.—A consumer reporting agency shall provide notice to a person of such person's responsibilities under this title if such person—

"(1) regularly and in the ordinary course of business furnishes information to the agency with respect to a consumer; or

"(2) is provided by the agency with a consumer report.".

(2) CONTENT OF NOTICE.—Not later than 1 year after the date of enactment of this Act, the Federal Trade Commission shall prescribe the content of notices required under section 607(d) of the Fair Credit Reporting Act, as added by this subsection.

(b) RECORD OF IDENTITY OF USERS AND PURPOSES CERTIFIED BY USERS OF REPORTS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(e) PROCUREMENT OF CONSUMER REPORT FOR RESALE.—

"(1) DISCLOSURE.—A person may not procure a consumer report for purposes of reselling the report (or the information contained in the report) unless the person discloses to the consumer reporting agency that originally furnished the report—

"(A) the identity of the ultimate user of the report (or the information), and

"(B) each permissible purpose under section 604 for which the report will be furnished to the ultimate user of the report (or the information).

"(2) RESPONSIBILITIES OF PROCURERS FOR RESALE.—A person who procures a consumer report for purposes of reselling the report (or the information contained in the report) shall—

"(A) establish and comply with reasonable procedures, which shall be designed to ensure that the report (or the information) is resold by such person only for a purpose for which the report may be furnished under section 604, including—

"(i) identifying each prospective user of the resold report (or the information);

"(ii) certifying each purpose for which the report (or the information) will be used; and

"(iii) certifying that the report (or the information) will be used for no other purpose; and

"(B) before reselling the report, make reasonable efforts to verify the identifications and certifications made under subparagraph (A).".

SEC. 106. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

(a) ALL INFORMATION IN CONSUMER'S FILE REQUIRED TO BE DISCLOSED.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended to read as follows:

"(1) All information in the consumer's file at the time of the request.".

(b) MORE INFORMATION CONCERNING RECIPIENTS OF REPORTS REQUIRED.—Section 609(a)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(3)) is amended to read as follows:

"(3)(A) Identification of each person who procured a consumer report—

"(i) for employment purposes during the 2-year period preceding the request; and

"(ii) for any other purpose during the 1-year period preceding the request.

"(B) An identification of a person under subparagraph (A) shall include—

"(i) the name of the person or, if applicable, the trade name (written in full) under which such person conducts business; and

"(ii) upon request of the consumer, the address and telephone number of the person.".

(c) INFORMATION REGARDING INQUIRIES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding at the end the following new paragraph:

"(4) A record of all inquiries received by the agency during the 1-year period preceding the request that identified the consumer in connection with a credit or insurance transaction that was not initiated by the consumer.".

(d) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

(1) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(c) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

"(1) SUMMARY OF RIGHTS.—A consumer reporting agency shall provide to a consumer, on or with each written disclosure by the agency to the consumer under this section—

"(A) a written summary of all rights afforded to the consumer under this title; and

"(B) in the case of a consumer reporting agency that compiles and maintains consumer reports on a nationwide basis, a toll-free telephone number that the consumer can use to communicate with the agency.

"(2) SPECIFIC ITEMS REQUIRED TO BE INCLUDED.—The summary of rights required under paragraph (1) shall include—

"(A) a brief description of this title and all rights of consumers under this title;

"(B) an explanation of how the consumer may exercise the rights of the consumer under this title;

"(C) a list of all Federal agencies responsible for enforcing any provision of this title and the address and any appropriate telephone number of each such agency, in a form that will assist the consumer in selecting the appropriate agency; and

"(D) a statement that a consumer reporting agency is not required to remove accurate derogatory information from a consumer's file unless the information is outdated, as determined in accordance with section 605, or unless the information cannot be verified.

"(3) FORM OF SUMMARY OF RIGHTS.—The Federal Trade Commission (after consultation with each Federal agency referred to in section 621(b)) shall prescribe the form and content of any disclosure with respect to consumers' rights required to be made by a consumer reporting agency under this title.

"(4) STATE DISCLOSURES.—Notwithstanding paragraphs (1) through (3), a State shall retain the authority to require additional disclosures pertaining to State law in connection with a consumer report. Nothing in this subsection shall be construed to limit the authority of a State to mandate the time by which a disclosure shall be made to a consumer.".

(2) TECHNICAL AMENDMENT.—Section 606(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681d(a)(1)(B)) is amended by inserting before the semicolon the following: "and the written summary of the rights of the consumer prepared pursuant to section 609(c)".

(e) FORM OF DISCLOSURES.—

(1) IN GENERAL.—Subsections (a) and (b) of section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) are amended to read as follows:

"(a) WRITTEN DISCLOSURE.—The disclosures required to be made under section 609 shall be provided to a consumer in writing.

"(b) OTHER FORMS OF DISCLOSURE.—

"(1) IN GENERAL.—In addition to the written disclosures required by subsection (a), a consumer reporting agency may make the disclosures required under section 609 other than in written form if—

"(A) the consumer authorizes the disclosure;

"(B) the consumer furnishes proper identification to the consumer reporting agency;

"(C) the consumer specifies the form of disclosure; and

"(D) such form of disclosure is available from the agency.

"(2) FORM.—A consumer may specify, pursuant to paragraph (1), that disclosures under section 609 be made—

"(A) in person, upon the appearance of the consumer at the place of business of the consumer reporting agency where disclosures are regularly provided, during normal business hours, and on reasonable notice;

"(B) by telephone, if the consumer has made a written request for disclosure by telephone that includes the proper identification of the consumer, as required by paragraph (1)(B);

"(C) by electronic means, if available from the agency; or

"(D) by any other reasonable means available from the agency.".

(2) SIMPLIFIED DISCLOSURE.—Not later than 90 days after the date of enactment of this Act, each consumer reporting agency shall develop a form on which such consumer reporting agency shall make the disclosures required under section 609(a) of the Fair Credit Reporting Act, for the purpose of maximizing the comprehensibility and standardization of such disclosures.

(3) GOALS.—The Federal Trade Commission shall take appropriate action to assure that the goals of comprehensibility and standardization are achieved in accordance with paragraph (2).

(4) CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—The section heading for section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended to read as follows:

"SEC. 610. CONDITIONS AND FORM OF DISCLOSURE TO CONSUMERS.".

(B) TABLE OF SECTIONS.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 610 by inserting the following:

"610. Conditions and form of disclosure to consumers.".

SEC. 107. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

(a) IN GENERAL.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)) is amended to read as follows:

"(a) REINVESTIGATION OF DISPUTED INFORMATION.—

"(1) IN GENERAL.—If the completeness or accuracy of an item of information contained in a consumer's file at a consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly of such dispute, the agency shall reinvestigate free of charge and record the current status of the disputed information before the later of—

"(A) the expiration of the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer; or

"(B) the expiration of the 15-day period beginning on the last date on which the agency receives relevant information submitted by the consumer in accordance with paragraph (4).

"(2) PROMPT NOTICE OF DISPUTE TO FURNISHER OF INFORMATION.—Not later than 5 business days after the date on which a consumer reporting agency receives notice of a dispute from a consumer in accordance with paragraph (1), the agency shall notify any person who provided any item of information in dispute at the address and in the manner established with the person.

"(3) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under that paragraph if the agency reasonably determines that the dispute raised by the consumer is frivolous or irrelevant, including by reason of a failure to provide sufficient information to investigate the dispute.

"(B) NOTICE OF DETERMINATION.—Not later than 5 business days after making a determination in accordance with subparagraph (A) that a dispute is frivolous or irrelevant, a consumer reporting agency shall mail to the consumer a written notification of such determination (including the reasons for the determination), and, if authorized by the consumer for that purpose, notification by any other means available to the agency.

"(4) CONSIDERATION OF CONSUMER INFORMATION.—In conducting any reinvestigation under paragraph (1) with respect to disputed information in the file of a consumer, the consumer reporting agency shall review and consider all relevant information submitted by the consumer during the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer.

"(5) DELETION OF INACCURATE OR UNVERIFIABLE INFORMATION.—

"(A) IN GENERAL.—If, in the course of a reinvestigation under paragraph (1) of any information disputed by a consumer, an item of the information is found to be inaccurate or cannot be verified, the consumer reporting agency shall delete that item of information from the consumer's file.

"(B) REQUIREMENTS RELATING TO REINSERTION OF PREVIOUSLY DELETED MATERIAL.—

"(i) CERTIFICATION OF ACCURACY OF INFORMATION.—If any information is deleted from a consumer's file pursuant to subparagraph (A), the information may not be reinserted in the file after the deletion unless the person who furnishes the information certifies that the information is complete and accurate.

"(ii) NOTICE TO CONSUMER.—If any information that has been deleted from a consumer's file pursuant to subparagraph (A) is reinserted in the file in accordance with clause (i), the consumer reporting agency shall, not later than 5 business days after such reinsertion, mail to the consumer written notification of the reinsertion, and, if authorized by the consumer for that purpose, shall provide such notice by any other means available to the agency.

"(iii) CONTENTS.—The notice of reinsertion required under clause (ii) shall include—

"(I) all information prescribed in clauses (iii) and (v) of paragraph (6)(B);

"(II) a description of the procedure used to make the finding that the information should be reinserted; and

"(III) the name, business address, and telephone number of any furnisher of information contacted in connection with such information.

"(C) PROCEDURES TO PREVENT REAPPEARANCE.—A consumer reporting agency shall maintain reasonable procedures designed to prevent the reappearance in a consumer's file, and in consumer reports on the consumer, of information that is required to be deleted pursuant to this paragraph (other than information that is reinserted in accordance with subparagraph (B)(i)).

"(6) NOTICE OF RESULTS OF REINVESTIGATION.—

"(A) IN GENERAL.—A consumer reporting agency shall mail to the consumer written notification of the results of a reinvestigation under this subsection not later than 5 business days after the completion of the reinvestigation, and, if authorized by the consumer for that purpose, shall provide notification by other means available to the agency.

"(B) CONTENTS.—As part of or in addition to the notice under subparagraph (A), a consumer reporting agency shall provide to a consumer in writing during the 5-business-day period referred to in subparagraph (A)—

"(i) a statement that the reinvestigation is completed;

"(ii) a consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

"(iii) a description or indication of any changes made in the consumer report as a result of those revisions to the consumer's file;

"(iv) in any case in which disputed information is found to be accurate and complete (and in any other case upon request by the consumer), a description of the procedure used to make the finding and the name, business address, and telephone number of any furnisher of information contacted in connection with such information;

"(v) a notification that the consumer has the right to insert a statement in such consumer's file disputing the accuracy or completeness of the information in the file; and

"(vi) a clear and conspicuous notification of the right of the consumer to request under subsection (d) that the consumer reporting agency furnish notifications under that subsection.

"(7) DESCRIPTION OF REINVESTIGATION PROCEDURE.—Not later than 15 days after receiving a request from the consumer for a description referred to in paragraph (6)(B)(iv), the consumer reporting agency shall provide such description to the consumer.

"(8) EXCEPTION.—If the dispute is resolved by the deletion of the disputed information not later than 3 business days after the date on which the consumer reporting agency receives notice of the dispute in accordance with paragraph (1), the consumer reporting agency shall be exempt from the requirements of paragraphs (2) and (6) if the consumer reporting agency—

"(A) provides prompt notification of the deletion to the consumer by telephone;

"(B) provides written confirmation of the deletion, upon request by the consumer; and

"(C) maintains reasonable procedures designed to prevent the reappearance in the consumer's file, and in reports on the consumer, of information deleted pursuant to paragraph (5).

"(9) CONSIDERATION OF CONSUMER DOCUMENTATION.—

"(A) IN GENERAL.—Reinvestigation under this section shall include an acceptance of the consumer's version of the disputed information and correction or deletion of the disputed information, if the consumer submits to the consumer reporting agency documentation obtained from the source of the information in dispute confirming that the disputed information in the consumer report is inaccurate or incomplete.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), the consumer reporting agency need not accept the consumer's version of the disputed information if the consumer reporting agency, acting in good faith—

"(i) has reason to doubt the authenticity of the documentation submitted by the consumer;

"(ii) reinvestigates the dispute by contacting the source of the disputed item; and

"(iii) verifies that the documentation is not authentic.

"(10) INFORMATION FROM CONSUMER.—Nothing in paragraph (1)(B) or paragraph (4) shall be construed to require a consumer to provide information in connection with a reinvestigation under this section.".

(b) CONFORMING AMENDMENT.—Section 611(d) of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking "The consumer reporting agency shall clearly" and all that follows through the end of the subsection.

SEC. 108. AMENDMENT RELATING TO CHARGES FOR DISCLOSURE.

(a) IN GENERAL.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended to read as follows:

"SEC. 612. CHARGES FOR DISCLOSURES AND CERTAIN NOTICES PROHIBITED.

"(a) FREE CONSUMER REPORTS.—Each consumer reporting agency that maintains a file on a consumer shall make all disclosures pursuant to section 609 without charge to the consumer—

"(1) if the consumer makes a request under section 609 not later than 60 days after receipt by such consumer of a notification pursuant to section 615 or of a notification from a debt collection agency affiliated with that consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected;

"(2) upon written request by the consumer not later than 1 year after the consumer receives a notification under subsection (b)(2); and

"(3) if the consumer certifies in writing that the consumer—

"(A) is unemployed and intends to apply for employment during the 60-day period beginning on the date on which such certification is made;

"(B) is a recipient of public welfare assistance; or

"(C) has been the victim of fraud.

"(b) CHARGE FOR CERTAIN NOTICES PROHIBITED.—A consumer reporting agency shall not impose any charge on the consumer for—

"(1) providing a notice required under section 604(f)(2), 607(d), or 611(a); or

"(2) notifying a person pursuant to section 611(d) of the deletion of information that is found to be inaccurate or that can no longer be verified, if the consumer designates that person to the agency before the end of the 30-day period beginning on the date of the notification of the consumer under section 611(a)(6).

"(c) CONSUMER REPORTS AT SPECIFIED CHARGE.—

"(1) IN GENERAL.—Upon the written request of a consumer, a consumer reporting agency that maintains a file on the consumer shall make all disclosures pursuant to section 609 once during any 12-month period at the applicable charge described in paragraph (2).

"(2) APPLICABLE CHARGE.—For purposes of paragraph (1), the applicable charge shall not exceed the lesser of—

"(A) the total costs incurred by the consumer reporting agency in making the disclosures; and

"(B) $3.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 612 and inserting the following:

"612. Charges for disclosures and certain notices prohibited.".

SEC. 109. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS.

(a) DUTIES OF USERS TAKING ADVERSE ACTIONS.—Section 615(a) of the Fair Credit Reporting Act (15 U.S.C. 1681m(a)) is amended to read as follows:

"(a) DUTIES OF USERS TAKING ADVERSE ACTIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER REPORTS.—If a person takes any adverse action with respect to a consumer in connection with credit, employment purposes, insurance underwriting, any license or benefit described in section 604(a)(3)(D), or any business transaction involving the consumer that is based, in whole or in part, on any information contained in a consumer report, the person shall—

"(1) provide written notice of the adverse action to the consumer;

"(2) provide to the consumer—

"(A) the name, address, and telephone number (including any available toll-free telephone number) of the consumer reporting agency that furnished the report to the person; and

"(B) a statement that the consumer reporting agency did not make the decision to take the adverse action; and

"(3) provide to the consumer a written notice of the consumer's right—

"(A) to obtain, under section 612, a free copy of a consumer report on the consumer, from the consumer reporting agency referred to in paragraph (2); and

"(B) to dispute, under section 611, with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency.".

(b) DUTIES OF USERS WHO MAKE CERTAIN SOLICITATIONS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following new subsection:

"(d) DUTIES OF USERS WHO MAKE WRITTEN CREDIT OR INSURANCE SOLICITATIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER FILES.—

"(1) IN GENERAL.—A person who uses a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance shall provide on or with any written solicitation made to the consumer regarding the transaction a clear and conspicuous statement that—

"(A) information contained in the consumer's consumer report was used in connection with the transaction;

"(B) the consumer received the offer of credit or insurance because the consumer satisfied the criteria for creditworthiness under which the consumer was selected for the offer;

"(C) if applicable, the credit or insurance may not be extended if, after the consumer responds to the offer by submitting an application, the consumer—

"(i) fails to provide correct and adequate information in such application; or

"(ii) does not meet the criteria established in advance of the offer for such extension of credit or insurance;

"(D) no criteria for creditworthiness will be imposed on the consumer other than the criteria established in advance of the offer for such extension of credit or insurance;

"(E) the consumer has a right to prohibit information contained in the consumer's file with a consumer reporting agency to be used in connection with any credit or insurance transaction that is not initiated by the consumer; and

"(F) the consumer may exercise the right referred to in subparagraph (E) by using the joint notification system established under section 604(f)(4) or the toll-free telephone number established pursuant to section 604(f)(3).

"(2) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to the use of a consumer report by a person if—

"(A) the person is affiliated by common ownership or by common corporate control with the person who procured the report;

"(B) the person who procured the report clearly and conspicuously disclosed to the consumer to whom the report relates, before the report is provided to the person who will use the report, that the report might be provided to and used by other persons who are affiliated in the manner described in subparagraph (A) to the person who procured the report; and

"(C) the provision and use of the report is consented to by the consumer in writing.

"(3) FALSE AND MISLEADING STATEMENTS.—No statement accompanying a credit or insurance transaction that is not initiated by the consumer shall contain any false or misleading information concerning any condition or criteria for the extension or offer of credit or insurance to the consumer.

"(4) MAINTAINING CRITERIA ON FILE.—A person who makes an offer of credit or insurance to a consumer under a credit or insurance transaction described in paragraph (1) shall maintain on file the criteria established in advance of the offer for such extension of credit or insurance until the expiration of the 3-year period beginning on the date on which the offer is made to the consumer.".

(c) DUTIES OF USERS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMERS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by subsection (b), is amended by adding at the end the following new subsection:

"(e) DUTIES OF USERS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMERS.—A person who, in connection with a direct marketing transaction that is not initiated by a consumer, uses information concerning the consumer that is provided by a consumer reporting agency to that person under section 604(e) shall provide to the consumer with each communication regarding the transaction made to the consumer a clear and conspicuous written statement—

"(1) that information concerning the consumer that was provided by a consumer reporting agency was used in connection with the transaction;

"(2) that the consumer has the right under section 604(e) to prohibit any information concerning the consumer from being provided by the consumer reporting agency for use in connection with any direct marketing transaction that is not initiated by the consumer;

"(3) that the consumer may exercise the right referred to in paragraph (2) by notifying the consumer reporting agency in writing or, in the case of a consumer reporting agency required to establish a toll-free telephone number pursuant to section 604(f)(4), by calling that number; and

"(4) disclosing the name, address, and, in the case of a consumer reporting agency required to establish a toll-free telephone number pursuant to section 604(f)(4), the toll-free telephone number at which the agency may be notified.".

(d) AFFILIATE SHARING NOTICE REQUIREMENT.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m), as amended by subsections (b) and (c), is amended by adding at the end the following new subsection:

"(f) AFFILIATE SHARING NOTICE REQUIREMENT.—Whenever credit or insurance for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased, either wholly or partly because of information that is furnished to the user of the information by a person related to the user by common ownership or affiliated by corporate control, and that bears upon the consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall—

"(1) notify the consumer of the action, and upon a written request from the consumer for the reasons for such action that is received by the user not later than 60 days after transmitting such notice, not later than 30 days after receiving such request, disclose the nature of the information to the consumer; and

"(2) provide to the consumer a toll-free telephone number that is established and maintained by the user and that enables the consumer to contact the user regarding the action.".

SEC. 110. AMENDMENTS RELATING TO CIVIL LIABILITY.

(a) WILLFUL FAILURE TO COMPLY.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended to read as follows:

"SEC. 616. CIVIL LIABILITY FOR WILLFUL NONCOMPLIANCE.

"(a) IN GENERAL.—Except as provided in section 622(c), a person who willfully fails to comply with any requirement imposed under this title with respect to a consumer is liable to that consumer in an amount prescribed under subsection (b).

"(b) DAMAGES.—Liability for a willful failure to comply described in subsection (a) shall be in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) an amount not less than $300 nor greater than $1,000;

"(3) such punitive damages as the court may allow; and

"(4) in the case of a successful action to enforce any liability under this section—

"(A) the costs of the action; and

"(B) reasonable attorney's fees, as determined by the court.

"(c) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to such pleading, motion, or other paper.".

(b) NEGLIGENT FAILURE TO COMPLY.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended to read as follows:

"SEC. 617. CIVIL LIABILITY FOR NEGLIGENT NONCOMPLIANCE.

"(a) IN GENERAL.—Except as provided in section 622(c), a person who is negligent in failing to comply with any requirement of this title with respect to a consumer shall be liable to that consumer in an amount prescribed in subsection (b).

"(b) DAMAGES.—Liability for a negligent failure to comply described in subsection (a) shall be in an amount equal to the sum of—

"(1) any actual damage sustained by a consumer as a result of the failure; and

"(2) in the case of any successful action to enforce liability under this section—

"(A) the costs of the action; and

"(B) reasonable attorney's fees, as determined by the court.

"(c) ATTORNEY'S FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to such pleading, motion, or other paper.".

SEC. 111. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) by redesignating sections 622 and 623 as sections 623 and 624; and

(2) by inserting after section 621 the following new section:

"SEC. 622. RESPONSIBILITIES OF FURNISHERS OF INFORMATION TO CONSUMER REPORTING AGENCIES.

"(a) DUTY OF FURNISHERS OF INFORMATION TO PROVIDE COMPLETE AND ACCURATE INFORMATION.—

"(1) IN GENERAL.—A person shall not furnish any information to a consumer reporting agency if the person knows or should know the information is incomplete or inaccurate.

"(2) DUTY TO CORRECT AND UPDATE INFORMATION AFTER REINVESTIGATION.—A person who furnishes to a consumer reporting agency information that is disputed by a consumer in accordance with section 611 and that, as a result of an investigation conducted in accordance with subsection (b), is determined by the person to be inaccurate or incomplete shall—

"(A) promptly notify the consumer reporting agency of that determination; and

"(B) provide to the agency any corrections to that information, or any additional information, that is necessary to make the information provided by the person to the agency complete and accurate.

"(3) DUTY TO CORRECT INFORMATION OTHERWISE DETERMINED TO BE INACCURATE OR INCOMPLETE.—A person who regularly and in the ordinary course of business furnishes to a consumer reporting agency information that, other than as a result of an investigation conducted in accordance with subsection (b), is determined by the person to be inaccurate or incomplete shall—

"(A) promptly notify the consumer reporting agency of that determination; and

"(B) provide to the agency any corrections to that information, or any additional information, necessary to make the information provided by the person to the agency complete and accurate.

"(4) DUTY TO PROVIDE NOTICE OF CONTINUING DISPUTE.—If the completeness or accuracy of any information furnished by any person to a consumer reporting agency continues to be disputed by the consumer to such person, that person shall not furnish the information to a consumer reporting agency without notice that such information is disputed by the consumer.

"(5) DUTY TO PROVIDE NOTICE OF CLOSED ACCOUNTS.—A person who regularly furnishes information to a consumer reporting agency regarding a consumer who has a credit account with that person shall notify the agency of the closure of that account by the consumer in information regularly furnished for the period in which the account is closed.

"(6) DUTY TO PROVIDE NOTICE OF DELINQUENCY OF ACCOUNTS.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall, by not later than 90 days after furnishing the information, notify the agency of the month and year of the commencement of the delinquency which immediately preceded the action.

"(b) DUTIES OF FURNISHERS OF INFORMATION UPON NOTICE OF DISPUTE.—Upon receiving notice pursuant to section 611(a)(2) of a dispute with regard to the completeness or accuracy of any information provided by a person to a consumer reporting agency, the person shall—

"(1) complete an investigation with respect to the disputed information and report to the consumer reporting agency the results of that investigation before the end of the applicable period under section 611(a), during which the consumer reporting agency is required to complete actions required by that section regarding that information; and

"(2) review relevant information submitted to the consumer reporting agency by the consumer in accordance with section 611(a)(4).

"(c) LIMITATIONS.—

"(1) LIMITATION ON LIABILITY.—Sections 616 and 617 do not apply to any failure to comply with paragraph (1), (3), (4), (5), or (6) of subsection (a).

"(2) ENFORCEMENT.—Paragraphs (1), (3), (4), (5), and (6) of subsection (a) shall be enforced exclusively under section 621 by the agencies identified in that section.

"(3) INJUNCTIVE RELIEF.—In an action alleging a violation of subsection (a)(1), the court shall have jurisdiction to enjoin the violation only where the action is brought by the Federal Trade Commission or the attorney general of a State.".

(b) CLERICAL AMENDMENT.—The table of sections for title VI of the Consumer Credit Protection Act is amended—

(1) by redesignating the items relating to sections 622 and 623 as sections 623 and 624, respectively; and

(2) inserting after the item relating to section 621 the following new item:

"622. Responsibilities of furnishers of information to consumer reporting agencies.".

SEC. 112. STATE ACTION TO ENFORCE ACT.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsection:

"(d) STATE ACTION TO ENFORCE TITLE.—

"(1) IN GENERAL.—If a person violates any requirement imposed under this title, the chief law enforcement officer of the State in which such violation occurred (or an official or agency designated by that State) may bring an action—

"(A) to restrain such violation;

"(B) to recover amounts for which such person is liable under this title to each consumer on whose behalf the action is brought;

"(C) to seek such remedies as are allowed under the laws of such State; or

"(D) except in the case of a violation of section 622(a)(1), to collect a civil penalty of not more than $1,000 for each such violation.

"(2) NOTICE.—The State shall serve prior written notice of any civil action under this subsection upon the Commission and provide the Commission with a copy of the complaint. If prior notice is not feasible, the State attorney general shall provide notice immediately upon initiating the action. Upon receiving notice of a civil action under this section, the Commission shall have the right—

"(A) to intervene in the action;

"(B) upon so intervening, to be heard on all matters arising therein; and

"(C) to file petitions for appeal.".

SEC. 113. ADMINISTRATIVE ENFORCEMENT.

(a) IN GENERAL.—Section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a)) is amended in the second sentence—

(1) by striking "Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to a consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective" and inserting "Act. All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Federal Trade Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection and not subject to enforcement pursuant to section 8 of the Federal Deposit Insurance Act, irrespective"; and

(2) by inserting before the period ", including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule, except that no civil penalty may be imposed for a violation of section 622(a)(1)".

(b) FEDERAL RESERVE BOARD INTERPRETIVE AUTHORITY.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s), as amended by section 112, is amended by adding at the end the following new subsection:

"(e) INTERPRETIVE AUTHORITY.—The Board of Governors of the Federal Reserve System may issue an interpretation of any provision of this title as it may apply to any person identified in paragraph (1), (2), or (3) of subsection (b), and the holding companies and affiliates of such person, in consultation with the Federal agencies identified in paragraph (1), (2), or (3) of subsection (b).".

SEC. 114. ESTABLISHMENT OF TOLL-FREE TELEPHONE NUMBER.

Not later than 1 year after the date of enactment of this Act, each consumer reporting agency that compiles and maintains consumer reports on a nationwide basis shall establish, and thereafter maintain, a toll-free telephone number for the purpose of making agency personnel accessible to consumers pursuant to section 609(c)(1)(B) of the Fair Credit Reporting Act.

SEC. 115. ACTION BY FTC.

Not later than 270 days after the date of enactment of this Act, the Federal Trade Commission shall prescribe all matters required to be prescribed by the Federal Trade Commission under this title and the amendments made by this title.

SEC. 116. RELATION TO STATE LAWS.

Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681t) (as redesignated by section 111 of this Act) is amended—

(1) by striking "This title" and inserting the following:

"(a) IN GENERAL.—This title";

(2) by inserting ", and except as provided in subsection (b)" before the period at the end; and

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

"(b) EXCEPTIONS.—

"(1) STATE LAW.—No requirement or prohibition may be imposed under the laws of any State—

"(A) with respect to any subject matter regulated under—

"(i) section 604(d), relating to the prescreening of consumer reports;

"(ii) section 605, relating to obsolete information, except that this clause does not affect the applicability of any State law in effect on the date of enactment of the Consumer Reporting Reform Act of 1994;

"(iii) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file, except that this clause does not affect the applicability of any State law in effect on the date of enactment of the Consumer Reporting Reform Act of 1994;

"(iv) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report; or

"(v) section 615(d), relating to the duties of persons who use a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance;

"(B) with respect to the exchange of information among persons affiliated by common ownership or common corporate control; or

"(C) with respect to the form and content of any disclosure required to be made under section 609(c).

"(2) DEFINITION OF 'FIRM OFFER OF CREDIT'.—Notwithstanding the definition of the term 'firm offer of credit' (or any equivalent term) under the laws of any State, the definition of that term contained in section 603(l) shall be construed to apply in the enforcement and interpretation of the laws of any State governing consumer reports.

"(3) FTC MODIFICATION PERMITTED.—If it considers such action necessary for the protection of consumers, the Federal Trade Commission may, after consultation with each Federal agency referred to in section 621(b) and with appropriate State regulatory and law enforcement agencies, promulgate regulations in accordance with section 553 of title 5, United States Code, to impose requirements—

"(A) that are more stringent than those imposed under—

"(i) section 611, relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file;

"(ii) section 615(a), relating to the duties of a person who takes any adverse action with respect to a consumer on the basis of information contained in a consumer report; or

"(iii) section 615(d), relating to the duties of persons who use a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance; and

"(B) with respect to the form and content of any disclosure required to be made under section 609(c).

"(4) APPLICABILITY.—Notwithstanding any other provision of this subsection, beginning 6 years after the date of enactment of the Consumer Reporting Reform Act of 1994, a State may adopt a law, or certify that the voters of the State have voted in favor of a constitutional or other provision, which states explicitly and by its terms that the law or provision is intended to supplement this Act, if the law or provision gives greater protection to the consumer than is provided under this Act.".

SEC. 117. FAIR DEBT COLLECTION PRACTICES.

Section 807(11) of the Fair Debt Collection Practices Act (15 U.S.C. 1692e(11)) is amended to read as follows:

"(11) Except as otherwise provided for communications to acquire location information under section 804, the failure to disclose clearly in the initial written communication with a consumer in connection with the collection of a debt or to obtain information about a consumer, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose.".

SEC. 118. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall become effective 1 year after the date of enactment of this Act.

(b) EXCEPTIONS.—Notwithstanding the provisions of subsection (a), the Federal Trade Commission may prescribe regulations, as required by this title and the amendments made by this title.

TITLE II—CREDIT REPAIR ORGANIZATIONS

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Title IV of the Consumer Credit Protection Act is amended to read as follows:

"TITLE IV—CREDIT REPAIR ORGANIZATIONS

"Sec.
"401. Short title.
"402. Findings and purposes.
"403. Definitions.
"404. Prohibited practices by credit repair organizations.
"405. Disclosures.
"406. Credit repair organizations contracts.
"407. Right to cancel contract.
"408. Noncompliance with this title.
"409. Civil liability.
"410. Administrative enforcement.

"SEC. 401. SHORT TITLE.

"This title may be cited as the 'Credit Repair Organizations Act'.

"SEC. 402. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) consumers have a vital interest in establishing and maintaining their creditworthiness and credit standing in order to obtain and use credit. As a result, consumers who have experienced credit problems may seek assistance from credit repair organizations that offer to improve the credit standing of such consumers; and

"(2) certain advertising and business practices of some companies engaged in the business of credit repair services have worked a financial hardship upon consumers, particularly consumers who have limited economic means and who are inexperienced in credit matters.

"(b) PURPOSES.—The purposes of this title are—

"(1) to ensure that prospective buyers of the services of credit repair organizations are provided with the information necessary to make an informed decision regarding the purchase of such services; and

"(2) to protect the public from unfair or deceptive advertising and business practices by credit repair organizations.

"SEC. 403. DEFINITIONS.

"For purposes of this title, the following definitions shall apply:

"(1) CONSUMER.—The term 'consumer' means an individual.

"(2) CONSUMER CREDIT TRANSACTION.—The term 'consumer credit transaction' means any transaction in which credit is offered or extended to an individual for personal, family, or household purposes.

"(3) CREDIT REPAIR ORGANIZATION.—The term 'credit repair organization'—

"(A) means a person who uses any instrumentality of interstate commerce or the mails to sell, provide, or perform (or represent that such person can or will sell, provide, or perform) any service, in return for the payment of money or other valuable consideration, for the express or implied purpose of—

"(i) improving a consumer's credit record, credit history, or credit rating;

"(ii) removing adverse credit information that is accurate and not obsolete from the consumer's record, history, or rating;

"(iii) altering the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse credit information that is accurate and not obsolete; or

"(iv) providing advice or assistance to a consumer with regard to any activity or service described in clause (i), (ii), or (iii); and

"(B) does not include—

"(i) a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; or

"(ii) an attorney at law who is a member of the bar of the highest court of any State or otherwise licensed under the laws of any State, with respect to services rendered that are within the scope of regulations applicable to members of such bar or such licensees.

"(4) CREDIT.—The term 'credit' has the same meaning as in section 103 of the Truth in Lending Act.

"SEC. 404. PROHIBITED PRACTICES BY CREDIT REPAIR ORGANIZATIONS.

"No credit repair organization, and no officer, employee, agent, or other person participating in the conduct of the affairs of a credit repair organization, may—

"(1) receive any money or other valuable consideration for the performance of any service that the credit repair organization has agreed to perform for a consumer before such service is fully performed;

"(2) make any statement, or counsel or advise a consumer to make any statement, that is untrue or misleading (or that, upon the exercise of reasonable care, should be known by the credit repair organization, officer, employee, agent, or other person to be untrue or misleading) with respect to the consumer's credit history, credit rating, or credit standing to—

"(A) any consumer reporting agency (as defined in section 603(f)); or

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(3) make any statement, or counsel or advise a consumer to make any statement, the intended effect of which is to alter the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse credit information that is accurate and not obsolete to—

"(A) any consumer reporting agency; or

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(4) make or use any untrue or misleading representation of the services of the credit repair organization; or

"(5) engage, directly or indirectly, in any act, practice, or course of business that constitutes or results in the commission of, or an attempt to commit, a fraud or deception on a person in connection with the offer or sale of the services of the credit repair organization.

"SEC. 405. DISCLOSURES.

"(a) DISCLOSURE REQUIRED.—Before any contract or agreement between a consumer and a credit repair organization is executed, the credit repair organization shall provide the consumer with the following written statement:

"'Consumer Credit File Rights Under State and Federal Law

"'You have a right to dispute inaccurate information in your consumer report by contacting the credit bureau directly. However, neither you nor any "credit repair" company or credit repair organization has the right to have accurate, current, and verifiable information removed from your consumer report. The credit bureau must remove accurate, negative information from your report only if it is over 7 years old. Bankruptcy information can be reported for 10 years.

"'You have a right to obtain a copy of your consumer report from a credit bureau. You are entitled to receive a free copy of your credit report if you have been turned down for credit, employment, insurance, or a rental dwelling because of information in your consumer report during the preceding 60 days. You are also entitled to receive a free copy of your credit report if you are unemployed and intend to apply for employment during the next 60 days, if you are a recipient of public welfare assistance, or if you have been the victim of fraud. Otherwise, you may be charged a reasonable fee. The credit bureau must provide someone to help you interpret the information in your credit file.

"'You have a right to sue a credit repair company that violates the Credit Repair Organization Act. This law prohibits deceptive practices by credit repair companies.

"'You have the right to cancel your contract with any credit repair organization for any reason not later than 3 business days from the date you signed it.

"'Credit bureaus are required to follow reasonable procedures to ensure that creditors report information accurately. However, mistakes may occur.

"'You may, on your own, notify a credit bureau in writing that you dispute the accuracy of information in your credit file. The credit bureau must then reinvestigate and modify or remove inaccurate information. The credit bureau may not charge any fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the credit bureau.

"'If reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the credit bureau, to be kept in your file, explaining why you think the record is inaccurate. The credit bureau must include your statement about disputed information with any report it issues about you.

"'The Federal Trade Commission regulates credit bureaus and credit repair organizations. For more information contact:

"'Public Reference Branch
Federal Trade Commission
Washington, D.C. 20580.'.

"(b) SEPARATE STATEMENT REQUIREMENT.—The written statement required under this section shall be provided as a document that is separate from any written contract or other agreement between the credit repair organization and the consumer or any other written material provided to the consumer.

"(c) RETENTION OF COMPLIANCE RECORDS.—

"(1) IN GENERAL.—The credit repair organization shall maintain a copy of the statement signed by the consumer acknowledging receipt of the statement.

"(2) MAINTENANCE FOR 2 YEARS.—The copy of the consumer's statement shall be maintained in the organization's files for 2 years after the date on which the statement is provided to the consumer.

"SEC. 406. CREDIT REPAIR ORGANIZATIONS CONTRACTS.

"(a) WRITTEN CONTRACTS REQUIRED.—A credit repair organization may not provide services for a consumer unless a written and dated contract for the purchase of such services that meets the requirements of subsection (b) has been signed by the consumer.

"(b) TERMS AND CONDITIONS OF CONTRACT.—No contract referred to in subsection (a) meets the requirements of this subsection unless such contract includes the following information (in writing):

"(1) The terms and conditions of payment, including the total amount of all payments to be made by the consumer to the credit repair organization or to any other person.

"(2) A full and detailed description of the services to be performed by the credit repair organization for the consumer, including—

"(A) all guarantees and all promises of full or partial refunds; and

"(B) an estimate of—

"(i) the date by which the performance of the services (to be performed by the credit repair organization or any other person) will be complete; or

"(ii) the length of the period necessary to perform such services.

"(3) The credit repair organization's name and principal business address.

"(4) A conspicuous statement in boldface type, in immediate proximity to the space reserved for the consumer's signature on the contract, which reads as follows: 'You may cancel this contract without penalty or obligation at any time before midnight of the third business day after the date on which you signed the contract. See the attached notice of cancellation form for an explanation of this right.'.

"SEC. 407. RIGHT TO CANCEL CONTRACT.

"(a) IN GENERAL.—A consumer may cancel any contract with a credit repair organization without penalty or obligation by notifying the credit repair organization of the consumer's intention to do so at any time before midnight of the third business day which begins on the date on which the contract or agreement between the consumer and the credit repair organization is executed or would, but for this subsection, become enforceable against the parties.

"(b) CANCELLATION FORM AND OTHER INFORMATION.—Each contract shall be accompanied by a form, in duplicate, which has the heading 'Notice of Cancellation' and contains in boldface type the following statement:

"'You may cancel this contract, without any penalty or obligation, at any time before midnight of the third business day which begins after the date the contract is signed by you.

"'If you cancel, any payment you made under this contract will be returned before the end of the 10-day period beginning on the date the seller receives your cancellation notice.

"'To cancel this contract, mail or deliver a signed, dated copy of this cancellation notice, or any other written notice to [insert name of credit repair organization] at [insert address of credit repair organization] before midnight on [insert date].

"'I hereby cancel this transaction.

"'_____(purchaser's signature)

"'_____(date)'.

"(c) CONSUMER COPY OF CONTRACT REQUIRED.—A consumer who enters into any contract with a credit repair organization shall be given, by the organization—

"(1) a copy of the completed contract and the disclosure statement required under section 405; and

"(2) a copy of any other document the credit repair organization requires the consumer to sign,

at the time the contract or the other document is signed.

"SEC. 408. NONCOMPLIANCE WITH THIS TITLE.

"(a) CONSUMER WAIVERS INVALID.—Any waiver by a consumer of any protection provided by or any right of the consumer under this title—

"(1) shall be treated as void; and

"(2) may not be enforced by a Federal or State court or any other person.

"(b) ATTEMPT TO OBTAIN WAIVER.—An attempt by any credit repair organization to obtain a waiver from a consumer of any protection provided by or any right of the consumer under this title shall be treated as a violation of this title.

"(c) CONTRACTS NOT IN COMPLIANCE.—A contract for services that does not comply with the applicable provisions of this title—

"(1) shall be treated as void; and

"(2) may not be enforced by a Federal or State court or by any other person.

"SEC. 409. CIVIL LIABILITY.

"(a) LIABILITY ESTABLISHED.—A credit repair organization that fails to comply with any provision of this title with respect to any person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

"(1) ACTUAL DAMAGES.—The greater of—

"(A) the amount of any actual damage sustained by such person as a result of such failure; or

"(B) any amount paid by the person to the credit repair organization.

"(2) PUNITIVE DAMAGES.—

"(A) INDIVIDUAL ACTIONS.—In the case of an action by an individual, such additional amounts as the court may allow.

"(B) CLASS ACTIONS.—In the case of a class action, the sum of—

"(i) the aggregate of the amount that the court may allow for each named plaintiff; and

"(ii) the aggregate of the amount that the court may allow for each other class member, without regard to any minimum individual recovery.

"(3) ATTORNEYS' FEES.—In the case of a successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

"(b) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any credit repair organization under subsection (a)(2), the court shall consider, among other relevant factors—

"(1) the frequency and persistence of noncompliance by the credit repair organization;

"(2) the nature of the noncompliance;

"(3) the extent to which such noncompliance was intentional; and

"(4) in the case of any class action, the number of consumers adversely affected.

"(c) JURISDICTION.—An action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, before the later of—

"(1) the end of the 2-year period beginning on the date of the occurrence of the violation involved; or

"(2) in any case in which a credit repair organization has materially and willfully misrepresented any information that—

"(A) the credit repair organization is required, by any provision of this title, to disclose to a consumer; and

"(B) is material to the establishment of the credit repair organization's liability to the consumer under this section,

the end of the 2-year period beginning on the date of the discovery by the consumer of the misrepresentation.

"SEC. 410. ADMINISTRATIVE ENFORCEMENT.

"(a) IN GENERAL.—Compliance with the requirements imposed under this title with respect to credit repair organizations shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

"(b) VIOLATIONS OF THIS TITLE TREATED AS VIOLATIONS OF FEDERAL TRADE COMMISSION ACT.—

"(1) IN GENERAL.—For the purpose of the exercise by the Federal Trade Commission of the Federal Trade Commission's functions and powers under the Federal Trade Commission Act, any violation of any requirement or prohibition imposed under this title with respect to credit repair organizations shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act.

"(2) ENFORCEMENT AUTHORITY UNDER OTHER LAW.—All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Federal Trade Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule, without regard to whether the credit repair organization—

"(A) is engaged in commerce; or

"(B) meets any other jurisdictional tests in the Federal Trade Commission Act.

"(c) STATE ENFORCEMENT OF TITLE.—

"(1) IN GENERAL.—The attorney general of any State, or an official or agency designated under the law of any State, may enforce compliance with this title in Federal or State court.

"(2) CIVIL ENFORCEMENT ACTIONS.—A State may bring a civil action in any Federal or State court to enjoin any violation of this title and to recover damages under this title for consumers who reside in such State.".

SEC. 202. CREDIT WORTHINESS.

It is the sense of the Senate that—

(a) individuals should generally be judged for credit worthiness based on their own credit worthiness and not on the zip code or neighborhood in which they live; and

(b) the Federal Trade Commission after consultation with the appropriate Federal banking agency, shall report to the Banking Committee within 6 months as to whether and how the location of the residence of an applicant for unsecured credit is considered by many companies and financial institutions in deciding whether an applicant should be granted credit.

TITLE III—FINANCIAL ACCOUNTING STANDARDS BOARD

SEC. 301. FINDINGS.

(a) The Financial Accounting Standards Board (FASB) is currently considering changing the Generally Accepted Accounting Principle relating to employee stock option plans and stock purchase plans;

(b) FASB's proposal that would require the use of complex mathematical formulas to estimate a value for employee stock options at the date of grant and requires those estimated values be deducted from earnings on companies' income statements;

(c) FASB has just completed an extended review of its proposal which included a public comment period, numerous field hearings and a field test;

(d) FASB's proposal has generated opposition which is unprecedented in both its intensity and universality;

(e) The accounting profession, as represented by the American Institute of Certified Public Accountants and each of the 6 largest national accounting firms, oppose FASB's proposal;

(f) Individual investors, as represented by the United Shareholders Association, oppose FASB's proposal;

(g) Institutional investors and pension funds, as represented by the Council of Institutional Investors, oppose FASB's proposal;

(h) Both the Secretary of the Treasury and the Secretary of Commerce have raised serious concerns about FASB's proposal: "Most troubling is the possibility that implementation of the proposal might result in more volatile and less accurate and consistent financial statements because of the extreme difficulty of valuing long-term, non-marketable, forfeitable stock options";

(i) There is a broad consensus among those who have studied the FASB proposal it will diminish and not improve either the integrity or comparability of information available to investors;

(j) The National economic policy implications of FASB's proposal are substantial because small, growth-oriented companies often lack capital and therefore regularly rely on broad-based employee stock options to attract employees and large business provide employee stock options and broad-based employee stock purchase plans to help motivate their employees and improve productivity; and

(k) the FASB proposal will diminish the ability of small companies to raise capital and attract employees and it will curtail, not enhance broad-based employee ownership.

SEC. 302. NEW ACCOUNTING TREATMENT OF EMPLOYEE STOCK OPTIONS AND PURCHASE PLANS.

It is the sense of the Senate that—

(1) the new accounting treatment of employee stock options and employee stock purchase plans, proposed by the Financial Accounting Standards Board, will have grave economic consequences particularly for businesses in new-growth sectors which rely heavily on employee entrepreneurship;

(2) the new accounting treatment of employee stock options and employee stock purchase plans, proposed by the Financial Accounting Standards Board, will diminish rather than expand broad-based employee stock option plans; and

(3) the Financial Accounting Standards Board should not at this time change the current generally accepted accounting treatment of stock options and stock purchase plans contained in Accounting Principles Board Decision 25.

SEC. 303. STATUS.

It is the sense of the Senate that—

(1) the status of the Financial Accounting Standards Board as a private body of independent accounting experts should be respected and safeguarded; and

(2) the Congress should not impair the objectivity or integrity of the Financial Accounting Standards Board's decisionmaking process by legislating accounting rules.

TITLE IV—MISCELLANEOUS PROVISION

SEC. 401. SECURITIES AND EXCHANGE COMMISSION, SEATTLE DISTRICT OFFICE.

It is the sense of the Senate that the Securities and Exchange Commission district office located in Seattle, Washington shall not be closed, nor its services, operations, or staff be reduced from the levels in effect on January 1, 1994. None of the operations of the Seattle office shall be transferred to another office of the Securities and Exchange Commission.

Mr. BRYAN. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

POSITION ON VOTE

Mr. WOFFORD. Mr. President, I was necessarily absent for the vote on final passage of the Fair Credit Reporting Act, S. 783. Had I been present I would have voted "aye."

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I want to extend my warm appreciation and thanks to my colleagues for the vote in favor of S. 783.

I particularly want to commend the lead manager, Senator BRYAN, who has put in a tremendous amount of time with his staff on this bill. This is, I think, a very significant measure which will serve the consumers of this country and which will help facilitate the provision of credit.

Without the strong leadership of Senator BRYAN, we would not have accomplished what we have today. We were able to reach a bipartisan agreement on a bill that was anything but bipartisan, and was extremely contentious from the beginning. It was a major effort and I am very, very grateful for his leadership.

I want to extend my thanks also to the chairman and the ranking member of our committee, Senator RIEGLE and Senator D'AMATO, for their support. Without them, it could not have been a bipartisan effort.

We have already mentioned some of the staff who have worked on this. Andy Vermilye, with Senator BRYAN; Howard Menell and Doug Nappi, with Senator D'AMATO; and Steve Harris and Mark Kaufman, with Senator RIEGLE. And from my staff, Maggie Fisher and Jon Kamarck. They all deserve our sincere thanks.

I think S. 783 is a well balanced bill. Everybody will benefit from it. The free flow of accurate information will help all sides by promoting good economic decisions in our free market society. Consumers get increased disclosure and a 30-day reinvestigation time period and the credit industry gets a limited Federal preemption, the ability to share information among affiliates, and broader prescreening and direct marketing abilities.

I think this is a good measure. Consumers need this legislation. I thank my colleagues for their support of this much needed reform in the credit reporting system. I hope the House will accept our effort.

I yield the floor

Mr. BRYAN. Mr. President, I am pleased to respond.

As I said several times today and earlier in the week, Senator BOND's leadership on this piece of legislation made it all possible, and I acknowledge that. His able staff was a delight to work with. They, together with my staff and the staff of chairman RIEGLE and the ranking member, Senator D'AMATO, all worked very carefully to make sure that this piece of legislation is balanced. It represents a significant achievement in terms of consumer protection, and may very well be the most significant consumer bill enacted in this session of the Congress.

It also recognizes the business community, in terms of being able to have access to credit information. That is important for the business community, as well as for consumers.

I want to acknowledge again the appreciation that I have for my colleagues on both sides of the aisle for their support of this piece of legislation. As Senator BOND has said, hopefully, we will be able to move this through the other body and be able to participate in a signing in the not too distant future.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONGRESSIONAL GIFTS REFORM ACT

Mr. MITCHELL. Mr. President, on March 17, by unanimous consent, the Senate agreed to a procedure for the disposition of S. 1935, the gift ban bill. That agreement, identified as Calendar Order No. 419, is printed on page 2 of the Senate's Calendar of Business today. It provides that after consultation with the Republican leader, the majority leader is authorized to turn to the consideration of that bill no later than the close of business on Wednesday, May 4, 1994.

I have consulted with the Republican leader, and with several of the Senators with a direct interest in this legislation, and pursuant to that authority, I now ask unanimous consent that the Senate proceed to the consideration of S. 1935.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 1935) to prohibit lobbyists and their clients from providing to legislative branch officials certain gifts, meals, entertainment, reimbursements, or loans and to place limits on and require disclosure by lobbyists of certain expenditures, which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Gifts Reform Act".

SEC. 2. AMENDMENT TO THE SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"RULE XXXV

"GIFTS

"1. (a) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept—

"(1) any gift provided directly or indirectly by a person registered as a lobbyist or a foreign agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute;

"(2) any gift having a value of $20 or more from any other person; or

"(3) gifts having a value of less than $20 from the same or different sources on a basis so frequent that a reasonable person would be led to believe the Member, officer, or employee is using his public office for private gain.

"(b) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(c)(1) The following items are gifts subject to the restrictions in subparagraph (a)—

"(A) a financial contribution or an expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees; and

"(B) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium.

"(2) The following items are subject to the restrictions in subparagraph (a)(1)—

"(A) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client of such lobbyist or foreign agent;

"(B) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(C) a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee; and

"(D) a contribution and other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(d) The following items are not gifts subject to the restrictions in subparagraph (a):

"(1) Any item for which the Member, officer, or employee pays the market value.

"(2) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

"(3) Anything provided under circumstances that clearly indicate, in accordance with paragraph 2(a), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee.

"(4) Items which are not used and which are promptly returned to the donor.

"(5) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(6) Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

"(7) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(8) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(e) The restrictions in clauses (2) and (3) of subparagraph (a) shall not apply to the following:

"(1) Meals, lodging, and other benefits—

"(A) resulting from the outside business or employment activities of the Member, officer, or employee (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder), if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee; or

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions.

"(2) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(3) Honorary degrees and other bona fide awards presented in recognition of public service and available to the general public (and associated meals and entertainment provided in the presentation of such degrees and awards).

"(4) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(5) Meals and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(6) Food and attendance provided at an event sponsored by a political organization de-

scribed in section 527(e) of the Internal Revenue Code of 1986.

"(7) Training provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(8) Bequests, inheritances, and other transfers at death.

"(9) Any item, the receipt of which is authorized by the Foreign Gifts and Declarations Act, the Mutual Education and Cultural Exchange Act, or any other statute.

"(10) Anything which is paid for by the Government or secured by the Government under a Government contract.

"(11) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(12) Free attendance at an event permitted pursuant to paragraph 2(b).

"(13) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"2. (a)(1) In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

"(A) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

"(B) Whether the item was purchased by the individual who gave the item.

"(C) Whether the individual who gave the item also at the same time gave the same or similar item to other Members, officers, or employees.

"(2) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the family member or friend seeks—

"(A) to deduct the value of such item as a business expense on the family member's or friend's Federal income tax return; or

"(B) reimbursement from—

"(i) a lobbyist or foreign agent required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute; or

"(ii) a client of a lobbyist or foreign agent described in division (i).

"(b)(1) Except as prohibited by paragraph 1(a)(1) a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, reception, or similar event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to his or her official position; or

"(B) attendance of the event is appropriate to the performance of the official duties of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) of this subparagraph may accept—

"(A) a sponsor's unsolicited offer of free attendance at the event for an accompanying spouse if others in attendance will generally be accompanied by spouses or if such attendance is appropriate to assist in the representation of the Senate; and

"(B) transportation and lodging in connection with the event if authorized in accordance with paragraph 3.

"(3) Except as prohibited by paragraph 1(a)(1), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event in which the Member, officer, or employee is a participant. Reimbursement for transportation and lodging may not be accepted in connection with the event.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee or the provision of food, refreshment, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event or meals taken other than in a group setting with all or substantially all other attendees.

"(c) For the purpose of this rule—

"(1) The term 'client' means any person who employs or retains a lobbyist or a foreign agent to appear or work on such person's behalf.

"(2) The term 'market value', when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

"3. (a)(1) Except as prohibited by paragraph 1(a)(1), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by paragraph 1, if the Member, officer, or employee receives advance authorization to accept reimbursement and discloses the expenses reimbursed or to be reimbursed and the authorization through the Secretary of the Senate as soon as practicable after the travel is completed.

"(2) Events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the appropriate Member or committee chairman and shall include—

"(1) the name of the Member, officer, or employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the Member, officer, or employee as an officeholder and would not create the appearance that the Member, officer, or employee is using public office for private gain.

"(c) Each disclosure of expenses reimbursed or to be reimbursed shall be signed by the appropriate Member or committee chairman and shall include—

"(1) total transportation expenses reimbursed or to be reimbursed;

"(2) total lodging expenses reimbursed or to be reimbursed;

"(3) disclosure of any other expenses reimbursed or to be reimbursed (with the exception of any items that may properly be accepted pursuant to clauses (1) and (2)); and

"(4) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period that may not exceed 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Ethics Committee;

"(2) is limited to expenditures for transportation, lodging, conference fees and materials, and meals offered to all attendees as an integral part of the event, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1); and

"(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event.

"(e) The Secretary of the Senate shall—

"(1) make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are filed; and

"(2) publish an annual report summarizing (by Member, officer, or employee) travel expenses that are reimbursed pursuant to this paragraph and aggregate more than $250 from any one source.

"4. (a) Notwithstanding any other provision of this rule, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government organization if such participation is not in violation of any law and if the appropriate Member or committee chairman has determined that participation in such program is in the interests of the Senate and the United States.

"(b) Any Member who accepts an invitation to participate in any such program shall notify the Secretary of the Senate in writing of his acceptance. A Member shall also notify the Secretary in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 11 of rule XXXVII) to participate in any such program. The Secretary shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

"5. The Committee on Rules and Administration is authorized to adjust the $20 gift limit established in paragraph 1 on a periodic basis, to the extent necessary to adjust for inflation.".

SEC. 3. AMENDMENT TO THE HOUSE RULES.

Clause 4 of Rule XLIII of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives, or the spouse or dependent thereof, shall knowingly accept—

"(A) any gift provided directly or indirectly by a person registered as a lobbyist or a foreign

agent under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute;

"(B) any gift having a value of $20 or more from any other person; or

"(C) gifts having a value of less than $20 from the same or different sources on a basis so frequent that a reasonable person would be led to believe the Member, officer, or employee is using his public office for private gain.

"(2) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(3)(A) The following items are gifts subject to the restrictions in subparagraph (1)—

"(i) a financial contribution or an expenditure relating to a conference, retreat, or similar event for or on behalf of Members, officers, or employees; and

"(ii) a charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium.

"(B) The following items are subject to the restrictions in subparagraph (1)(A)—

"(i) an item provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client of such lobbyist or foreign agent;

"(ii) an item provided by a lobbyist or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee;

"(iii) a charitable contribution made on the basis of a designation, recommendation, or other specification made to a lobbyist or a foreign agent by a Member, officer, or employee; and

"(iv) a contribution and other payment by a lobbyist or foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

"(4) The following items are not gifts subject to the restrictions in subparagraph (1):

"(A) Any item for which the Member, officer, or employee pays the market value.

"(B) A contribution, as defined in the Federal Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

"(C) Anything provided under circumstances that clearly indicate, in accordance with paragraph (b)(1), that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer, or employee.

"(D) Items which are not used and which are promptly returned to the donor.

"(E) A food or refreshment item of minimal value, such as a soft drink, coffee, or doughnut offered other than as part of a meal.

"(F) Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

"(G) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(H) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

"(5) The restrictions in clauses (B) and (C) of subparagraph (1) shall not apply to the following:

"(A) Meals, lodging, and other benefits—

"(i) resulting from the outside business or employment activities of the Member, officer, or employee (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder), if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee; or

"(ii) customarily provided by a prospective employer in connection with bona fide employment discussions.

"(B) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(C) Honorary degrees and other bona fide awards presented in recognition of public service and available to the general public (and associated meals and entertainment provided in the presentation of such degrees and awards).

"(D) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(E) Meals and entertainment provided to a Member or an employee of a Member in the Member's home State having, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

"(F) Food and attendance provided at an event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(G) Training provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

"(H) Bequests, inheritances, and other transfers at death.

"(I) Any item, the receipt of which is authorized by the Foreign Gifts and Declarations Act, the Mutual Education and Cultural Exchange Act, or any other statute.

"(J) Anything which is paid for by the Government or secured by the Government under a Government contract.

"(K) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

"(L) Free attendance at an event permitted pursuant to paragraph (b)(1).

"(M) Opportunities and benefits which are—

"(i) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(ii) offered to members of a group or class in which membership is unrelated to congressional employment;

"(iii) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(iv) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(v) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(vi) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(b)(1)(A) In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

"(i) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

"(ii) Whether the item was purchased by the individual who gave the item.

"(iii) Whether the individual who gave the item also at the same time gave the same or similar item to other Members, officers, or employees.

"(B) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the family member or friend seeks—

"(i) to deduct the value of such item as a business expense on the family member's or friend's Federal income tax return; or

"(ii) reimbursement from—

"(I) a lobbyist or foreign agent required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor statute; or

"(II) a client of a lobbyist or foreign agent described in division (i).

"(2)(A) Except as prohibited by paragraph (a)(1)(A) a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, reception, or similar event, if—

"(i) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to his or her official position; or

"(ii) attendance of the event is appropriate to the performance of the official duties of the Member, officer, or employee.

"(B) A Member, officer, or employee who attends an event described in clause (A) of this subparagraph may accept—

"(i) a sponsor's unsolicited offer of free attendance at the event for an accompanying spouse if others in attendance will generally be accompanied by spouses or if such attendance is appropriate to assist in the representation of the House of Representatives; and

"(ii) transportation and lodging in connection with the event if authorized in accordance with paragraph (c).

"(C) Except as prohibited by paragraph (a)(1)(A), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event in which the Member, officer, or employee is a participant. Reimbursement for transportation and lodging may not be accepted in connection with the event.

"(d) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee or the provision of food, refreshment, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event or meals taken other than in a group setting with all or substantially all other attendees.

"(3) For the purpose of this clause—

"(A) The term 'client' means any person who employs or retains a lobbyist or a foreign agent to appear or work on such person's behalf.

"(B) The term 'market value', when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

"(c)(1)(A) Except as prohibited by paragraph (a)(1)(A), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be

deemed to be a reimbursement to the House of Representatives and not a gift prohibited by paragraph (a), if the Member, officer, or employee receives advance authorization to accept reimbursement and discloses the expenses reimbursed or to be reimbursed and the authorization through the Clerk of the House of Representatives as soon as practicable after the travel is completed.

"(B) Events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(2) Each advance authorization to accept reimbursement shall be signed by the appropriate Member or committee chairman and shall include—

"(A) the name of the Member, officer, or employee;

"(B) the name of the person who will make the reimbursement;

"(C) the time, place, and purpose of the travel; and

"(D) a determination that the travel is in connection with the duties of the Member, officer, or employee as an officeholder and would not create the appearance that the Member, officer, or employee is using public office for private gain.

"(3) Each disclosure of expenses reimbursed or to be reimbursed shall be signed by the appropriate Member or committee chairman and shall include—

"(A) total transportation expenses reimbursed or to be reimbursed;

"(B) total lodging expenses reimbursed or to be reimbursed;

"(C) disclosure of any other expenses reimbursed or to be reimbursed (with the exception of any items that may properly be accepted pursuant to clauses (A) and (B)); and

"(D) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph.

"(4) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(A) includes reasonable expenses that are necessary for travel for a period that may not exceed 3 days exclusive of traveltime within the United States or 7 days exclusive of traveltime outside of the United States unless approved in advance by the Ethics Committee;

"(B) is limited to expenditures for transportation, lodging, conference fees and materials, and meals offered to all attendees as an integral part of the event, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1); and

"(C) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event.

"(5) The Clerk of the House of Representatives shall—

"(A) make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are filed; and

"(B) publish an annual report summarizing (by Member, officer, or employee) travel expenses that are reimbursed pursuant to this paragraph and aggregate more than $250 from any one source.

"(d)(1) Notwithstanding any other provision of this clause, a Member, officer, or employee of the House of Representatives may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government organization if such participation is not in violation of any law and if the appropriate Member or committee chairman has determined that participation in such program is in the interests of the House of Representatives and the United States.

"(2) Any Member who accepts an invitation to participate in any such program shall notify the Clerk of the House of Representatives in writing of his acceptance. A Member shall also notify the a Clerk in writing whenever he has permitted any officer or employee whom he supervises to participate in any such program. The Clerk shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program.

"(3) No Member, officer, or employee may accept funds in connection with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

"(e) The Committee on House Administration is authorized to adjust the $20 gift limit established in paragraph (a) on a periodic basis, to the extent necessary to adjust for inflation.".

SEC. 4. AMENDMENT TO THE ETHICS IN GOVERNMENT ACT.

Section 102(a)(2)(A) of the Ethics in Government Act (5 U.S.C. App. 6, section 102), is amended by—

(1) inserting a dash after "and the value of";

(2) striking "all gifts aggregating" and inserting the following:

"(i) all gifts aggregating";

(3) striking the period at the end of the subparagraph and inserting "; and"; and

(4) adding at the end the following:

"(ii) all gifts, other than food, lodging, or entertainment received as personal hospitality of an individual, having a value of $20 or more that are—

"(I) provided by a person required to register under the Federal Regulation of Lobbying Act, the Foreign Agents Registration Act, or any successor Act; and

"(II) would be prohibited by section 7353 of title 5, United States Code, but for a personal friendship exception contained in implementing rules and regulations issued pursuant to in subsection (b)(1) of such section.".

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on January 1, 1995.

Mr. MITCHELL. Mr. President, Senator LEVIN, who is the principal author of the legislation and the subcommittee chairman on the Governmental Affairs Committee, will be managing the bill for the majority. Senator COHEN, who is the ranking member of the subcommittee and has also been very active in this legislative area, will be managing for the Republicans.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. Mr. President, 2 years ago, I introduced a bill to close loopholes in the lobbying registration laws and to ensure that the public has complete and accurate information about who is being paid how much to lobby Congress and the executive branch and on what issues.

That bill, the Lobbying Disclosure Act, has been endorsed by the President and has been approved by overwhelming margins in both the Senate and the House of Representatives. It would finally make sense out of a set of confusing, overlapping, and unenforceable laws that have been in need of reform for more than 40 years. Unfortunately, we find ourselves unable to proceed to conference on that bill and to report the measure back to the Senate for final passage because it has become hung up on the issue of congressional gift rules.

The bill that we are considering today is one of a series of proposed congressional gift bills that have tied up consideration of the Lobbying Disclosure Act for a full year now. This bill was introduced by Senators LAUTENBERG, WELLSTONE, and FEINGOLD in March of this year and referred to the Governmental Affairs Committee with unanimous consent that the Senate turn to the measure by no later than May 4. The bill was referred to the Governmental Affairs Committee rather than to the Rules Committee because of the way it was drafted. That was not our call to make. That was the Parliamentarian's call to make.

In my view, the Senate gift rules should be strong and they should be clear. We owe it to ourselves, and we owe it to the public to have rules which are simple and straightforward and which prohibit gifts that would be inappropriate in appearance or in reality.

The current gift rules do not meet this test. For example, while the gift rules applicable to executive branch employees prohibit the acceptance of even a single gift with a value in excess of $20, our rules permit the acceptance of any number of gifts under $100 from the same source. In theory, that means that we could accept a $95 gift from the same source every day—and, by the way, not even disclose it under the gift rules. Even gifts of more than $100 are allowed, up to a total of $250 a year from a single source.

The current, overly permissive rules can create the appearance of favoritism. At a time when the public's confidence in Congress is low, such an appearance is poison for public confidence in Government. That is not good for the Congress and it is not good for the country.

Senators LAUTENBERG, WELLSTONE, and FEINGOLD tried to address this problem when they introduced S. 1935. In my view, the Lautenberg-Wellstone-Feingold bill, as introduced, was too complex, was unworkable, and would have produced anomalous results unrelated to any public policy. It failed to distinguish between gifts from a lobbyist and a gift from a constituent back home who happens to be an officer of a company or association that has used a lobbyist on even a single occasion in a 6-month period. It failed to distinguish, for instance, between a dinner at the house of a neighbor back home who happens to be a board member of the Cancer Society and dinner at a fancy

Washington restaurant paid for by a lobbyist.

Let me just give you one example of how the original bill would have worked. Let us say your next door neighbor back home invited you to a backyard barbecue. Under S. 1935, as introduced, you might not be permitted to go at all if your neighbor were an officer of a company or association that had used a lobbyist in the previous 6 months, assuming that you can find out that information at all. The bill contained an exception for gifts that are determined to be based on personal friendship, but placed the responsibility for making this determination in the hands of an executive branch agency.

In fact, if you were permitted to go your neighbor's barbecue, your attendance would trigger an extraordinarily complex set of notification and disclosure requirements. First, under that original bill, your friend would have to be notified by the lobbyist for any company or association of which he was an officer or director that the gift restrictions apply. Then, the friend would have to notify those entities that he had invited you to the barbecue, and they would have to notify their lobbyist of this fact. Next, the lobbyist would have to notify you that unless you paid for your attendance at the barbecue, it would be disclosed in a lobbying report. Once all those notifications had been made, the lobbyist would report the gift. If your friend were a director of several corporations, each of which had more than one lobbyist, the notification process would have to be repeated over and over again, and the barbecue would be reported in multiple lobbying reports. If any of the lobbyists failed to disclose the barbecue in their lobbying reports, the gift would be improper, and the public would likely hold you accountable for accepting it.

Mr. President, if these new gift rules are going to help reestablish public confidence in the Congress, as we all want them to do, they will have to be strong, of course, but they will also have to be simple and clear. I feel that S. 1935, as introduced, fails to meet this test.

For this reason and other reasons that each of us had at the time, the Senate Governmental Affairs Committee reported a substitute amendment to S. 1935. This substitute amendment is the amendment which is before us. So, I make it real clear that what is pending now before the Senate is not the original bill as introduced by Senators LAUTENBERG, FEINGOLD, and WELLSTONE. It is the substitute bill which was approved by the Governmental Affairs Committee, and the substitute amendment contains gift rules which are tough, but they are also straightforward and, hopefully, easy to understand.

Under the committee substitute, Members and staff would be prohibited from accepting any gifts from registered lobbyists, with a narrow exemption for gifts from relatives and close personal friends.

Members and staff would be permitted to accept gifts of up to $20 from any source other than a registered lobbyist, and gifts in excess of $20 could be accepted in a number of situations, which are listed, such as gifts from relatives and close personal friends; personal hospitality, such as dinner at a person's home; meals and entertainment in a Member's home State, and that is a very important exemption that we wrote in so you could have meals and entertainment back home subject to reasonable limits adopted by the Rules Committee but not subject to the $20 limit. And also not subject to the $20 limit is, for example, participation in widely attended events which the Member believes to be part of his or her duties.

Members and staff will be permitted to accept reimbursement for travel expenses from anybody other than a registered lobbyist if the travel is related to official business and is not substantially recreational in nature.

These rules are not perfect because these rules cannot be perfect. There is no such thing as perfect rules. They are as good as we could make them. We believe that they are strong and that they are clear and that they will go a long way toward ensuring public confidence in our conduct.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MATHEWS). The Chair recognizes the Senator from Maine.

Mr. COHEN. Mr. President, apparently there is a perception among some in the American public that Congress is for sale—that for the price of a steak dinner or a fruit basket at Christmas, Members would change votes or give greater access than would otherwise be provided. I would say that all Members of Congress reject the notion that any access is granted in exchange for gifts. Everyone here would agree it is not only unethical and improper, but it also happens to be a crime. It is a criminal violation if someone were to exchange his or her office for a gift, in whatever form they might come. However, the perception remains that through gift giving, lobbyists can influence and divert the course of national policy.

There is a growing belief that lobbyists and other so-called power brokers are to blame for record deficits and a tax code that is filled with loopholes and other special interest legislation. The public believes, rightly or wrongly, that they are not being well served by their elected officials; that somehow, in the corridors of power, their best interests are subverted by the giving of gifts to Members of Congress. The feeling is that the inability of Congress to address the most critical problems that the Nation faces is a direct result of who Members go to lunch with. It might come as a surprise that most days, Senators join only other Senators for lunch.

Regardless of what actions the Senate takes today, the public's anger and cynicism will show little sign of abating. Although I understand the need to address this anger, the Senate should not think that passage of this legislation will quell the public's cynicism toward Congress. We should do it for the good of the institution and not under the misappropriation that the public will hold a higher view of Congress. The key to restoring Congress' standing with the public is meaningful action on critical issues such as the deficit, crime, health care, and the economy.

I supported the Levin substitute in committee because I believe that it is a vast improvement over S. 1935 as originally introduced. The original bill was cumbersome, unworkable, and over bureaucratic. Specifically, enforcement of the gift ban under S. 1935 as introduced would have given the executive branch a remarkable degree of investigative and enforcement power as it relates to Members of Congress and lobbyists. For example, under the personal friendship exemption, Members could only accept gifts if there was a clear history of friendship between Member and gift-giver to make it clear that the gift is motivated personal friendship. In this case, the executive branch agency responsible for lobbying disclosure and public reporting would define the term "friendship" and determine the specific individuals who would meet that friendship test.

Most disturbing are the reporting requirements that would have been imposed by S. 1935 as originally introduced. The requirements in the original bill would have created a Rube Goldberg-type labyrinth of responsibility and reporting. Under its complex provisions, if a Member wanted to accept a $15 Christmas gift from a constituent, the Member would have to determine whether the constituent was an officer of any organization that had used a registered lobbyist at any time during the last 6 months. Other examples also illustrate the reporting complexities required by the version offered by the Senator from New Jersey and the Senator from Minnesota. For example, if a Member attends a dinner at the house of a personal friend who was on the board of directors of a number of different organizations, some of which used lobbyists, the following would need to occur:

First, lobbyists would have to notify the organizations and their top officers—including this personal friend—that the gift rules apply;

Second, the host would have to notify the organizations that used lobbyists about the dinner;

Third, the organizations would have to, in turn, notify their lobbyists; and

Fourth, the lobbyists would have to disclose the dinner to the executive branch agency.

Finally, lobbyists would also have to notify the Member that they were disclosing the dinner.

This scenario would become more complicated if each one of the organizations used more than one lobbyists, as many do.

Mr. President, as you can see, S. 1935 as originally introduced would have created an unworkable hodgepodge of requirements and rules. The Levin substitute provides a workable gift ban alternative which, as long as the Senate insists on banning gifts, establishes a reasonable framework for accomplishing many of the objectives of the original version of S. 1935.

Specifically, the Levin proposal works within the framework of the House and Senate rules and avoids a number of definitional problems that contribute to the complexity and implementation problems that were associated with earlier gift ban legislation. I commend for his willingness to provide leadership to find a responsible solution to this difficult issue.

If there are other proposals that would improve upon Senator LEVIN's efforts, then I certainly am open to listening to them.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, let me begin our side of this debate by saying that this is a good faith effort on behalf of all Senators; deeply felt, but a good faith effort on behalf of all Senators.

I want to begin by commending Senator LEVIN for excellent work in trying to make this thing workable. The distinguished ranking minority member has also invested great time and effort. This is an endeavor among friends. It is, in fact, deeply felt, so I felt the necessity of saying that in advance; that all Senators respect one another greatly.

Having said that, Mr. President, I can hardly believe what I just heard. The Senator from Maine has said there is a public perception that the Senate is for sale for a basket of fruit at Christmas.

Has this body dropped to that level of perception among the American public; that is, a basket of fruit buys the U.S. Senate? If it is, God help the United States of America, Mr. President.

I do not believe that is true. And I think to say it on the floor of the Senate degrades this institution, hurts the United States of America, and our system of free government, for which so many sacrifices have been made. I do not believe we ought to tear down this institution from the inside or the outside.

Now, Mr. President, the best thing that can be said for the Levin amendment is it is better than the Wellstone amendment. Let me tell you some of the things it does.

My wife is a cochairman of the National Garden Ball, or whatever they call it. Next week, they are going to have a big dinner. She has worked her heart out for the National Garden. They are trying to raise, I think it is, $7 million or $8 million to build a beautiful garden to be owned by the United States, administered by the Architect of the Capitol.

She, and B.A. Bentsen, and Senator Heinz's widow, are all cochairmen. The ball is in honor of the First Lady. Indeed, Hillary Clinton is having a coffee at the White House for those who have contributed $100,000 or more. When it is finished, Mr. President, it is going to be one of the most marvelous gifts of time and effort of these women and men who have worked to create something for the people of the United States.

There is not one whit of selfishness. There is no lobbying advantage in this endeavor. But you would not be able, I would not be able to go to that ball, and indeed she would not be able to go to the ball, either. They would not be able to do this activity under this bill.

Now, Mr. President, what are we coming to in the Senate when you cannot do something for the National Garden?

Let me just give you some of the things I have been to lately that, as I understand it, we would not be able to do:

The Opera Ball. I ask the Senator from Michigan, would we be able to go to the Opera Ball?

Mr. LEVIN. I have to have more facts about it.

As to lobbyists giving the tickets to the Opera Ball, the answer is no.

Mr. JOHNSTON. No; they are provided usually free from the Opera Ball. I do not know who the Opera Ball is. I mean, it is not a Senate duty, it is not personal hospitality, it is not at someone's home, it is not at a Member's home State, it is not paid for by the Government, it is not a political organization.

I assume we cannot go to the Opera Ball, is that correct?

Mr. LEVIN. Is this part of your ceremonial or official duties to go to the Opera Ball?

Mr. JOHNSTON. No.

Mr. LEVIN. Who is giving you the tickets?

Mr. JOHNSTON. I guess the Opera Ball.

Mr. LEVIN. I would like to know more facts.

Again, if they are coming from a lobbyist, the answer is no.

Mr. JOHNSTON. They are coming from the Opera Ball, the Opera Ball organization.

Mr. LEVIN. Are they a registered lobbyist?

Mr. JOHNSTON. The Opera people are not.

Mr. LEVIN. In that case, I think you should be able to go to that ball.

Mr. JOHNSTON. I think you should be, too.

Mr. LEVIN. If the Senator from Louisiana would let me complete my thought on this, it is our intention that you be able to go to a broadly attended activity, a widely attended event, at the invitation of the responsible organization. And there is a managers' amendment which would clarify it.

Mr. JOHNSTON. Well, it is not if it is over $20 under your amendment.

Mr. LEVIN. I am saying there is a managers' amendment that will clarify that issue. If there is a broadly attended event, at the invitation of the sponsor, which you are not being invited to by a registered lobbyist—which is what you are saying—the managers' amendment will make it clear you will be permitted to do that.

Mr. JOHNSTON. Suppose at the Opera Ball that most of the money comes from lobbyists and the Opera Ball Committee, which would be—widely invites people, but most of the money comes from lobbyists. It either comes from lobbyists or companies that are represented by lobbyists—indirectly, by lobbyists.

Would you not agree that is indirectly money coming by lobbyists?

Mr. LEVIN. Maybe indirectly, but you have not been invited by lobbyists and given the tickets by lobbyists. And under the circumstances I think it is not clear.

It should be clear and will be clear, under the managers' amendment, that you will be allowed to go to a widely attended event not at the invitation of a lobbyist that you consider to be part of your duties.

Mr. JOHNSTON. Does the Senator have a copy of his amendment?

Mr. LEVIN. I do.

Mr. JOHNSTON. May I take a look at it while I am speaking?

I am glad the Senator is going to attempt to change this because that is no small part of what I do, because my wife is very active. She has been chairman of the Ambassadors Ball, for example, as have other wives in the Senate. The Ambassadors Ball is for the diplomatic community in Washington, and also they send out invitations to the lobbyists. And let us be fair, it is paid for indirectly by lobbyists. This bill prohibits gifts provided directly or indirectly by a person registered as a lobbyist.

I wonder, for example, about someone's fundraiser. If I go to a fundraiser by the Senator from Michigan and you

have a bunch of lobbyists there who bring in contributions and I get a free ticket, I will tell you, that is indirectly paid for by a lobbyist. If you think that is clear that it is not, I invite you to read this language.

Mr. President, this—it is about 1½ pages of prohibitions and 10½ pages of exceptions, which are very, very difficult to read and to understand. We are going to be plugging leaks in this thing like we are with the managers' amendment here. Some people are probably going to get in some very serious trouble very innocently if this passes. They are going to have to have a full-time lawyer in the office.

I ask the Senator from Michigan, there are provisions in here that prevent a person from inheriting from a lobbyist. Did you know that? From inheriting.

Here the poor lobbyist is dead and his son or daughter works for the U.S. Senate. And he goes to court to try to get the bequest from dad and he cannot do it. This bill prohibits that. If you think I am trivializing this amendment—that is what this amendment provides. I will bet you anything the managers did not know that result inhered in this language.

There are so many little difficulties in this bill—it is incredible. Let me tell you some of the things I have done during the past.

Mr. LEVIN. I wonder if the Senator will yield on that?

Mr. JOHNSTON. Yes.

Mr. LEVIN. On page 37, on line (3), it says, "Anything provided under circumstances that clearly indicate * * * that it is provided for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the Member, officer or employee." So you could accept that bequest from your dad, who is a lobbyist.

Mr. JOHNSTON. That is on page what?

Mr. LEVIN. Page 37.

Mr. JOHNSTON. Well, that is, "Anything provided." The phrase "anything provided" does not sound like a bequest to me. The Senator may be right. He may be right. And I must tell you that bequests from a lobbyist are not my principal concern with this bill. I can tell you it is the stuff of a lawsuit, it is the stuff of embarrassment to Senators—not the bequest business, but you can get a bequest from a nonlobbyist but not from a lobbyist under the bill. Suppose some lobbyist did want to make a bequest to somebody. Why are we dealing with that? Does the American public have the perception that lobbyists are dying and leaving bequests to United States Senators or employees thereof? Why are we dealing with such trivia in this bill?

Let me tell you some of the things I have been to this past year and that are the regular stuff of politics in Louisiana. We had a Black Caucus lunch, you know. I guess they wanted to lobby me and I wanted to lobby them. I say Black Caucus Lunch, actually they were going to give me an award for what I have done for historically black colleges and universities.

We had a Louisiana sheriff's dinner. They come up every now and then. I can tell you we discussed everything, we told jokes, we had some fun.

The CPA's had a lunch up here. I have a friend who was a national president of a CPA organization. I do not remember what they said, but they had it.

The board of directors of the Shreveport Chamber come up every year. That is my hometown. They have a dinner. They discuss their legislative agenda—you bet. So did the New Orleans Chamber. They had a lunch. So did the Monroe Chamber. They have an empowerment zone they want to put in and we had a luncheon.

The Louisiana Jewish Federation came up. They were going to look at the Holocaust Museum and had members of our delegation there for a dinner.

The National Guard from Louisiana comes up. They have a crawfish and alligator reception. Crawfish and alligator is pretty good.

The realtors have a lunch, from Louisiana.

The yam—yams are sweet potatoes to everybody else—but the Louisiana Yam Association comes up and has a lunch.

Very Special Arts, which is something my wife and daughter have been involved in for the handicapped people, they have a dinner.

Tulane and Xavier, two universities, had a reception this year.

The Louisiana Hospital Association had a reception.

The superconducting super collider people came up and we had a lunch—not a very successful lunch.

The Times Picayune came up and had a dinner. There is a very evil thing. I was trying to lobby them—and also not with success.

I just went to the State of Arkansas. They had a catfish dinner the other day. We are going to have a big seafood lunch. Maybe a seafood lunch is under the managers' amendment.

It is like the dike that springs all these leaks and you keep going around saying yes, we will fix that because that seafood lunch, that is a good thing. Fix the seafood lunch. You say APAC has a good conference. That is widely attended. Let us fix that. Let us fix the rest of it.

But, Mr. President, you have started with the perception here—or a theme that the Senate can be bought for a basket of fruit. And if the Senate can be bought for a basket of fruit at Christmastime you are not going to fix that by a very complicated amendment that is going to take an in-house Philadelphia lawyer, going to take triple the number of employees over at the Ethics Committee.

Mr. President, this is not the problem. This is going to make it much more difficult to do our job as U.S. Senators because we ought to meet with these people. Lunches and dinners are the right time to meet with people.

I have not even gotten into the charity events because I do not do many of those. I have in years past. I have not done them in some while. But some of my colleagues are going to be able to testify to the number of dollars that are raised and the worthiness of the charity events. There is a perception there, maybe. I know "20/20" goes out every now and then and catches Senators doing something they should not to embarrass Senators. Maybe so. I think disclosure is the problem there, and those things ought to be disclosed. Believe me, you are going to discourage most Senators from going to most of those kinds of things.

But whereas, for example, one Senator is going to testify that one event which he puts on raises in the hundreds of thousands for a charity in his State and has a thousand volunteers—Senators do a lot of that kind of thing. That is not a problem, Mr. President. When you try to come in and fix those kinds of rules with an endlessly complicated bill, you are doing more harm than good.

Mr. WELLSTONE. Will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. WELLSTONE. I thank the Senator from Louisiana. I think, as I was listening to the Senator list a variety of different trips or places, I think that the problem sometimes—sometimes; we do not want to overstate the case—is that sometimes in the Congress, Representatives and Senators take other kinds of trips that are paid by lobbyists or clients that really have something to do with interests that are directly involved in the work that we do. I think we then get back to Senator COHEN's point about whether or not that does create the kind of perception that people have.

I must say to the Senator, I understand the sense in which he is talking about this, but I also think that if you were to ask 99.999 percent of the people in the country whether or not they think it is appropriate that Members of the House or Senate take these trips and have those trips paid for, as opposed to just simply not accepting those kinds of gifts, people would say no, it is not appropriate, we do not want you to do that.

I do not think it is so much that people are saying this is the sort of corruption as in the wrongdoing of an individual officeholder. I think what people are simply saying is that it is inappropriate, it is not necessary, and they

do not think it is right. I think they are right. Thus, I think this is what the Senator from Michigan and the committee is really trying to address. I think it is a very important formulation.

Mr. JOHNSTON. Let me ask the Senator, if what you say is true that 99.999 percent of the people in the country think "these trips," you have in mind some trips other than what I have in mind——

Mr. WELLSTONE. Sure, but those trips do take place. I am sure the Senator will agree with me.

Mr. JOHNSTON. Let us take one trip featured on "20/20." I think the Senator from New Jersey spoke out on that. Let us take that trip.

Mr. WELLSTONE. Take another one.

Mr. JOHNSTON. Take whatever you want to. Let us say the tobacco industry goes to wherever you want to go to and they have fun and they do not do any serious work, we will say that is a bad trip.

If you had to disclose that, do you think any Senator is going to go to that sort of thing now, and is that not sufficient protection, rather than trying to get in and, by the sledgehammer when you get that gnat then you have hit the symphony ball and the National Guard dance and all of these other really good charities?

Mr. WELLSTONE. I do not want to monopolize and I know other people want to speak, but I will say to the Senator two or three things. Number one, let me kind of apply the Minnesota cafe test. I know my State best. Most people would say, "In all due respect, Senators, we don't really understand why you're talking about disclosing because we don't think it is appropriate you take those kinds of gifts in the first place. Why are you talking about disclosure? We do not think it is appropriate that you would have the tobacco industry, which is directly lobbying, paying for you to go wherever—Bermuda, wherever—for 3 or 4 days. We think it is inappropriate."

Mr. JOHNSTON. How about——

Mr. WELLSTONE. If I can finish, that would be the first point.

The second point is I think there is skepticism whether or not the disclosure ends up working. I think there have been past problems with that. I think people see it as too bureaucratic. And I think people might not be convinced that it will be all that easy for them, the citizens, to get a hold of the information. But the first point the people would make is that one that intuitively is the most important because I think we do have to understand that, which is why are you talking about disclosing such a trip when you should not take it in the first place? That is the argument, and it is a good argument.

Mr. JOHNSTON. Do you say you should not go to the symphony ball, ambassador ball, National Guard, the opera ball, what have you?

Mr. WELLSTONE. I will yield to the Senator from Michigan. I was reminding you——

Mr. JOHNSTON. What do you say——

Mr. WELLSTONE. It all depends upon who is paying for it. I have to have more information, OK? I would just simply say, I am now just speaking for myself—I found it interesting that as the Senator listed trips, it seemed to me that he also left out some of the kinds of trips to places that Members of the Congress sometimes go, not because they are corrupt, not because they are awful. I am not interested in any of that but which I really do think make people believe it is just simply not appropriate, and they are right. That is simply what I am pointing out to the Senator.

As to the particular examples you give, it all sort of depends upon who is paying. I think I will yield to the Senator from Michigan.

Mr. JOHNSTON. But——

Mr. WELLSTONE. I will tell you what my own view is—if I can finish the sentence—I will tell you what my own view is. If you were to ask me about the opera, I would say you can go to any opera you want to; you pay for it. Just like regular people pay for it when they go to the opera. It is that simple.

Mr. JOHNSTON. Mr. President, I believe I have made the point I wanted to make, which was disclosure is the key. I do not doubt that there are some things I would not touch with a 10-foot pole and go to. I have not been on a ski trip, not because I think it is evil or wrong. I do not happen to ski, so I never was tempted in the first place. But if I went and disclosed it, then the voters would be the judge of that. And if they think that I can be bribed with a basket of fruit at Christmas, believe me, they would think I could be bribed with a ski trip, and they would vote against me. I would not go for that purpose.

But there are a whole slew of other perfectly appropriate things. The United Negro College Fund, one of our colleagues is involved in that. Another one puts on and sponsors an event for a hospital in his hometown. What is wrong with that?

The problem is, when you try to make these very complicated rules where you do not know where one ends and one begins, Mr. President, it is much worse than leaving it up to the voters. If we are so unpopular and so badly viewed, believe me, none of us are coming back anyway. The whole raft of us is going to be gone, if that is the public perception.

I do not happen to believe it is the public perception. I think a man's political life or a woman's political life in this body is well-known. I think our reputations for integrity or not for integrity are well-known back home, and we are going to be judged by that. We ought to disclose what we do and let the voters decide and not come in with 10½ pages of exceptions and exemptions and maybes. Words like "indirectly." What in the world does indirectly mean? You cannot accept a gift that is paid for or go to an event that is indirectly sponsored by lobbyists. That includes most things in this town. Those that are best, those that are worst.

Mr. President, I think it would be a grave mistake to enact this bill, as well-intended as it is.

Mr. LEVIN. Will the Senator yield?

Mr. JOHNSTON. Yes, I will.

Mr. LEVIN. I would like to answer some of the questions. I think most of the events he talked about are widely attended events and would be events that a person can go to and not have to worry about paying for them, if I followed your list. I do not know I got each of them, but I think they all would qualify.

Mr. JOHNSTON. The New Orleans Chamber dinner just had me, Monroe Chamber had me, CPA's——

Mr. LEVIN. Were they here or back home?

Mr. JOHNSTON. Here.

Mr. LEVIN. In that case, they would be covered.

Mr. JOHNSTON. Black caucus lunch, just our delegation. National Guard was just Louisiana delegation.

Mr. LEVIN. If the Senator would say—the widely attended does not mean by Members of Congress, it means widely attended otherwise. Broadly attended event——

Mr. JOHNSTON. What is the number? Why do you not put a number on it so we would know?

Mr. LEVIN. Do you want to put a number on it?

Mr. JOHNSTON. I do not want the amendment.

Mr. LEVIN. In that case, I can assure you there is already an amendment on it.

Mr. JOHNSTON. What is the number?

Mr. LEVIN. Fifty. Since you wanted a number on it, there is——

Mr. JOHNSTON. Is that in the bill?

Mr. LEVIN. It is in the report language. Second, in other words, we have indicated what our estimate is of a widely attended event.

Since the Senator wants a number in there, if that is what the Senator means and has said, we would be very happy to have the Senator——

Mr. JOHNSTON. Fifty lobbyists and one Senator would do it.

Mr. LEVIN. Widely attended event. It is other than lobbyists. Widely attended. But the Senator said that he wanted a number in there and now seems to be——

Mr. JOHNSTON. I did not. I said this is vague; we do not know what the number is. And I do not want a num-

ber. I do not want the amendment. I am just illustrating how difficult this amendment is to comply with. It is a nightmare.

Mr. LEVIN. It seems to me the Senator wants it neither vague nor specific.

Mr. JOHNSTON. The Senator does not want this amendment, you can be sure of that.

Mr. LEVIN. Second, the Senator has also raised a question about disclosure. I think that is going to get to the heart of the matter on these trips, which have been such a subject matter of concern. These are the trips that have been shown on these TV shows where Members of Congress go, where the lobbyists are present, where it looks like it is principally recreational, where people are hiding from cameras so that they are not seen on television.

Mr. JOHNSTON. By the way——

Mr. LEVIN. If I could just finish this one thought. The Senator's point is, well, why not just disclose that kind of a trip? There are really two answers to that. First of all, those trips already are disclosed. Disclosure has not prevented this institution from being held up to public scorn. As a matter of fact, it contributed to this institution's being held up to public scorn when it was not only disclosed in our records but played up very widely on national network television.

Second, though, I think the main point is this. In the one that was on, I believe, "60 Minutes," for instance, this is the one where the announcer said:

> Two weeks ago the action was at the exclusive Boca Raton Resort and Club on Florida's Gold Coast where rooms go for more than $300 a night. We went there first a year ago and found 17 present and former lawmakers having a good time, courtesy of companies like U.S. Tobacco.

Now, the people who were there may or may not be able to survive politically that kind of a show. I do not know. Let us assume they all can. The problem is that that kind of a trip, where it is paid for by special interests, where lobbyists are present and where it is principally a recreational trip, although there may be some work going on in the morning, but where it is principally a recreational trip, where your spouses are present and it is principally recreational, holds the institution up to disrepute and makes public confidence in Government that much less likely. It undermines public confidence in this institution when that kind of a trip has a broad display in the media. And even though the individuals who go there are required now to disclose them, disclosure cannot solve the problem. It has not solved it yet, even though those 17——

Mr. JOHNSTON. Did they have that trip last year? I think disclosure has solved your problem. I think that is correct. I am not sure.

Mr. LEVIN. No, no, it does not because they had disclosure of these trips when they were made. These trips were disclosed.

Mr. JOHNSTON. I know, but having been disclosed——

Mr. LEVIN. The people still may or may not survive politically. My point is even though all the individuals who go there may politically back home survive that kind of a hit in the media, this institution has been weakened by that kind of attendance at that kind of event paid for by corporate interests. Even though half the money may go to a charity, the other half is paying for what appears to be the recreation of Members of this body. And the problem is that that then undermines public confidence in this body even if the Members who go there and who disclose the trip can be reelected in their particular States.

Mr. JOHNSTON. I would say to the Senator that there are one or two trips like that where the press corps is there, people are on the beach and everything.

By the way, speaking of network television, I understand on one of these trips the networks sent in some pretty girls where the guys were out—I do not know, they were sitting by the swimming pool or something—pretty girls as props so that they could embarrass the Senators or whatever. I was not there and I do not—I just say that as a little aside to tell you that it is not always responsible journalism. Nevertheless, there are two or three of those trips.

But how about the good trips? One of my Senator friends will be here to testify about this event he sponsors, which is the main event for his hometown—I think it is hometown—hospital, 1,000 volunteers. Do you want to prevent his doing that in order to stop this trip, this tennis trip down to Boca Raton, which I believe has been stopped anyway because I think everybody has quit going? You have this sledgehammer where you react to one or two high-profile trips and it stops all the rest.

By the way, when you talk about trips that are "substantially recreational"—I think that is the phrase used in the law. You can go on a trip that is substantially recreational. Where is that phrase? Yes, events that are substantially recreational in nature. Now, I wish to ask the Senator, one of my friends puts on a post-election event every year, every 4 years, after the election and has in money managers. They are not lobbyists, but they manage billions of dollars of public funds. They want to find out what is going on. And a number of colleagues have spoken to that. We have had ex-Presidents speak. We have had economists, authors. I mean, it is a very distinguished group, and I am always pleased to be there. I do not think there is a lobbyist there. But I think they start, if I recall correctly, at 7:30 a.m. and go until 12 noon. In the afternoon they have a tennis tournament, or some of them play golf, and that evening they come in and have a dinner.

Now, would that be prohibited as being substantially recreational in nature?

Mr. LEVIN. The way the bill is worded, if the Member participates in an event as a speaker or panel participant by presenting information related to Congress or matters before the Congress, that is OK; attendance at the event is appropriate in the performance of the official duties of the Member, officer or employer.

Mr. JOHNSTON. Another provision says if it is substantially recreational——

Mr. LEVIN. If the event is substantially. The way the Senator describes it, that event is not substantially recreational.

Mr. JOHNSTON. Most of the hours of the——

Mr. LEVIN. The event itself.

Mr. JOHNSTON. There are as many hours of the day spent in recreation as there are in conferences. The conference is—what is that? That is 5½ hours.

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> Events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

Now, is that not substantially, I mean, most of the day?

Mr. LEVIN. It sounds to me like that event was not substantially recreational. That person did not come down to go to the golf tournament. That would be a substantially recreational event. That person did not come down to go to the tennis tournament. That person came down to participate in the other events that the Senator talked about, which were panel discussions or whatever they were. The event that the person came down to was not——

Mr. JOHNSTON. "Events, the activities of which are substantially recreational in nature," I mean, does that have to do with time or importance or what?

Mr. LEVIN. If the person is coming down to participate in a golf tournament, that is a substantially recreational event the person is coming down to.

It did not sound to me like that person was coming down to an event the purpose of which was recreational. The purpose of coming down to your event was not for recreational purposes. The purpose in coming down to your event was all of those other purposes. That was the reason he came down.

Mr. JOHNSTON. I can tell you at that particular event that they had at

Palm Springs, or something like that—Palm Desert, in November. And make no mistake about it, they had it at a nice watering hole because you could not get people to come. If you were having it in Minneapolis in January, they would not come. Or, if they had it in the South in the middle of summer, they would not come. They went to a nice place. The people can afford to do it, and the activities of that are substantially recreational in nature.

Maybe you could write to the Ethics Committee and submit your schedule, and say, "Look. Even though we are going to have 5½ hours of conferences, even though I am going to speak, here are the speakers." They would say, "Well, the event is really a substantive event. It is so. Therefore, we are going to let you go. But you had better stay in your room and study your lessons in the afternoon. And whatever you do, don't get out on that tennis court or don't get out on the golf lanes because you might be corrupted out there or something."

Give me a break, Mr. President. This thing is so full of unnecessary rules and ambiguous, vague, traps for Senators.

Does the Senator agree with me—let me ask him this final question, and I will yield the floor. I have talked too long.

Does the Senator agree with me that we are going to have to at least triple the number of employees at the Ethics Committee, and that each individual Senator better have a full-time ethics guidance counselor in the office, and in your other places?

Mr. LEVIN. Not all. As a matter of fact, I look at the current issues considered by the Ethics Committee. It seems to me we are going to have fewer issues than the Ethics Committee now has perhaps. "What types of awards may be accepted by Members of Congress?" We have had three interpretative rulings under the current rules. Whether Members may accept items like season passes to entertainment and sports events? We have two interpretative rulings of the Ethics Committee. Entertainment from local events. We have had three interpretative rulings. Home State products, two; loan of furniture and office equipment, three. What types of expenses constitute necessary expenses that may be reimbursed in connection with travel? Three. What types of personal hospitality? We have all kinds of interpretative rulings by the Ethics Committee.

It seems to me this particular approach we are using is simple and direct and not more complex than current rules. Wherever you draw the line, you are going to draw it at a different place than we had. If we have $20, you will say $75. You will have different places to draw the line.

There are going to require interpretation as the current rules require interpretation.

Mr. JOHNSTON. Under the Senator's amendment, would he not agree with me that rather than to have three interpretative rulings on—I forget what it was the Senator said; three rulings for events? Would you really have to have an interpretative ruling on each and every event you go to, if you are going to be safe?

Mr. LEVIN. No. No more, say, than currently.

Mr. JOHNSTON. You would go off on this trip where they have golf and tennis in the afternoon, dinner at night 7:30 to 8 o'clock. Just assume that is not substantially recreational in nature.

Mr. LEVIN. Yes. The event is not. The event you went to is the event. The reason you went down, per your description, was not for recreational purposes. The reason you went down there was for the purpose to go and participate as a Senator.

Mr. JOHNSTON. I took my tennis racket.

Mr. LEVIN. Are you going to pay your own tennis fees?

Mr. JOHNSTON. No. They had a little tournament in connection with this thing.

Mr. LEVIN. What was the reason you went down?

Mr. JOHNSTON. It was partially my friendship with the guy who puts it on. He is a longtime, good friend. Partially it was, I thought, a high honor to be with this crowd. We have had former Presidents. We have had, I forget who all was there. Rowland Evans I think was the moderator. We have had distinguished economists. I learned a lot, and partially or substantially because it was in a nice place at a nice time of the year, and I could play some tennis—all of those reasons.

Mr. LEVIN. Under this approach, "substantially recreational," you could not accept that trip because the event then, as you have just described it, was substantially a recreational event.

Mr. JOHNSTON. I realize he has changed his own opinion on the same facts.

Mr. LEVIN. No. You just gave me the facts. You told us the first time the reason you went to that event was those morning events, and that then those other events, were not the principal reasons for your going. Now you are saying there was not a principal reason for your trip. There are three principal reasons, and the words you used were that a substantial reason for that trip was recreational. Under this approach, you then have made the judgment because you said it was substantially recreation. You do not need a lawyer. You now have made the judgment under this approach that you could not have that paid for by somebody else. You have answered your own question.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana continues to have the floor.

Mr. JOHNSTON. Mr. President, I am about to wind this up. But my friend, I think what he illustrates is that each and every event is going to require a special ruling from the Ethics Committee. Because, if what is in my head when I think about this event, whether it is principally a substantive event—I mean, the National Cancer Institute, for example. They always have their meetings in Jamaica, or Aspen, or one of these places. If there is ever a substantive group, that is it.

But any one of these groups is going to have their conference in a nice place. Otherwise, people will not come.

Even though I want to be there to make the speech, the fact that it is in a nice place is part of the reason. How can you separate that out. Say I am doing this strictly for the business, and after I finish speaking, I am going to go back to my room, lock the door, pull down the shades and not look outside at the sunshine, and certainly I am not going to go into that swimming pool. If it is OK if I make the judgment, you know, if I fooled myself, and say I am going only for the business part of this, how about somebody else? 20/20 comes in there, takes the picture of it, and it has the appearance of being bought or something?

I mean, how can it be worse if they already think you can be bought for a basket of fruit?

Mr. FEINGOLD. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. Yes. I yield for a question.

Mr. FEINGOLD. Thank you.

I am as concerned, as the Senator is, that this bill, however it ends up, does not prevent us from being able to meet with our constituents either here or back in our home States.

I noticed when the Senator listed various groups that he met with this past year for lunches, or other gatherings, I had similar meetings with Wisconsin groups: the Black Caucus, CPA's, sheriffs, chamber of commerce in Wisconsin. The only one I did not recognize was the cabinet one we did not have. But there are at least three ways that it is possible for me, even with a rule like this, to have met with them.

One is not to have them in connection with a meal. The second is not to eat, not to have lunch. And, the third is to pay your own way.

Mr. JOHNSTON. For this, bring a brown bag.

Mr. FEINGOLD. That is right. There are all options. Are any of these options foreclosed by the Levin substitute?

Mr. JOHNSTON. They might be. I mean, my event where I go where they have the conference 7:30 to noon, you might pass up a meal or you pay for

your own meal. But what do you do about the other recreational activities of the day?

Mr. FEINGOLD. I am just speaking here of a typical gathering you have here in Washington, or home for a lunch. All of those options are still available under the Levin substitute, are not they?

Mr. JOHNSTON. Yes. When you go to, say, the Opera Ball, I do not know what one of these dinners down here will cost. You go down at the hotel. I do not feel like I am really being entertained. I feel like I am doing when I go to those things at the Meridian House, the Opera Ball, the March of Dimes, what have you, I kind of feel like that is a contribution of time and effort to these things, and not something they are giving me.

But if I had to pay $150 for something every time I went to those, most Senators except the wealthy ones will not go.

Mr. FEINGOLD. What I am trying to get at, the normal business meeting with constituents, not the balls or those events.

The Senator specifically referred to a whole series of normal meetings that he has over the years. It appears to me from your answer that if you exercise any of these options, it will allow you to continue to have those business meetings and discuss the issues with all of these groups. I am trying to clarify that.

I think certainly with regard to that list that the Senator gave, there is nothing in the Levin proposal that makes his life more difficult?

Mr. JOHNSTON. It would sure make it a lot more expensive to do things that are ordinary parts of being a Senator as far as I am concerned.

Mr. FEINGOLD. Thank you.

Mr. JOHNSTON. Mr. President, I have spoken too long.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, first, let me commend the manager of the bill, and say that the substitute which he offered for his version of the gift bill was somewhat different, and was an excellent attempt to bridge a gap, to get past the differences that we see emerging, and as usual, his skill and his knowledge help to clarify the situation, even in the current debate. Perhaps there was a question or two that was not resolved, but it is a complicated thing that we do, Mr. President. It is different. Life is changing. That is what we are about to discuss, and that is what we are about to stand up and be counted on.

Either we accept the fact that there is change or we salute the status quo. Much of the discussion of the issues associated with reform of the current gift rule has been with some passion. That is understandable. The reforms we have proposed will change relationships radically in Washington, and also impact on Senators in their home States. They raise complicated questions about our representational roles, the definition of "official business," and how to separate our private lives from our public duties. It is natural for Senators to have concerns, questions, and reservations. I would like to deal with some of those issues today.

The first point I want to make, because it troubled me the most, relates to some of the discussion that took place and a perception that the gift ban legislation is in some way designed to reduce this organization's stature, or to malign it in any way, or to denigrate the individuals.

Mr. President, it simply is not true. The Senate, despite its frequent gridlock, erratic practices, and arcane ways, is an institution that deserves respect and even affection. I give it both of those. I respect this institution. I love being here, and I love representing my constituents. This place plays a critical role in our lives and in the way we are going to live, not only now but in the 21st century. I believe that each Senator here—not in the room, but in the membership—takes his or her responsibilities to constituents and our country very, very seriously.

Mr. President, I am a first-generation American. My parents came to this country as infants, brought by their parents who were seeking escape from oppression, persecution, looking for liberty, looking for opportunity. They struggled to make a living. They performed the most menial tasks. Nothing was too small for my father or my widowed mother, when she achieved that status at 36 years old; nothing was too small. She did what she did to help her kids and herself. They believed that America, through all the troubles, was the greatest place on Earth.

They passed on that deep faith in our country to me. With their support, some very good luck, and a lot of hard work, like many others in our country, I was able to succeed. I was able to attend college on the GI bill after serving in Europe in World War II. I built a successful business and then sought public office as a way to demonstrate my love and affection for my country and to give something back to a State and a country which was so good to me.

I review that personal history to make it clear that I have more reason—or as much reason as anyone—to place my faith and trust in this country and be grateful for the opportunities that America has given me. I also have more reason than many in this institution to appreciate and respect those with whom I serve. I came here without a background in politics or legislation. I had a great deal to learn. The fact that I was 30 years in the business world, a corporate chief, did not mean anything. When I got here, I had to learn from basics about what to do. Members of this body, individuals, collectively, helped me a lot. I have come to appreciate my colleagues, both professionally and personally.

This very desk, Mr. President, at which I sit, once belonged to Senator Harry Truman. He carved his name in the drawer. His name is also carved in the history of our country. I made sure this desk followed me every place I moved in this Chamber, from the far corner where the new Senators start out, to this place, because I am so attached to it. I remember my mother's—who was then alive—reaction when I told her I sit at the desk at which Harry Truman sat. She was impressed, and I think she felt I deserved it. But that is something else, Mr. President. Being here at this desk gives me a sense of history and underscores for me the special nature of the Senate. I hope my work here will add something to that history. But I certainly do not want to do anything that diminishes this institution.

My motivation for sponsoring reform legislation is to increase, not decrease, public trust and esteem for the Senate. It is no secret to anybody here that Congress, as an institution, is viewed often as a captive of special interests. Washington is seen as being separated from the concerns and the needs of everyday, working Americans. And I can see how they get that impression. It has little to do with a basket of fruit. It has to do with whether you work full-time for your boss—the constituents back home. It has to do with your mission here.

They are not concerned back home with whether or not you have a good time when you go to work, or when you go to conventions or to conferences. Yes, I like fun as much as the next person. But my primary mission is to serve my constituents, at the same time reminding myself, if I forget, that I have a responsibility to them that deals with ordinary, everyday problems of how you make a living and educate your kids, and how you keep a roof over your head. That is what we are talking about.

The point, Mr. President, is that public confidence—and you see it in poll after poll after poll—in Government is at an all-time low. There are reasons for it. We all have our own explanations for the public's cynicism and distrust. But all of those explanations do not alter the fact that the public questions our motives, doubts our commitment to the public good, and does not accept our claims of independence and integrity.

All of our reform efforts are a response to that reality: campaign finance reform, lobby disclosure reform, congressional procedure reform, and

gift reform, also. Last year, when the Senate considered legislation to provide the public with more information about the way lobbyists operate, I advanced a proposal that we do more than disclose certain behavior. When it came to the giving of gifts, including travel and meals, I said that we ought to severely limit it or ban it outright. Yes, I enjoy going out for dinner just like anybody else. It is a question of who pays and what takes place at that dinner. I was thinking of lobbyists paying for trips and meals, providing free tickets to entertainment and sporting events, and generally extending special treatment to Members of Congress and staff.

The bill I introduced, Mr. President, a year ago this month—1 year ago—prohibited Members of Congress from accepting such gifts. The distinguished manager of this legislation, Senator LEVIN, was a cosponsor of that legislation.

Five months ago I also sponsored, and the Senate adopted, an amendment calling for action on a gift ban by the end of 1993. Despite prompt hearings before Senator LEVIN's subcommittee, the Senate never acted on my proposal.

This year, joined by Senators WELLSTONE and FEINGOLD, I introduced legislation which would regulate the kind of gifts lobbyists could give. That approach was consistent with the lobbying reform bill, which regulates lobbyists and not Members of Congress.

After a good deal of effort, we got a unanimous consent agreement for the Senate to consider the Lautenberg-Wellstone-Feingold bill by May 4, this very day. That agreement set off a series of events which culminated in the legislation introduced by Senator LEVIN several weeks ago. His approach is similar to the ban on Member acceptance of gifts in my original 1993 bill. It is also, in many ways, an improvement on that bill and on the Lautenberg-Wellstone-Feingold legislation of 1994.

Once again I applaud Senator LEVIN for his usual excellent draftsmanship, courage, and commitment to the highest standards of official conduct. I also appreciate the courtesy and cooperation that he and his staff extended to all of us during what were often difficult discussions. He has produced a bill which, like all legislation, I regard as imperfect; but he has also produced a bill that makes real and significant reforms in the way Washington does business.

Here is what the bill does:

First, it eliminates virtually all gifts from lobbyists to Members of Congress and staff. Second, it limits gifts from everyone else, with reasonable exceptions for family and friends and awards of mementos and the like under $20.

Someone once said to me: "Frank, what do you think you can get for 20 bucks? What kind of meal do you think you can get?" I said: "Not much."

That is the objective to try to eliminate it.

Third it prohibits all trips that are substantially recreational. We all discussed that. It means an end to the kind of charity golf and ski trips I went on which had been the object of such criticism and controversy. And finally it ensures even if a Member is on a privately financed trip, he or she could not accept reimbursement for recreational activities.

That, and more, was in the original Levin bill, as it was in the original Lautenberg bill, and the Lautenberg-Wellstone-Feingold bill. We did have some concerns about the Levin bill. We worked on those, and most have been resolved. A few remain problems, and I hope that they can be resolved.

The bottom line is that this is real and significant reform. It fundamentally changes the relationship between lobbyists and Members. It fundamentally alters the way we do business in the culture in which we live.

Mr. President, all of us have and will abide by whatever rules exist. Under current laws, I participated in some events that I now feel should be eliminated and I wish I had not gone. Times were different. Some of the trips I took—and I took some trips that this legislation would proscribe—were designed to help a specific and wonderful charity. Other gifts did not. They were outright gifts, it is true, of free meals and entertainment. While I feel I have not routinely permitted lobbyists or others to buy me dinner, I have gone to some dinners which this legislation would outlaw. I have attended entertainment extended gratis to Members of Congress merely because, or solely because, they were Members of Congress.

The problem is not necessarily the individual trip or the particular dinner. The problem is the cumulative impact of those trips and the dinners and the way that the public sees them.

The cumulative impact of all those meals, trips and other freebies is, Mr. President, to bias the system. Most so-called average citizens do not get to spend an hour, or 2, or 3, a weekend, or 2 days, with a Senator. Average citizens often do not get to build a personal relationship this way with a Senator or a Representative. Average citizens do not have the access—the opportunity to present their case and explain their concerns is just not available—as lobbyists do get it from the time they spend with a Senator or Representative and the relationship that develops with them as a result of gift giving or gift exchanging.

Mr. President, the logic underlying our reform proposal is very similar to the logic at the core of campaign finance reform initiatives. Campaign finance reform is designed in part to reduce Member reliance on PAC's and big givers because those contributors receive special access as a result of their giving. Reformers do not argue that the contributions buy a vote, but they argue that such contributions bias the system toward the wealthy. Large contributors get special access to Members.

In many cases, by their very nature, gifts give lobbyists an even greater access for hours of time with a Member at a meal, or a trip, or theater, or ballpark.

Beyond the actual bias built into the system by gifts, there is also the issue of public trust. The practice of accepting gifts from lobbyists—dinners, trips, free tickets—is corrosive to public confidence in the Congress.

Now I want to make this point very clearly. Many, if not most of my colleagues, believe that there is nothing wrong with the present process. I respect that view. But the public disagrees with it. When constituents learn that a Member has taken a trip or accepted a dinner, that raises doubts about that Member's independence.

I want everyone to understand what that means, Mr. President. Every Member of this body who does something perfectly legal, perfectly allowable under the rules of the Senate, inadvertently often contributes to the public's suspicion of Congress. The independence of Congress is cast into question by our failure to deal with this problem. And what for? For something we ought to be willing to give up for the good of the institution. We do not need the trips or the dinners or the free tickets. They are fun, yes. I like to go to a ballgame; I like to go to the opera; I like to go the theater. I like to do all those things. The question is, on whose bill? They are not essential to our work. They are not critical to our lives. They are not important enough to justify the loss of public confidence in the Congress that results from these practices.

(Mr. CONRAD assumed the chair.)

Mr. LAUTENBERG. Mr. President, this is not the first time we have changed the way Congress does business. Daniel Webster, whose love of the Union and service to the Senate has made him one of the towering figures of our history, routinely accepted payments from companies whose interests he would then champion. That was then. But in a different time, with different attitudes, that has become unacceptable. We changed the rules, and it is no longer allowed.

I did not do so, but many current Members of the Senate used to accept honoraria, payment for speeches. But over time, with different attitudes, that has become unacceptable. We changed the rules, and that is no longer allowed.

We made those changes because an evolving view of public service convinced us that we ought to do so. The changes were not an admission of prior

improper behavior. They were not confirmation of ethical misconduct. They were simply a recognition that there had been a change in common perceptions of what is proper behavior.

The bill before us now responds to a similar change. It says that along with honoraria, gifts will be banned. Mr. President, this may be new to the Congress, but it is not new to other segments of the world. When I was the CEO of a fairly large company, I prohibited purchasing agents from receiving gifts from potential vendors. I thought there might be a conflict of interest associated with that practice. I thought it best to avoid those kind of interactions, that kind of bias, even though I had full confidence in my managers. The rule was laid down.

This gift ban is similar. It avoids even the appearance of an impropriety. There has been a sea change in public expectations about Members of the Congress and their conduct. I say that we should acknowledge those expectations and do everything that we can to meet them. Mr. President, few are drafted to serve in the U.S. Senate. I have never heard about a draft. Maybe some have served with such distinction. Only 100 people out of this entire country of 260 million get to serve here. It is quite a gift.

Mr. President, I believe that giving up gifts is a small price to pay to help restore confidence in Government. The Senator from Michigan said that in his opening remarks. It has been a long and often difficult trip from our first floor vote on this issue to the proposal before us today.

Mr. President, I think it is apparent life has changed and continues to change when you serve in Government. There were many things that used to be different. Honoraria was SOP, standard operating practice. There was nothing wrong with it. Those were the conditions at the time.

We even used to have a free gymnasium to use. That is now paid for. We have to pay for the doctor's service. It was free before. Why did we change it? Because the public wanted us to feel some of the discomfort about some of the difficulty they have with their everyday living.

People outside do not get to go to the doctor free any time they want to. They did not have a gymnasium free to use any time they want to. We made the changes willingly, forthrightly, because we wanted to respect the fact that the public was asking us to get some sense about what we are going to do.

A lot of things have been said in this debate. One thing that was commented upon was not wanting to have to hide from the camera.

Mr. President, if you have to have to hide from the camera, you know you done wrong. Let the public be the judge of that. If you have to conceal yourself from a camera, Mr. President, it does not take a constitutional lawyer to say this is not right. Because if you are hiding, you are portraying a secret mission.

Life has changed, and we have to make a decision. Is life in the Senate worth serving when it is simply for the honor and for the opportunity and for the privilege of serving here in this great country, or does it have to be accompanied by the extras, by the trips? Yes, they were fun, of course. But that is not why the public sent us here and that is why they resent it, because they want a full-time effort here, focused on their issues. And, as I said earlier, we do focus on issues, but it is the public perception that has withdrawn us, at least as they perceive it, from the routines of life that they go through.

Mr. President, we have changed lots of things. This is going to be a difficult debate, apparently. There is a lot of anger, a lot of hostility. But, I plead with my colleagues: Let us try to work this thing through rationally. We are not doing it because it is fun. I do not enjoy this, I can tell you that.

We have made it this far because of the work of Senator LEVIN, Senator WELLSTONE, Senator FEINGOLD, and, of course, our leader, Senator MITCHELL. Senator BOREN is a cosponsor of our bill. But we still have a long way to go before we get the kind of law we need.

Mr. President, I look forward to this legislation going to conference and coming back in a form which will allow all of us, Members of Congress and citizens of this country, to be proud of what has been accomplished.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I want to say to my colleagues, I will be quite brief, because I know there are a good number of people that want to speak. We will probably have a long and intense debate, but I think it will be an important debate. I think we will agree and sometimes disagree with one another in good faith.

Mr. President, I have been working on this for a year and I feel very strongly about this reform effort. I thank Senator LEVIN for his fine work, Senator COHEN, and others as well.

I would like to talk about this in a somewhat different way, because I think each of us has our framework and we are saying what we are saying because we believe in what we are doing.

I think there is a politics of anger in our country, and I really worry about it. I guess if I thought this politics of anger or cynicism, or whatever you want to call it, was going to translate into a citizenry that was more engaged and more empowered and held all of us, Democrats and Republicans, accountable, and where people were now active citizens and people said we can run for office ourselves, that would be fine. I think that would lead to an expansion of democracy.

But if that politics of anger—and I think anger is a central dynamic of American politics. I think some people are very polemical—I am not talking about on this floor at all—and sort of tap into that anger. If that politics of anger translates into a situation that is an indiscriminate bashing of all public service and all people in public services, it is going to lead to a decline of democracy, I say to my colleagues, Senator LAUTENBERG and Senator FEINGOLD. I think all of us on the floor feel very strongly that we do not want that to happen.

Mr. President, I think that is what this debate is all about.

Senator LEVIN said earlier in his opening remarks, or it may have been in response to a question that Senator JOHNSTON had put to him, that, you know, the problem with the disclosure as opposed to abiding by the same rules the executive branch abides by—I believe the Senate went on record something like 97 to 3 in favor of that; that was the original Lautenberg sense-of-the-Senate resolution—is that it just does no good for this institution for people to see or to hear about trips that we take not connected to work, paid for by any number of different kinds of special interests. It does not seem appropriate to people in Minnesota, or North Dakota, or I think across the country.

So, Mr. President, I think what we have here is a citizenry which increasingly feels left out of the loop. They do not really feel like they are listened to the extent they want to be listened to, and they feel like some people, whether they are lobbyists or not lobbyists—one of the changes that Senator LEVIN made that I think is really important is he really expands the universe when it comes to gift banning. I believe some Senators—I know Senator INOUYE has some questions, he has tried to work hard to make sure there are some ways in which we are reasonable about this. But I think what Senator LEVIN has done is extremely important, because the perception in our country is some people have the economic wherewithal, they have the political clout, they are the heavy hitters, they have too much influence and too much say and too many people are left out. That is really what is going on, is that people just feel that way.

And so when they hear about our taking some of these gifts and these trips from a variety of different lobbyists, interests, and so forth, it just simply sharpens the problem of the distrust of the institution.

This reform effort on this floor—and I really think it is a unified effort on the part of many of us; let us get our

cause and effect clear—is not a cause of increasing skepticism or cynicism or anger about our institution. Quite to the contrary. I think it goes a ways toward giving people more faith. It is a symbol.

Mr. President, if people do not believe in our process, they are not going to believe in any of the outcomes of the process. If they are going to think that there is a lot of wheeling and dealing and gifts and trips and all the rest—which is not for them; they do not get these free gifts and trips and all the rest of it, but they think that is a part of the culture here —they are not going to believe our policies. They have to feel like this process is more accountable. They have to feel like it is more open. They have to feel like we are focused on the common good or the public good. It is really important to people.

I spoke the other day, and I will not use the name of the organization—it was poignant—to a group of doctors. I was scheduled to speak at 8:30 and I came in at 8:25. I was early. There was a guy who I think was maybe the political director. He was talking to the doctors, a couple hundred of them. He said to them—and he was quite uncomfortable, I thought—he said, "With your PAC checks, if you go in, if you are in the offices with Senators and Representatives, you can't give it to them in their offices, so they might want to step out in the hall. They can take it in hall, or they might tell you where to send it. But they will take it."

And there was this sort of cynical, but also awkward, laughter—because, if people are worried about the taking, they are also worried about the giving.

So when I spoke, we started talking about all this. As I heard people speak, it was clear to me that they felt—and I feel the same way—we are trapped in this same kind of awful system where they actually thought they needed to come here with checkbooks to make contributions to have influence. I did not say that was the case, colleagues. I am just telling you that is the perception, that mix of money and politics, that idea that some people are here, they have access, they have the resources, they are heard, but too many of us are not. That is really what this is about.

I say to my colleagues—and I conclude because I promised to be brief—that I do think the political ground has shifted under our feet. Some of us—I looked at Senator FEINGOLD—some of us who are new here have a lot to learn. And we learn from all of our colleagues, Democrats and Republicans alike. But I also think there are some things that we know pretty well. One of them, I would argue, is that good-government reform, which once upon a time people in politics were cynical about and said that is just a bunch of goo-goos, it will go away, it really does not matter, people really care about those bread and butter economic issues—not any longer, Mr. President. Not any longer.

These issues of good government, these issues of good public service, these issues of ethics, these issues of accountability, these issues of people feeling like we truly represent them, these have become the central issues in American politics.

So I hope when we debate the Levin proposal—some of us have some amendments which we think strengthen it, but we agree with so much that is in there—that our colleagues will not come to the floor with amendments that obviously weaken it. You are making a big mistake. You are making a big mistake. Because if we do that, people once again will reach the conclusion that we are not really serious about making our own process open and accountable and working. If that is the conclusion they reach, then I think it adds to the very problem all of us are worried about, which is this denigration of public service which we all believe in. I hope my colleagues will support this very important reform effort.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I commend and thank the distinguished chairman of the Subcommittee on Oversight of Government Management, Senator LEVIN, for drafting this underlying substitute amendment. It does strengthen in many ways the bill that we had originally introduced.

The substitute amendment allows us to address a subject that we have all said today is very important, both to Congress and the American public. It finally reforms the way in which Congress deals with free travel, entertainment, meals, and various gifts that are offered to Members and their staffs each year from individuals and organizations that seek access and influence in the U.S. Congress.

I just remind everyone, of course, the current gift rules allow Members of Congress and their staffs to accept gifts worth up to $250 from one source during a year, and that does not include in that limit any gifts under $100. I think this creates the potential for conflicts of interest and the appearance of impropriety.

My sense, as was certainly eloquently stated by Senator WELLSTONE, is that this is part of the reason that the public's confidence in Congress has fallen to dangerously low levels. The recent media accounts concerning various trips and recreational outings paid for by lobbyists and their organizations, I really do believe have fanned the public's discontent and have helped spawn an even greater sense of cynicism towards this institution.

I know this firsthand. I hold town meetings and listening sessions almost every week in Wisconsin. Every weekend, people come up to me as they go home and say, "How in the world can you guys get away with going on these trips? How can that be the rule even if hardly anyone does it?" As a result of the media coverage, the sense is this is a common practice. To put it mildly, I think this new level of skepticism does not serve the public interest and can only damage the political processes of our great democracy.

Thanks to the efforts of my good friends from Michigan, New Jersey and Minnesota, we can take a major step toward addressing this problem today, and I thank them all for their perseverance on the issue.

I say this because it has been almost a year since the Senate passed the much-needed Lobbyist Disclosure Act of 1993 and Senator LAUTENBERG's resolution which expressed the sense of the Senate that the full Senate would consider, during this session, changes in the way Members and staff are allowed to accept gifts, meals, and travel similar to the restrictions currently applicable to executive branch officials. Then my friend from New Jersey followed up on that resolution by introducing S. 885, the Congressional Ethics Reform Act of 1993, which would have, among other things, reduced the gift limits along the lines applicable to the executive branch, setting the new single gift limit at $20 with a $50 limit from any one source. I was pleased to be a cosponsor of that and to be able to submit some testimony at the bill's hearing.

It is almost a year now since this body has passed that resolution, and it is too bad it has taken this long. But if we act today, we can make good on that promise. I think it is important that we do act today so the American people do not conclude that this body only pays lip service to institutional reform.

I did come here recently, as the Senator from Minnesota indicated. Maybe I came here a little too optimistic that reform can be achieved. I remember when I first arrived here last year—after an unexpected victory, but a victory nonetheless—I came here thinking that we would have a real reform effort, that people here would actually listen to the message that is being sent to us across the country. And that message is real simple. People do want us to change the way we do business here in Washington. People perceive that Congress has to do more to cut its ties to special interests and pay more attention to the everyday concerns of the people that sent us here in the first place.

At first I was encouraged. We did pass a campaign finance reform bill early in the session. The measure was not as tough as I would have liked, but it still created some meaningful change in an area that is desperate for

overhaul in the campaign finance area. We also passed the Lobbyist Disclosure Act, which included a comprehensive gift disclosure provision, thanks to the efforts of my friend from Minnesota. And the overwhelming margin by which that resolution passed made me believe we would be able to very quickly enact this gift ban.

However, we are here today on May 4, 1994, not May 4, 1993, with a campaign finance reform bill, which passed both the House and the Senate, mired in a quagmire of disagreement in an upcoming conference and embroiled in a potential debate here today between those who seek meaningful reform and those who actually want to weaken the underlying measure we have put forward. It is too bad we cannot just pass this on a unanimous vote. I think we should be able to do that.

How many editorials and articles will we have to read and how many television exposes will we have to watch and have recounted to us by our constituents before we implement these reforms? Do we always have to legislate by a last-ditch approach, waiting for a serious scandal of some sort before we take action and implement some change? The American people are fed up with some of the ways of Washington, and it is time to act rather than react.

When I watched, as a State legislator, some of the discussion about the perks in Washington—the House bank issue, the issue concerning haircuts, and others—I obviously sensed that the public was concerned. I believe this one, the gift practice, dwarfed all the others. I have even had the opportunity to refer to this as "The mother of all perks," because the potential under the current gift rule is enormous if a person is willing to abuse it. And the public perceives that.

Some will argue, as we have certainly heard on the floor today, that the restrictions and disclosure requirements contained in the Levin substitute amendment and other amendments are too tough and they are just going to be impossible to implement. They will argue that these rules would hinder their work and the work of their staffs and are unnecessary, since the gifts, meals and travel that are allowed under the current system do not provide special interests with any unique access and do not influence their legislative decisionmaking in any way. We heard claims almost exactly like that on the floor today in response to the questions stemming from concerns over the difficulty we would have complying with the rules pertaining to this.

I suggest we look to my own State, the State of Wisconsin, which has had for many, many years an even stricter set of rules for guidance for its members of the legislature. I served for 10 years as a Wisconsin State Senator. I served in a legislative body that simply prohibited the acceptance of anything of value from a lobbyist or an organization which employs a lobbyist. In Wisconsin you cannot even accept a cup of coffee from a lobbyist. It does not take a Philadelphia attorney, as the Senator from Louisiana suggested, to figure that one out. You just cannot do it. You want it? You just have to pay your own way.

My experience and the experience of every member of the Wisconsin legislature has been that this total ban works. It led me, when I came here, to adopt on my own an office ethics policy which combined the most restrictive elements of the Wisconsin law and the current Senate rules.

I did not put out a news release on it. I just did it quietly because I was comfortable with that.

I also sensed, given all the discussion of the previous year in the public, that this change was inevitable, not just for Wisconsin, not just for Minnesota, which recently enacted these rules, but this change is inevitable for our Federal Government. The executive branch actually has led the way, as opposed to the Congress, on this.

The State of Wisconsin has a well-deserved national reputation for clean government, in part because of its State ethics laws which include a total gift ban. Sometimes the State is described as "squeaky clean." That is something of which we are proud. I am sorry that is not a term that has been applied to the Congress very often in recent years. That might not even be fair or accurate with regard to the actual conduct of Members, but it is clearly unfortunate for the institution, if that is the perception.

The policy that we implemented for our office essentially bans all acceptance of things of value. Specifically, as under Wisconsin law, individuals employed in my office, including myself, paid staff, fellows and interns, simply cannot accept food, drink, transportation, lodging or a thing of pecuniary value from a lobbyist or an organization that employs a lobbyist, or food, drink, transportation, lodging, employment, or any item or service of more than nominal value from any individual if it is offered because of that person's public position.

As I said before, critics of this amendment and the rules complain that it will result in some overwhelming amount of paperwork and administrative work which can ultimately take away from the time that Members of the Senate spend on their legislative duties.

My own experience in Wisconsin, and since I have been in the Senate, is that that is not the case. As of today, my office has logged over 585 gifts that have been sent up to us and declined or donated to charities. I can assure you that our policy has neither interfered with my legislative responsibilities or the responsibilities of any member of my staff, nor created any undue administrative burdens. In fact, since there is no food laying around the office, there is less time spent eating food and, I am told, more time working. I do not know if I totally believe that.

So I would again like to thank Senator LEVIN for his leadership and hope we can strengthen his amendment. I will do all I can to make sure the strongest measure is enacted in this Congress. Restrictions included in this amendment are, however, a significant step toward reducing the opportunity for potential conflicts of interest and the negative perception of Congress.

So I hope my colleagues will heed the voices and message coming from across the country outside of the beltway demanding that we end this aspect of business as usual. I ask the body to support any efforts to strengthen the Levin substitute as well.

I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I have great affection, great admiration for my colleagues. They are all good men and good women. I am certain that the procedure we are now following is being carried out with the best of intentions. I should confess to all of you that—and I am rather embarrassed to do so—I do not golf; I have never golfed in my life. I do not play tennis. I hoped I could. The last time I was in a stadium to watch a baseball game was in 1960 when we had a team called the Senators. I have seen the Redskins play twice.

So from a personal standpoint, it means very little to me about these golfing games or tennis matches or basketball games and football games. But I am concerned about my work and my relationship with the people I serve.

For example, I am privileged to be the chairman of the Committee on Indian Affairs, and I have been chairman of that committee now for 7 years. I take pride in the fact that I am the first chairman to visit all parts of the United States. I have been above the Arctic Circle on two occasions. No chairman has ever gone there. I have visited tribes all over the United States—in the Plains, in the Northwest, in the Southwest, the East and the South. I must tell you that these Indian brothers and sisters of ours are most grateful for any visit that a Member of Congress might make.

As part of their culture and tradition, they provide gifts. Mr. President, these are not gifts that are purchased from Lord & Taylor or Bergdorf Goodman. These are gifts made by them: a basket, a small rug, a piece of pottery.

I cannot honestly say that they are my friends in the real sense of the word

because this is our first meeting, but they go through great ceremony. Am I supposed to stop the chief and say, "Chief, how much is this pottery worth?" I have no idea what they are worth. If I had to guess, I would think that the Navajo rug that was presented to me is maybe worth hundreds of dollars, but I know it was made by an old lady there who said it took her 6 months to make it for me.

Then I have the privilege of serving the finest people in the United States, the people of Hawaii. As part of our tradition long established—long before the coming of Captain Cook—there are greetings. Whenever you greet a stranger or friend, you present him with flowers, flower leis. If you should visit us in Hawaii, someone might greet you with a flower lei. Hardly a day goes by when we do not have visitors from Hawaii visiting the Nation's Capital and they bring with them flowers, leis.

Mr. President, you know and everyone knows that these things are not free. They have carried them all across the country. Am I supposed to ask them, "How much is that worth? If it is worth $20, I can't take it from you." I would be insulting them, and I would be insulting myself.

I know that this law is going to pass. Some form of reform bill will pass. But I want to know what I should do because I do not want to break the law.

I think what we are doing to ourselves is a strange type of masochism. Pretty soon, we will be telling the people of the world by resolution that all Members of Congress are crooks. Essentially we are saying that—we cannot be trusted.

But I want to know from those who are authors of these measures how far I can go. Can I receive a gift from grateful Indians? Can I receive a flower lei from my constituents? If I am in a hospital, should I return the flowers that come to my room? What about Christmas? Mr. President, many of the gifts we receive are from strangers from all parts of the United States. They just want to express their gratitude for something you have done. Are we supposed to return them, or are we supposed to send them a card and say, "Will you fill out the slot here: How much is this worth?"

There are many questions—maybe they are not serious—but it is part of my work. I do not wish to insult my fellow Americans, and I do not wish to insult my colleagues and myself.

So I hope we know what we are doing, Mr. President.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1674

(Purpose: To modify the gift provisions and provide enhanced penalties for violations of the gift rule and for violations of Senate rules subject to reprimand, and for other purposes)

Mr. McCONNELL. Mr. President, on behalf of myself, Senator JOHNSTON, Senator DOLE, and Senator INOUYE, I send an amendment to the desk in the nature of a substitute.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. JOHNSTON, Mr. DOLE and Mr. INOUYE, proposes an amendment numbered 1674.

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

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

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. PENALTIES.

(1) Any Senator, officer, or employee who receives a third reprimand pursuant to the provisions of subsection (a)(2) shall—

(A) if the individual is a Senator, be—

(i) expelled from the Senate if an expulsion resolution is agreed to pursuant to paragraph (2); and

(ii) barred for 10 years from lobbying in the Senate; and

(B) if the individual is an officer or employee, be—

(i) dismissed; and

(ii) barred for 10 years from lobbying in the Senate.

(2) Not later than 5 session days after a Senator is reprimanded a third time, the Senate shall consider and dispose of a resolution of expulsion with respect to such Senator.

(b) GIFT VIOLATIONS.—Rule XXXV of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"5.(a) Any Member, officer, or employee who violates this rule shall be subject to a fine of up to 3 times the value of the improper gift. The fine shall be levied by the Select Committee on Ethics and shall be payable to the general fund of the Treasury.

"(b) The name of an individual fined pursuant to subparagraph (a) and the amount of any fine shall be published in the Congressional Record.".

SEC. 2. GIFT LIMITS.

(a) IN GENERAL.—Rule XXXV of the Standing Rules of the Senate is amended—

(1) in paragraph 1(a) by striking "more than the minimal value as established by section 7342(a)(5) of title 5 United States Code, or $250, whichever is greater," and inserting "more than a minimal value of $150"; and

(2) in paragraph 1(b)(2) by striking "$100" and inserting "$75".

(b) RULES COMMITTEE.—Notwithstanding any other provision of law, the Committee on Rules and Administration, on behalf of the Senate, may accept a gift if the gift does not involve any duty, burden, or condition, or is not made dependent upon some future performance by the United States. The committee is authorized to promulgate such rules and regulations as are necessary to carry out this subsection.

SEC. 3. TRAVEL RESTRICTIONS.

Rule XXXV of the Standing Rules of the Senate is amended by adding after paragraph 2 the following:

"2A. (a) Necessary travel-related expenses as defined by paragraph 2(c), to the extend limited by subparagraph (c), are not prohibited by this rule in connection with meetings, speaking engagements, fact finding trips, and similar events related to the official duties of the Member, officer, or employee if—

"(1) the expenditure covers the cost of the trip for a period of not more than—

"(A) 3 consecutive days (excluding travel days) in the case of domestic travel and 7 consecutive days (excluding travel days) in the case of international travel: and

"(B) 24 hours before or after such person's actual participation in the event in the case of domestic travel or 48 hours before or after such person's actual participation in the event in the case of international travel; and

"(2) the Member, officer, or employee has caused the following information to be published in the Congressional Record in advance of the travel (unless advance publication is not possible because the travel arrangements cannot be made in time for the information to be published while the Senate is in session or for other good reason (in which case the information shall be provided in advance of the travel to the Secretary of the Senate who shall make the information available to the public immediately and shall cause the information to be published in the next Congressional Record)):

"(A) The name of the Member, officer, or employee.

"(B) The dates and itinerary of such travel.

"(C) A statement of the purposes of such travel.

"(D) The identity of the party making the expenditure.

"(b) The requirements of subparagraph (a)(1) may be waived in exceptional circumstances if the Member, officer, or employee obtains a written statement from the Select Committee on Ethics of the Senate that approves the waiver and explains the justification for the waiver. That committee shall cause the statement to be published in the Congressional Record in advance of the travel (unless advance publication is not possible because the waiver is granted at a time when the Senate is not in session or for other good reason (in which case the committee shall, in advance of the travel, provide a copy of the statement to the Secretary of the Senate who shall make the information available to the public immediately and shall cause the statement to be published in the next Congressional Record)).

"(c) Necessary travel-related expenditures are limited to expenditures for a Member, officer, or employee's transportation, lodging, conference fees and materials, and meals, including reimbursement for necessary transportation whether or not such transportation occurs within the periods described in subparagraph (a)(1), but do not include expenditures for—

"(1) recreational activities, such as greens fees, ski lift tickets, tennis court time, theater tickets, tickets to sporting events, and similar items (except as provided in subparagraph (e)); or

"(2) entertainment, other than that provided in connection with meals offered as an integral part of the event.

"(d) Except as provided in subparagraph (e), an event the activities of which are substantially recreational shall not be considered to be directly related to the official duties of a Member, officer, or employee.

"(e) A Member, officer, or employee may receive payment or reimbursement for expenses, including travel, in connection with a charitable event if the expenses are approved as provided in subparagraph (a)(2).".

Mr. McCONNELL. Mr. President, I rise today in my capacity as vice chairman of the Senate Ethics Committee to discuss the issue before us.

I think every member of the Ethics Committee is proud to be there and honored to serve this institution in a role that we have been chosen for by our respective leaders.

Although little of what we do is seen by the public, or even by our fellow Senators, I can tell you that each committee member has devoted countless hours of their time to fulfilling the responsibilities that have been entrusted to us.

These were hours, Mr. President, that we might have spent legislating or visiting with constituents or studying issues or being with our families and loved ones. Instead, this effort has gone into the work of the Ethics Committee.

Now, Members who have never served on the Ethics Committee—and I note that none of the principal sponsors of the gift ban bill have ever served on the committee—cannot fully appreciate what our work entails and how much time it consumes. Most of our time, Mr. President, is not spent on matters involving grave ethical misconduct, breaches of Senate rules, or any kind of improper behavior for that matter. You would never know it by watching the tabloid TV shows or reading most newspaper editorials, but the truth is—the truth is—that nearly every Member of this body is profoundly ethical and bends over backwards to avoid even the appearance of impropriety. And for that reason, the committee's time is spent not on enforcing the rules but explaining them—explaining them—to Members and helping them comply with every nuance. That is under today's rules.

In fact, I am sure there is not an editorial board in the country that works as hard at policing its conduct and avoiding conflicts of interest as we do in the Senate.

Now, to tell you the truth, Mr. President, most of what this involves is not exactly high-level, mentally stimulating work. The vast majority of our time at the committee, especially for the chairman and me, is spent deciding whether a Senator should be able to accept a native American buffalo vest, or a silverplate coffee pot from Hungary, or an ugly glass award from the National Association of Ugly Glass Award Makers. Instead of deciding whether our health care system should be single payer or managed competition, members of the Ethics Committee get to decide whether a plaque should be considered an award or a suitable memento. Instead of spending time on welfare reform, committee members spend time determining whether tickets to the upcoming Barbra Streisand concert should be valued at the box office price or the scalper price.

That is not because, Mr. President, we look for arcane nit-picking issues like these on which to waste our time. We deal with these questions because our colleagues ask us to. These are the kinds of questions that are coming in routinely to the committee under today's restrictions which some would argue are quite severe; others would argue they are not, I suppose. As I have said, nearly every Member of this body takes great pains to follow both the letter and the spirit of the Senate rules, and it is our job to give them guidance on what the rules mean and how they are to be applied.

That is what the Ethics Committee does with most of its time. It is a worthy endeavor, and we are all proud to be a part of it. I know that every member of the committee, despite our occasional protests to the contrary, believes that this is a necessary function and someone must carry it out.

For these reasons, Mr. President, it is deeply troubling to this Senator to see this body engaging in ritual acts of self-flagellation as if in penance for sins not committed—penance for sins not committed.

It troubles me, as it should every other Member who venerates the institution of the U.S. Senate, to see it trivialized and trashed by outside people who live from press conference to press conference, people whose principal contribution to public discourse is fundraising and hate mail. It should trouble every Senator who strives to conduct himself or herself in a professional and ethical manner to be slapped across the face with the insinuation that he or she has somehow been bought by a cheap bottle of wine at Christmas, or a crabcake sandwich, or a pitcher of beer, or an honorary plaque.

Mr. President, let those with something to declare, something to confess, come forward. As vice chairman of the Ethics Committee, I would like to know which Senators have, in fact, been compromised by the gifts and the meals they have received.

I would remind my colleagues that if you do have information about unethical conduct, you are duty bound by Senate rules to bring it to the Ethics Committee's attention. I can assure you that we will keep any information that is provided to us in strictest confidence; that we will investigate it fully; and that we will prosecute any act of wrongdoing by any Member or staffer to the fullest extent allowed under the Senate rules and precedents of the committee. If there is any evidence of criminal wrongdoing, whether it is an apparent violation of the Hobbs Act, a bribe, or an illegal gratuity, we will forward it immediately to the Public Integrity Section of the Justice Department and cooperate with every aspect of its investigation.

So, Mr. President, let anyone who has evidence of a Member or a staffer of this body being corrupted by a gift, meal or travel they have received come forward now. Fess up. Let us hear about it. Let us have names, dates, amounts, and actions. It is cheap and easy to slander the institution as a whole. In fact, it has become a profitable little business for lobbying groups and even politicians. Just hold a press conference, give a speech, send out another hysterical fundraising letter, "Congress is for sale to the highest bidder."

What I wish to know as vice chairman of the Ethics Committee, is who exactly is for sale. Who is for sale? We are here to deal with that, and we would be glad to hear any confessions that might be forthcoming from any Members who have been bought by a meal or a gift.

While I am waiting, let me mention another concern I have, as a member of the Ethics Committee, with the so-called gift ban bill.

I have already discussed how much time the committee spends on completely trivial questions over gifts under the existing rules. If either the original version or the substitute of S. 1935 were to pass this body, the Ethics Committee would do nothing but interpret, explain and administer the gift rules of the Senate. It is no exaggeration to say that we would probably have to have one Ethics Committee to handle gifts, meals, and entertainment, and another separate Ethics Committee to handle everything else.

Earlier in the discussion, I noted on the other side there were some comments about how big the Ethics staff would have to be. I can tell you as somebody who is familiar with the Ethics Committee process and the size of the current staff, that if this is passed, every single Senate office will, indeed, as Senator JOHNSTON has suggested, have to have a full-time ethics lawyer on staff. And the Ethics Committee will have to triple the size of its own staff to deal with all of this.

In addition, based on the muddled and contradictory answers provided in the discussion—I am not putting down the provider's answers—but you just cannot answer that which cannot be answered. I would also predict there will be several Members under investigation by the committee within weeks of the bill's enactment, for a totally accidental breach of the bill's provisions.

Mr. President, I look, for example, at the original version of S. 1935, and find exactly 10 pages of definitions, 4 pages of exceptions to those definitions, 1½ pages of actual gift ban, and 15½ pages of exceptions to the ban. Let me add that up for everyone. There are just 1½

pages of ban, and a total of almost 30 pages of exceptions, definitions, and qualifications.

Perhaps I should find comfort in the fact that the original version of S. 1935 would ultimately be enforced by the Justice Department and not by the Ethics Committee. But actually that is no comfort at all. With the prospect of criminal prosecution hanging over their heads, I imagine that Senators will be more concerned than ever about each little trinket that gets handed to them. They will be lining up in front of our door every morning asking whether it is OK to accept a sweater that their next door neighbor sewed for their child.

The chairman and I may as well step down from our committee assignments. We will not have time to deal with anything else. Unfortunately, Mr. President, the substitute version of S. 1935 dumps the whole job directly in the Ethics Committee's lap.

I am going to analyze in detail some of the specific exceptions contained in these gift ban proposals, especially from the point of view of how these proposals will complicate the lives of every single Senator and staffer.

Mr. President, I cannot stress enough how these proposals will also complicate the mission and compromise the effectiveness of the Senate Ethics Committee. And from this Senator's point of view, that is a deeply disturbing result, not only for the committee but for this body as a whole.

Six months ago, almost to the day, we had a very difficult, but necessary, vote on this floor about whether to enforce an investigative decision that had been made unanimously by the Ethics Committee. By an overwhelming vote, the Senate affirmed the independent investigative powers of the committee and gave the committee what it needed to fulfill its responsibilities.

But if we pass a gift rule that is absurdly complicated and impossible to enforce, we will end up trivializing the committee and compromising its most vital mission. And that most vital mission, Mr. President, is this: To investigate and prosecute real misconduct. That is what we ought to be addressing: real misconduct. The committee will simply be too busy deciding whether a particular gift meets a particular exception, to be able to handle cases involving actual corruption.

Is that how we want to allocate the investigative resources of the Ethics Committee?

More importantly, do we want to devote the best efforts, resources, and talents of every Member of this body to passing a crime bill, reforming health care and changing welfare as we know it—or are we instead going to force each of us to waste endless time determining whether a particular meal or trinket fits under the 1½ pages of ban, or under the 30 pages of definitions, exceptions, and qualifications?

Let me give you some specific examples of what I am talking about. Senator JOHNSTON has already raised a number of these very effectively. These examples are taken principally from the substitute version of S. 1935, although most of them appear in the original Wellstone version as well.

First, let us deal with the issue of what is a friend? The first thing you will have to ask yourself, should this bill pass in its present form, is this: Exactly what is a friend? That is a question which has engaged philosophers for centuries, has kept Hallmark greeting card writers gainfully employed, and will soon occupy much of the attention of the Senate Ethics Committee.

This is not a frivolous question, Mr. President. It is not a frivolous question. "Personal friendship" is one of some three dozen exceptions in the bill which the Ethics Committee will have to interpret and apply to countless waiver requests that will be submitted.

Mr. President, the substitute version of S. 1935 is 30 pages long, and it applies to both the House and the Senate. The underlying bill is even longer, and it covers executive branch officials as well. Both versions contain very brief and bold language banning almost everything from everybody, especially from nasty, corrupting, un-American lobbyists. However, the bulk of both these proposals consist of endless—and I repeat "endless"—exceptions and qualifications to the ban.

I already mentioned that the original version of S. 1935 contains 1½ pages of ban, and almost 30 pages of exceptions from definitions and exceptions from everything else. The substitute is 30 pages long; 14 pages apply to the Senate. And of those, 2 pages are the ban, and the remaining 12 pages are reams of exceptions—reams of exceptions.

So what we really have here is 15 percent of tough talking, take-no-prisoners ban, and 85 percent of hemming and hawing, mumbling-under-its-breath exceptions. Is that any way to write an ethics rule for the Senate?

Moreover, Mr. President, it will be that 85 percent of mumbled exceptions that occupy the Ethics Committee's time and create havoc for every single Senator and staff who has to live under this bill—everybody.

It is not that these exceptions are without merit. But they highlight the problem with the entire bill. This bill will make a lot of honest, highly ethical individuals into crooks—in a strict legal sense. I repeat: This bill will make a lot of honest, highly ethical, individuals into crooks—in a strict legal sense.

Both versions of S. 1935 are riddled with traps lined with legalistic punji sticks poised to impale the careers of anyone who has the misfortune of falling into one by accident.

Mr. JOHNSTON. Will the Senator yield?

Mr. MCCONNELL. Yes. I yield.

Mr. JOHNSTON. The Senator is vice chairman of the Ethics Committee, and I would like to ask his opinion on the following facts.

Under section a(1), it provides that no Member or spouse may knowingly accept a gift provided directly or indirectly by lobbyists. And it goes on to say in subsection (c), that the following items are subject to the restrictions as contained in section a(1). It says, (c), a charitable contribution made on the basis of a designation, recommendation, or other specification made through a lobbyist by a Member.

I think the Senator would agree with me that if a Senator signed a letter asking a lobbyist or asking people who happen to include lobbyists to contribute to the United Way, or to the United Negro College Fund or to the Sierra club, or whatever, that would be in violation.

Mr. MCCONNELL. A clear violation.

Mr. JOHNSTON. Suppose he was asked to be on the letterhead as one of the recommending people. Would that not also be in a gray area, or would that not be in violation?

Mr. MCCONNELL. The committee would have to make some kind of ruling. My assumption is, that would be a violation.

Mr. JOHNSTON. So in effect, any involvement with charities by Senators, whether it is sponsoring a charity, whether it is being the honoree of the charity, whether it is using your name on the stationery, or being on a sponsoring committee, All of that would indirectly be a sponsorship or a recommendation, and if lobbyists were invited, you could be hauled up before the Ethics Committee, I would think, on the basis of that; do you not agree?

Mr. MCCONNELL. Once again, that is a question the committee would have to decide. My first reaction is that, as a practical matter, any effort to help those less fortunate would be problematic and could well be ruled impermissible.

Mr. JOHNSTON. So if you wanted to do any charitable activity, on each and every thing, even to lending your name to the dinner committee, you would get a ruling?

Mr. MCCONNELL. Right. There would be a long line. Anybody that wanted to do good, wanted to do anything for any charitable cause, there would be a long line outside the Ethics Committee door. Take a number, get in line, and we would grapple with it.

It is my understanding of S. 1935 that it will be practically impossible for Members to make an effort, either directly or indirectly, to assist worthwhile causes—that is, tax-exempt, charitable entities.

Mr. JOHNSTON. On this definition of "friend," the Senator was going into that, and I enjoyed that.

Mr. MCCONNELL. I am about to go into it further. Go ahead.

Mr. JOHNSTON. Put this into your answer, if you will, because I really want to hear about that. Do you not think Senators would want to qualify their friend and therefore get a ruling and say, "I have known 'old Joe' for 26 years, and we went to college together," and sort of give a little resume of your relationship with Joe. Do you not expect you will be inundated with "old Joe" requests?

Mr. MCCONNELL. Absolutely. It is interesting. The Senator brings up the "friend" issue. We looked up the word "friend" in the dictionary, and the dictionary defines "friend" as follows:

1. A person attached to another by feelings of affection or personal regard. 2. A patron or supporter. 3. A person who is on good terms with another, not hostile. 4. A member of the same nation, or a member of the same party, et cetera.

When the dictionary uses a word like "et cetera," you know you are in trouble. That is the definition of trouble, when in the dictionary you are trying to find the definition and they use the word "et cetera."

Is that not interesting? A friend could be almost anybody, according to the dictionary. But is that the way the Ethics Committee or the Justice Department will define who is a friend? We are probably not going to call it just anybody. You had better be sure you have the right definition, I say to my colleagues, because if you are wrong, if you have guessed wrong about "what is a friend," you will be under ethical or criminal—depending upon whether the Wellstone provision were to prevail—investigation under this bill. If somebody you thought was a friend picks up the tab for a Coke and a cheeseburger.

Well, let us not forget what Harry Truman said: "If you want a friend in Washington, buy a dog."

Really, can a lobbyist ever be a friend? Good question. We will be wrestling with that one. Perhaps the Hallmark Greeting Card Co. could provide suitable guidelines for the Ethics Committee to use when it deliberates the universal question: Who is a friend?

Should we be guided by the theme of the movie "When Harry Met Sally," that men and women cannot ever really be just friends? The original version of S. 1935 even has a stipulation that gifts given in the context of a "dating relationship," are exempt from the ban. Well, Mr. President, what is a date? What is a date? Will the Ethics Committee be put in charge of deciding whether people are romantically involved or not? What evidence should the committee look at? Should we ask the parties whether they exchanged a passionate kiss? Or was it merely a professional peck? Inquiring minds will want to know.

I could even imagine a situation where one person thinks he or she is in a dating relationship, and the other views it as strictly business. What should the Ethics Committee do then? Step in and play guidance counselor, and help the parties come to a shared understanding of their relationship for the purposes of the Senate gift rule?

But it is not just relationships that will need to be defined under versions of S. 1935. Gifts themselves will have to be defined correctly. And the penalty for the wrong answer could be quite severe.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. MCCONNELL. For example, I am sure no one here has given much thought to the following question: What is a donut? We all know one when we see one—maybe. But under the substitute bill, there is a specific exemption for "food or refreshment item of minimal value, such as a soft drink, coffee, or a donut, offered other than as part of a meal." So we have the universal question that has been on the minds of men and women for centuries: What is a donut?

Note that the gift ban exemption includes "item of minimal value, such as * * * a donut." Not trusting my own opinion of what a donut is, I, once again, consulted the dictionary. The dictionary says with regard to the donut:

1. A small, usually ring-shaped cake of sweetened dough fried in deep fat. 2. Anything shaped like a thick ring.

So there is Webster on the donut. So far, so good. But what other items would meet the "such as a donut test"? Would a bagel qualify, Madam President, under the "such as a donut" definition? How about a buttered bagel, or a bagel with cream cheese? What if you stick a slice of lox on it? A slice of turkey? When is a bagel a sandwich and not a donut? These are the universal questions we will be contemplating at the committee if this substitute passes.

What about croissants? Do we ban croissants because they sound pretentious, but exempt donuts because they have a nice kind of blue-collar connotation to them?

Perhaps this sounds funny. You can laugh all you want now. But if this bill passes in its present form, you will soon stop laughing when the Ethics Committee decides to investigate you for choosing the wrong definition.

What, Madam President, is a soft drink? It is not in the dictionary, I reluctantly report. Does the gift exemption apply only to nonalcoholic beverages? Should it include snob appeal drinks like Evian and Perrier? What is coffee? Is it just the 70-cent, no-refill cup of motor oil from the Senate cafeteria? Are espresso and cappuccino coffee under this bill? Or such exotic drinks like cafe latte or Irish coffee? These are the universal questions that will occupy our time on the committee and will have you frozen with fear, every day, that inadvertently you have done something improper under this bill.

I also urge my colleagues to review section 1(a)(3) of the substitute which bans the following:

Gifts having a value of less than $20 from the same or different sources on a basis so frequent that a reasonable person would be led to believe the Member, officer or employee is using his public office for private gain.

Now, Madam President, think of all the terms and phrases the Ethics Committee will be left to interpret. First, "so frequent"; second, "reasonable"; third, "led to believe"; fourth, "using his public office for private gain."

More importantly, Madam President, I say to Members of the Senate, if your interpretation is different from the committee's interpretation, you could have your whole career ruined over a handful of items worth less than $20. I repeat—you could have your whole career ruined over a handful of items worth less than $20. This is reality here. This is reality check time on the underlying bill.

What if you receive three mugs a year with a company's logo? Is that too frequent? Or three mugs in an entire 6-year term? How about a box of Kentucky bourbon balls every Christmas? Are you sure you will be within the rule?

Now, perhaps someone could define a "reasonable person" here. What kind of "reasonable person" would be led to believe that a Member or a staffer was "using his public office for private gain" by accepting a few coffee mugs? What kind of a "reasonable person"? Ralph Nader. Is he a reasonable person?

I consulted my dictionary. A "reasonable person," Madam President, "1, capable of reasoning, rational; 2, in accordance with reason, logical; 3, moderate." You can see Webster is having a little trouble with this. And if Webster is having trouble with it, imagine the difficulty we are going to have on the committee.

You could pull any man or woman off the street these days—Mr. and Mrs. John Q. Public—we will call them, and based on the distorted view they have been given by the media, they might very reasonably conclude we were all using public office for private gain—all of us. Polls probably show that a majority of reasonable people think every Senator, except maybe their own, usually is "using public office for private gain."

How in the world, Madam President, is the Ethics Committee supposed to make sense of this? How is any Member or any staffer of the Senate supposed to make sense of it—and more importantly, comply with it?

Now, Madam President, I want to talk about another aspect of this. It is extremely important to any of us who have working spouses. The two-career family is increasingly common in America and in the Senate.

There is an exemption in the substitute for things we might have gotten through our spouses. I had to read this one very carefully, and I still cannot tell you exactly what it covers and what it does not. Here is the language:

Benefits resulting from the business or employment activities of the spouse of a Member, officer, or employee if such benefits have not been offered or enhanced because of the official position of such Member, officer, or employee.

If you are shaking your head out there, I join you. Are we to offend our spouses by asking their employers and business associates just exactly why they deal with our spouses and why they are inviting us, by the way, to a reception? Are they inviting us because of us or because of our spouse? We would need to know that.

Is it not the height of arrogance for us to presume that everything in this town revolves around us? A lot of our spouses have another life, too. For many of them it does not have a darn thing to do with what we do. And the assumption here is that people are inclined to treat our spouses differently because of their association with us.

Should we presume that when a professional associate of our spouse orders a good wine at dinner that the person would have opted for the cheap house wine if we had not been there? Now that is an important question here as we contemplate this thing. If we had not been there, would they just have had a cheap house wine? That is the kind of thing we will be dealing with on the Ethics Committee. You can be confident that we will grapple with that.

Another provision of the substitute specifically exempts, and this has been discussed here earlier, but it is so amusing it is worth repeating. I thank my friend from Louisiana for bringing it up. Another provision of the substitute exempts "bequests, inheritances and other transfers at death." However, Madam President, the exemption does not apply to inheritances from dead lobbyists and registered foreign agents, you will be relieved to know. It does not apply to dead lobbyists and registered foreign agents. Breathe easy. Perhaps the assumption is their influence continues even after they have gone off to that great reception room in the skies.

In any case, we may want to add a proviso that Members and staffers may not accept inheritances from dead lobbyists and foreign agents unless we can be reasonably sure that they have gone to Heaven.

It is hard to understand this obsession with influence buying from beyond the grave. I must of missed some Common Cause expose. Is "Night of the Living Dead Lobbyists" a coming theatrical release? I cannot wait to see this one—scores of dead lobbyists, marching zombie-like toward the Capitol, to get one last line item or transition rule. Imagine.

For all the reasons outlined above, I believe that both versions of S. 1935 represent completely and totally unworkable, even absurd, attempts to deal with the gift issue.

And it is no laughing matter. They will generate more loopholes, not less. They will create more confusion, not less. They will turn honest, highly ethical Members into inadvertent crooks. And they will turn the Ethics Committee into a full-time gift and meal clearinghouse.

I say to my colleagues, this is a serious matter. I have made a little fun with it here, but this is a serious matter.

Because of these legitimate concerns, a bipartisan group of Senators, including myself, Senator JOHNSTON, Senator INOUYE, and the Republican leader, have put together what we believe is a workable, reasonable alternative.

Whereas both versions, Madam President, of the gift ban bill amount to a blanket indictment of everyone who works here, the substitute offered by myself and my friend from Louisiana holds accountable those who actually —I repeat, actually—abuse the public trust. It puts on notice every staffer, Member, and officer that egregious behavior—egregious behavior—will have dire consequences.

Further, it severely lowers the current gift limits to address any perception that the present rules are too lenient. And it does indeed provide more disclosure to the public.

Also important, Madam President, and worth noting is what our proposal does not do. It does not, Members of the Senate, it does not trivialize this body. It does not plant legal landmines that will destroy—I repeat, will destroy—the reputation of honest people. We ought not to be about trivializing the Senate and destroying the reputations of honest people.

It does not turn the Ethics Committee into Big Brother, micromanaging private lives, determining what qualifies for a litany of exemptions and deliberating over thousands of waiver requests.

Perhaps the most important distinction between our gift limit alternative and the other bills before us is that it does not assume that everyone is guilty just because they work here. I repeat, the McConnell-Johnston substitute does not presume that everyone is guilty because they work here. Instead, this is what our bill does:

It contains harsh penalties for violations of the Senate's rules, including fines for three times the value of a prohibited gift and virtually automatic expulsion from the Senate for any Member or staffer who has been issued three reprimands or other punishments of greater severity from the Ethics Committee.

If a Member is subject to three such disciplinary actions, a vote for the Member's expulsion would be put immediately before the Senate, in accordance with the requirements of the Constitution. Anyone so expelled from this body would be barred from lobbying the legislative branch for 10 years.

For each knowing and willful violation of the gift limits and disclosure requirements, a Member or a staffer would be punished as follows: First, a treble damages fine, three times the value of the improper gift, would be assessed. Two, each violation and fine would be fully disclosed in the CONGRESSIONAL RECORD.

Madam President, I suspect that any staffer who is punished under this proposal would probably be terminated immediately. Members would have to explain their transgressions at the next election.

Our alternative also severely ratchets down the gift limits for Members and staff without making them so extreme as to be completely unworkable.

The annual aggregate limit on gifts would be reduced from $250 to $150 from any one source. As is the case now, Ethics Committee waivers could be granted for good cause for gifts over $150, but they would have to be disclosed. So we go from $250 down to $150 in that category.

The present rule is that gifts under $100 in value are not aggregated against the limit. That amount would be reduced to $75. The limits, Madam President, would apply to all Members, officers, and staff, without exception for clerical or secretarial workers. The only—I repeat, the only—available exception would be for gifts from spouses and immediate family. That is all.

As in both the original and the substitute versions of S. 1935, there is a limited exception for certain necessary travel-related expenditures, all of which would have to be disclosed in advance in the CONGRESSIONAL RECORD. Foreign sponsors of trips would have to be preapproved by the Ethics Committee, as would any travel event recognized for a bona fide charitable purpose.

Now, there it is, Madam President. That is basically the proposal. A tough proposal, harsh on the corrupt—this is important to remember—harsh on the corrupt, but fair to the honest. Harsh on the corrupt, fair to the honest. It is not complicated. It does not contain 12 pages of convoluted exemptions, as do the other proposals.

You do not need to be a lawyer to understand it, unlike the other two proposals. In fact, Madam President, I think anyone could read this proposal and understand that those who violate the public trust and the rules of the Senate will be certain to face the most severe consequences, including expulsion. Almost anybody is going to be able to read this and figure it out.

Madam President, there is not any question in my mind that Common Cause will not like it, Public Citizen will not like it, and the New York Times probably will not like it. They will not like it because it is not theirs. And they will not like it because it does not confirm their thesis that every Member of the Senate is on the take. That is their thesis—that every Member of the Senate is on the take.

There is one thing you need to know about the different proposals before you. Both versions of S. 1935 put the Senate on record as saying that, yes, we can all be bought for a little over 20 bucks. That is basically what these underlying proposals say. Maybe even less, if it is a lobbyist who's buying.

Moreover, if we pass Wellstone-Lautenberg, or Levin, within a few years—and you can write this down, it is a certainty—within a few years a lot of honest people will be made to look like crooks. It is a certainty. The Ethics Committee will be probing into personal relationships, interpreting endless loopholes and exemptions, and be compelled to find violations of Senate rules by people who had no intention whatsoever—no intention whatsoever—of doing anything improper.

Finally, let me say to those who say we need to march down this grim road for the sake of appearances, this is exactly the wrong approach to take. Wellstone-Lautenberg or Levin bills will not restore any measure of confidence in this institution. Rather, if adopted, they would slowly erode whatever prestige remains for the Senate.

So, Madam President, let me wrap up by saying this about the rules we write for this body. If you do not have a moral compass, no ethical map—no matter how detailed—will be of any help. All it will do is show you the obvious pitfalls to avoid. In fact, it is almost universal that when a Member has lost his or her moral compass and is caught committing an act of misconduct—and fortunately those situations are very, very rare—such a Member will always cite the rules. They will invariably seek to justify their improper behavior by demonstrating, one way or another, how they managed to stay within the rules.

I believe most, if not all, Members of this body have a strong moral compass, but the more onerous and complicated we make the ethical map, the harder it will be for anyone—anyone, no matter how honest and ethical—to find their way through it.

So, in summary, let me say the McConnell-Johnston-Inouye-Dole substitute is designed to strengthen penalties for truly egregious behavior but not to trivialize and demean the Senate and not to make crooks out of honest people who deserve better. That is the crux of the substitute offered by my friend from Louisiana and myself. I hope the Senate will adopt it at the appropriate time. Frankly, I hope it will adopt it overwhelmingly because the self-flagellation needs to come to an end.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. MATHEWS. Madam President, let me begin by complimenting my colleagues who have made presentations tonight: Senator LEVIN, Senator COHEN, Senator WELLSTONE, Senator FEINGOLD, Senator JOHNSTON, and Senator MCCONNELL. I think there is no question but that each of them has stood and spoken to this group from those things in his heart, the things that he believes he can best do to serve his constituency during his time here in the Senate. I compliment them on the hard work they have done.

As I think most Members of this body know, come November of this year, I, unfortunately, will no longer have the privilege of standing here discussing a matter or voting on the issues. Perhaps my interest might best be served by just sitting down and voting on this issue when it comes up. But my conscience will not let me do it. I listened to us as we talked. We said things which suggest to me that we have either lost faith in the ability of the people who sent us here to judge our actions and make an informed judgment about whether we should come back, or that we feel we need to pass a law to force ourselves to do what is right. You know, if we have reached that point, I do not think passing a law is going to help at all.

Madam President, by midmonth of this year each of us owes the Senate Ethics Committee—the body that Senator MCCONNELL is talking about—a detailed financial disclosure statement. In that document that we will file, we will completely bare our financial holdings, our investment income, any gifts that we have received that come within the purview of the rules that are in existence, any gratuities, honoraria, any charitable donations made in our name—everything. We must report the gains and losses of every financial transaction we have made during the last year—and I have some I am not very proud of—the ones we made and the ones that have been made by our immediate family.

As a consequence of serving here in the Senate, one of the requirements is we are forbidden from drawing any additional earned income from any other source. In addition to that, we are compelled to reveal personal and sometimes uncomfortable facets of our lives to the people of our Nation and to the States, to the press, in fact to any bystander who wants to know what we have done during the past year. This I accept and this I say is something that each of us ought to be willing to do as a consequence of service here.

But we are being asked by some of this legislation to do more than that. We are being asked to renounce ordinary human privacy in some of these matters, and I do not know whether we believe, in doing so, we will act more honestly or at least assure everyone we are not profiteering in office.

We are here today debating whether the whiff of scandal extends to accepting meals and football tickets and theater passes and whether in some way we become more noble and trustworthy by renouncing these incidentals. You know, at one time or another everyone has been, I think, somewhat disturbed by the largess that sometimes flows toward holders of high office. This is true whether in business or in academics or in government. I realize that the measure intends to minimize the misgivings that gifts make us subject to.

However, I have a couple of misgivings of my own about these measures.

The first has to do with the language and the effect of the measure itself, and the second pertains to what I believe are the real concerns of the American people about our conduct.

Overall, these issues are well-intended but a cosmetic attempt to erase a perception by banning the objects that foster it. We in the Senate know what that perception is, and we know it is ill-considered and narrow.

I believe these measures do more to validate that unworthy cynicism than to vanquish it, and that is enough basis for me to resist it. But beyond that, I am concerned about the logic-chopping and ambiguities that these measures involve.

If I am reading the language correctly, gifts generally, but more precisely meals and such items, arising from personal friendships fall outside the embargo of this bill under certain circumstances. Apparently, some people think a gift is a true gift if it comes from a friend, and it is an incentive to perform favors when it comes from someone else. The speakers before me have gone into this much more thoroughly than I can.

Yet, in a job as encompassing as public service, the line between personal and professional is not so easily drawn. In office, we meet and work with people who share our concerns and commitments, and friendships grow from what started as professional contacts.

Longstanding relationships with our States' business leaders, heads of organizations and prominent citizens, frequently exist on personal and professional levels. In some cases we have known these people all our lives. Many of our lifelong friends have advanced to prominent positions in business and society. Now we are in contact through the respective positions we hold. They do not cease being friends and become suborners because our friendship and our work coincide.

In any case, the true question is the intent of the giver, and that is not

something illuminated by legislation. I understand these measures permit clients of lobbyists, but not lobbyists, to host Members and staff at broadly attended events. I understand also that smaller events, so-called bona fide meetings of organizations, are OK, provided they do not dish up more than $20 worth of eats.

It is pretty difficult for me to know how many angels can dance on the head of a pin, or whether I have one hair on my forehead, I am baldheaded, or just heading in that direction. But I am pretty sure that what would be called a broadly attended event in New York or in the District of Columbia, we in Tennessee would never qualify for that. I am also pretty sure that if we started to try to find something to eat in this town for $20, I do not know where we could find it. I have checked. I notice the town is a little bit expensive.

In part, these measures succumb to a mistaken notion of what and who lobbyists are. I know it is popular to portray these representatives as uptown smoothies and $1,000 alligator shoes. I have seen some of those around here, too. There are a few of those around. But these lobbyists are vastly outnumbered—in my office, at any rate—by the plain folks who come to us on behalf of children's hospitals, and women's shelters, and schoolteachers, and small businesses, you name it, Madam President. These are the people with whom I come into contact day by day.

To give you an idea, before putting together these remarks, I looked at my appointment calendar to see who had been in and with whom I had been associating recently. As I indicated on another occasion, the largest employer of our State is located right on the Virginia-North Carolina border. Those people have a business there that is important to me, very important to me, because they employ thousands and thousands of Tennesseans. When they come to town, I want to be here to greet them. If they have a problem, I want to help them. But I do not feel that I am being compromised if I have dinner, or if I have lunch, or if I spend an hour in my office with the company that employs 10,000 Tennesseans. Whether or not I do it in the office, or whether or not I do it somewhere else, I do not think it makes a lot of difference.

I also see on my calendar people from the Tennessee Association of Realtors; the Tennessee Libraries Association. They are here because they want this Congress to continue that library appropriation that was left out of the budget that was submitted by the White House.

The Tennessee National Guard is here from time to time. And this past week I had the Chamber of Commerce of my largest city of Memphis, and the city of Chattanooga.

Madam President, let us not fool ourselves. These people are lobbyists, too. They have been chosen by their companies and their charities and cities to come and talk to Congress. They bring us information and perspective on what is happening in our States.

I think the real question here and the real question we are dealing with on this matter, is what standards do the people of our States, do the people of this country, expect us to meet? Speaking for Tennessee, I believe that the people of Tennessee are not outraged by my having meals with people who discuss the businesses, the communities, and the workers, and the interest of Tennessee. I believe they expect me and my staff to meet with these people, a good majority of whom are Tennesseans.

I believe they expect me to set standards of decorum about gifts and gratuities, not erect a wall of inaccess and impenetrability out of a preoccupation with propriety. Most of all, I believe the biggest part of their concern is knowing exactly with whom I am dealing, who gives me what, and whether my votes and my advocacy have been influenced.

In short, I believe the focus of our efforts lies in disclosing gifts and gratuities, not disallowing them altogether.

I understand a portion of this measure specifies additional rules of disclosure, and perhaps that avenue bears more attention. I make my daily schedule available to the press, and it is published by a number of them. Perhaps I should also make available an evening and weekend schedule of nonfamily events. But the point is, I trust the people of Tennessee to make a fair judgment about my votes if I tell them with whom my duties bring me into contact.

I repeat, I believe disclosure is the basis on which the people judge our conduct, not whether we are denying ourselves normal social contact.

We also should remember that Senators function under an eyeball trained more finely upon us than other members of the society. We have a nimble and inquisitive media eager to draw our bounds of propriety; public interest groups and other witnesses infer our loyalties and motives; many people are counting decimal points in the degrees of contact we have with others.

My capable colleagues, Senators DANFORTH, and the Chair, spoke eloquently on this point a couple of weeks ago, and I commend their remarks in the CONGRESSIONAL RECORD as a definitive reading.

I would add this to what they said: We earn and deserve the confidence of the American people when we make independent decisions on the merits of issues. We earn no one's respect when we cast votes with heads turned over our shoulders to gauge other people's interpretation of our motives. And in the final tally, Madam President, I ask if this is the kind of thing by which the American people really judge us.

I believe it does not address the pressing concerns of the American people. Millions of our fellow Americans are homeless or jobless; our cities are troubled; our bridges and streets crumbling; our deficit remains a multigenerational peril. We face tough problems and tough decisions that will affect all Americans. In the scheme of things, an issue that pertains to Congress alone stands very small.

The way to avoid impropriety is to exercise individual judgment about what is proper and to face the consequences if others believe it is not. The way to earn the regard of the American people is for us to act with regard to their needs and their future. And the way to reaffirm the purpose we bring to public office is to resist the public cynicism to which this measure reacts.

Madam President, I thank the Chair. I relinquish the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the amendment of Senators MCCONNELL and JOHNSTON which is before us really represents business as usual. The trips, the so-called recreational trips, which partly benefit charities but also significantly benefit Members who go with their spouses for recreation—golf, tennis, what have you—and are then filmed with lobbyists or avoiding being filmed with lobbyists, those recreational trips would continue. Unlimited meals paid for by lobbyists, they would continue. Tickets, you could still get the tickets, lobbyists could still give you tickets to the Redwings—that is my hometown —to the Redskins games. That would continue. It is basically a business-as-usual amendment which we are being offered by the Senator from Kentucky and the Senator from Louisiana.

Now, in order to try to persuade us to continue to do business as usual, they look at some elements of the substitute amendment. And, by the way, although they frequently confuse the substitute amendment with the original Lautenberg and others bill, it is very, very different. In fact, it is dramatically different, and I outlined those differences in my opening remarks.

But the language that they point to frequently is language that comes from the executive branch rules. The executive branch has a $20 rule, a $20 gift rule. Can we live with a $20 gift rule with the exceptions indicated? I think we can.

Some may think there should be fewer exceptions, or more exceptions. Fine, you can try to argue about excep-

tions. But basically, we can live with a tighter gift rule which eliminates the lobbyist-paid meals.

Restaurants around this town say they need these meals in order to survive. My gosh, what a terrible indictment that would be if the restaurants in this town need lobbyists to pay for our meals in order to survive. Think about that one. The Kennedy Center is going to fold unless lobbyists can continue to give tickets to Members for events at the Kennedy Center? Is that what the Kennedy Center survival depends on? What a terrible indictment that is.

So the argument for the business-as-usual amendment which is being offered as the alternative to our substitute is mainly to look at the language of our substitute and to say that language is too tough or that language is ambiguous. But in case after case after case that language comes from the executive branch rules which they live with. The executive branch has a $20 rule with which they live. It has not created all these horrendous problems which were held before us by the Senator from Kentucky.

Let me just give you a couple examples of this under the executive branch rules:

An employee may accept a gift under circumstances which make it clear that the gift is motivated by family relationship or personal friendship rather than the position of the employee.

That is the same rule we are proposing for Congress. The executive branch lives with the personal friendship exemption for gifts over $20, but we cannot? They can. We cannot?

The executive branch says that there is an exception to the $20 rule "if the gift results from the business or employment activities of an employee's spouse when it is clear that such benefits have not been offered or enhanced because of the employee's official position."

The executive branch exception, they live with it—an exception that is almost verbatim the same as ours. Their rules says "results from the business or employment activities of an employee's spouse when it is clear that such benefits have not been offered or enhanced because of the employee's official position."

That is OK for the executive branch but we cannot live with it? It is going to create all kinds of problems for us to have that kind of exception to the $20 gift rule?

Why are we so different? Why are our employees so different from the executive branch employees? Why is our staff so different from the executive branch staff that they have to be taken out by lobbyists to lunch but the executive branch staff cannot? Why that kind of a double standard? How do we justify that? Our staff has to be wined and dined by lobbyists but the executive branch staff cannot be? We do not think that creates a credibility problem back home? Do we really believe that when we take recreational trips for 2 or 3 days with our spouses, where lobbyists have access to us, when we are there primarily for recreational purposes and some of the money also ends up going to a charity, that that does not create problems for us as an institution?

Now, if I went to such an event, I might be able to survive it politically and get elected back home. The argument is we will disclose it.

It is already disclosed. Those trips are already disclosed. But over and over again we have the media presenting those trips to the public, substantially recreational events where we are going with our spouses for 2 or 3 days, where we are being wined and dined by lobbyists at those events and, yes, half the proceeds go to a charity, and that is displayed in front of the public. We are saying we want to continue that because they will be disclosed and then people will judge us individually at election time?

We may be able to survive that individually. Maybe our people will accept that. But does that not do damage to this institution? I think it does, and I think we have to do better. I think we can do better.

But if the amendment before us passes, it is business as usual on those kinds of trips. It is business as usual on the lobbyists paying for the meals. Sure, it tightens up the penalties in some extraordinary ways, but it does not really address the problem, which is that our gift rules are too loose.

Now, it draws the line at $75, not $20. The rhetoric is that the people who offer the $20 executive branch-type approach, that we are suggesting somehow or other that people here are for sale for $20. By that logic, which I do not buy, then, the proponents of the amendment before us are suggesting we are for sale for $75. I do not believe that either. We draw a line, the $20 line, where the executive branch has drawn the line, and we can live with it. They live with it. We can live with it. We should not have a double standard in this regard.

Over and over again the language which is being pointed to in our substitute is the language in the executive branch rules.

Now, the Rules Committee has a rule currently, rule 35, which relates to gifts, which says that a waiver can be granted by the Rules Committee in an unusual case.

Now, how is that for vagueness? We try to specify what the exceptions will be to the $20 rule. We talk about personal friendship. And we, by the way, say exactly what personal friendship is. We talk about family relationship. We talk about broadly attended events. We specify the exception.

That then becomes the target for the supporters of the pending Johnston-McConnell amendment, who want basically to keep business as usual and attack the substitute because we specify exceptions. And their alternative has the broadest, vaguest, exception of all, "an unusual case." Look up the words unusual case in the dictionary. Yet, that is held up as the model for how we should proceed on gifts, that the Ethics Committee ought to be given a general standard, "unusual case", and interpret that. And the Ethics Committee spends a good deal of its time right now interpreting what is an "unusual case" in order to give a waiver. We try to give some guidance as to what is an exception to the $20 rule, and I think the guidance basically is good. It is based on executive branch guidance, which has worked.

Madam President, I also was intrigued by this idea that, if you get a third reprimand from the Ethics Committee, you can be expelled or barred from lobbying after you leave. As I understand it—I would be happy to be corrected by my friend from Kentucky—the Ethics Committee does not have the authority to reprimand anybody even for the first time, much less for the third time.

I do not know. Perhaps I could have the attention of my friend from Kentucky just for one question because he is vice chairman of the Ethics Committee and in a good position to clarify this issue.

As I read the recommendation for revisions to the procedures of the Senate Select Committee on Ethics, the report of the Ethics Committee of March 1994 says: "Under Senate resolution 338, the Ethics Committee has the power to impose a sanction such as reprimand only with the agreement of the individual Senator, officer, or employee." In other words, you cannot be reprimanded without your agreement under the current rules. And, if that in fact is accurate—and my friend from Kentucky is in a better position to indicate whether or not that is accurate—the way I read the report, their amendment would state that after three reprimands you are booted out of here. It makes no sense, because even the first reprimand apparently is not permitted under the current set of rules.

Mr. MCCONNELL. If the Senator will yield, that provision refers only to what the Ethics Committee can do on its own.

Mr. LEVIN. The reprimands, I assume, would be Ethics Committee reprimands under your amendment. The Senator means the Senate itself would have to reprimand somebody three times before they are automatically booted out.

Mr. MCCONNELL. Of course, a constitutional provision cannot be waived by what we do here anyway. But the Ethics Committee would automatically

recommend expulsion. The full Senate would have to make that determination under the Constitution.

Mr. LEVIN. My question is can the Ethics Committee reprimand a Member without that Member's consent?

Mr. MCCONNELL. The Ethics Committee, I am told by staff, can on its own recommend a reprimand. The Senate has to ratify it. It simply has to be ratified by the full Senate.

Mr. LEVIN. But then the Ethics Committee cannot do the reprimanding, and, therefore, under the amendment of the Senator from Kentucky, if someone is reprimanded three times by the Senate, they would be automatically expelled. They would have to be reprimanded three times by the Senate, not by the Ethics Committee.

Mr. MCCONNELL. Yes. But that would be subject to the Constitution.

Mr. LEVIN. That is not what I would call tough enforcement, which is apparently the theme of the amendment, since you would have to be reprimanded three times by the Senate. I doubt that the Senate has reprimanded anybody——

Mr. MCCONNELL. You could, of course, be expelled by the Senate on one, if there were a criminal offense or something that the Senate felt very seriously about. I would not want to rule out the possibility that an individual could be expelled from the Senate for one violation, depending on the severity of it.

Mr. LEVIN. I wonder if the Senator could tell me how many reprimands there have been in the history of the Senate?

Mr. MCCONNELL. I can find that out for the Senator. I do not know at the moment.

Mr. LEVIN. So long as we are focusing on the amendment of the Senator——

Mr. MCCONNELL. Is the Senator suggesting we should not toughen the penalties for serious offenses?

Mr. LEVIN. That is no alternative to toughening the rule.

Mr. MCCONNELL. If the Senator would like to toughen the penalty for offenses or egregious behavior, feel free. That is entirely consistent with what Senator JOHNSTON and I are trying to achieve here.

Mr. LEVIN. I am suggesting that the Senator is proposing that there be a toughening of the penalty, instead of toughening the rule in a significant way, and I think that really is a diversion from the issue before us, which is whether or not we toughen the rules. And I am saying, even if you look at the toughening of the penalty—to say we are really toughening these penalties because, if you are reprimanded three times, then you will be automatically expelled—as a matter of fact, you cannot be reprimanded even once without your consent.

Mr. MCCONNELL. Would the Senator yield?

Mr. LEVIN. Yes.

Mr. MCCONNELL. The issue is whether you want to trivialize the Senate or not, in my view. The goal of the Johnston-McConnell. substitute is to toughen the penalties for egregious offenses. If the Senator would like to toughen the penalties for egregious offenses, that is something we can talk about.

Mr. LEVIN. I thank my friend. But the goal of this substitute of the Governmental Affairs Committee is to toughen the gift rules for the Senate. That is the real issue here—so that we can try to gain some credibility for the Senate and for the Congress as a whole, some of which has been lost by the loose gift rules that we have now. Those rules allow unlimited meals to be paid for by lobbyists, allow trips to be paid for by lobbyists who are there on the scene, whose corporations have funded the trips. Sometimes half of the money of those trips does not go to a charity. It goes for the so-called expenses of the recreational event, be it a golfing event or a tennis event.

That is the purpose of this; to try to change the way in which we do business in terms of lobbyists and their gifts. That is the purpose of the substitute. I am afraid that purpose is not achieved by the amendment before us.

Madam President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Madam President, I think we can all see from the tone and tenor of the debate that this is a serious subject. Earlier today, I suggested that some people in this country might feel that influence can be gained through the purchase of a fruit basket or steak dinner. Yet it is a false perception.

But there is a perception out there that we must address. One of the problems facing the Senate is how do you legislate away a false perception? It is not an easy thing to do but we are here trying to do just that. On the other hand, I do not believe that any Member of the Senate would say, or indeed demonstrate by his or her conduct, that a lunch or some other small gift in any way is going to affect their judgment.

Nonetheless, I think that those who advocate the change—Senators WELLSTONE, LAUTENBERG, and others—believe that the public sees that our National policy has somehow been bent or directed in a way that is contrary to the Nation's best interests. That is a perception. And the public believes that lobbyists are the ones who are responsible for it. Yet, we understand that we were elected not to grant favor, but to do the Nation's business as best we think it can be carried out.

The difficulty with these proposals including the one proposed by Senator MCCONNELL, is that we are all trying to do what we think is the right thing. While I am likely to oppose the amendment offered by Senator MCCONNELL, it is clear that this particular proposal offered by Senator LEVIN and supported by the Governmental Affairs Committee is not perfect. As Senator JOHNSTON and Senator MCCONNELL appropriately noted, it has a number of imperfections in it and we ought to be up front about it. That is the purpose of debating—to listen to our colleagues and attempt to improve the legislation before us.

Even though we ban gifts from lobbyists, they could still give to our parties. For example, we have a host of lobbyists who support the Republican Party. There are a host that support the Democratic Party. So the Republican Party will then say we are having an event at the "XYZ" center and here is your ticket to attend the event. To those who receive the tickets it is our understanding that our party is sponsoring the event, even though the people who contributed to it were the same lobbyists who were banned from giving it to us directly. This places us in the position of saying we do not know who contributed to the party, until you show up at the event and see the representative from XYZ corporation, or XYZ PAC, or whatever.

Despite our good intentions in trying to appropriately address this issue, we must still recognize that when we try and legislate restrictions, we are not going to create a perfect package. There are going to be distortions of our intent, and there will be ways to circumvent whatever we do. Regardless of the possible ways to circumvent this legislation, it is a good-faith effort on the part of Senator LEVIN and the Governmental Affairs Committee to deal with an issue that has been raised to a high level of public concern.

Please do not operate under the assumption that anything we do with this particular legislation is going to remove the level of cynicism. It is not. The cynicism was not reduced when Congress restricted its gym privileges. Yet we voted for the restrictions to please the public even though I could make a strong case by saying it is in the public interest to encourage Members to stay in shape, to be in better health, to diet more, to engage in exercise activities. That is in the public interest, and we ought to promote better health both inside and outside of government.

Does it raise the respect for Congress because we passed a measure to restrict the use of the gym? I do not think so. We shut down the gift shop in the Dirksen Building a year or two ago, and I remember the day it was about to close. The rumor spread that they were about to shut down the gift shop and it looked like the last days of Saigon. I

saw people lined up at that shop, and it looked like the last helicopter was leaving. Did the public's perception of Congress change as a result of that? I do not think so.

I am suggesting that we are not proposing these changes—and we should not do it—with the expectation that the level of cynicism is going to be reduced or that Members or the Senate are now going to be raised in the eyes of our constituents. We should do it because it is the right thing to do, and with the understanding that the public's perception is only going to change when we deal with the fundamental issues facing our Nation such as health care, crime, and deficit reduction. These are the major issues which are affecting and afflicting our citizenry and until we deal effectively with them the public perception of Congress is not going to change.

I point out that, historically, Congress has not enjoyed high levels of support. I think you could point back to 1974, in my experience at least, when the level of public support for Congress as an institution went up during the Watergate hearings. The public saw a Senate committee, the Watergate Committee, in action, asking questions, trying to act responsibly, and I believe they felt that the House and Senate rose to the occasion. They saw a committee in action, dealing with a tough issue. I think the polls reflected an immediate surge of appreciation for the level of debate that took place, even though there was great disagreement about whether we had acted appropriately or not.

That increase in support occurred also during the debates that took place on the Persian Gulf war. When the public sees Congress doing its business and doing it in a way which they feel they can be proud of, even if they may disagree with the ultimate result, that is when public confidence in our institution goes up.

This matter is important because there is a negative perception—although it may be false, particularly on the fruit basket or steak dinner I mentioned. But when the public sees trips that are primarily recreational in nature and which have very little to do with the substantive issues coming before Congress, the perception is that there are lobbyists trying to gain our favor. Under those circumstances, the cynicism calcifies, and it afflicts the body public.

From my own personal point of view, I do not play tennis or golf, and I have never been on a recreational trip. Any trip I have been on has been pure work, often from 7 in the morning until midnight. I do not have a personal stake in saying that I want to preserve something. But the public sees these instances in which they feel the nature of the travel, or the nature of the conference, is more leisure than work, in which case they ask, "Who is paying, how much, and why?" These are the issues we have to deal with.

I looked at the substitute offered by my friend from Kentucky, and I find a couple of problems with it. I do not like the "three-strikes-and-you-are-out provision". Here we are defending ourselves on the one hand, saying no one here is a criminal. Mark Twain might have said, "There is no distinct class of criminals, except Congress," but we know better. Everyone here is hard-working, idealistic, and working on behalf of their constituents back home.

So the notion that somehow we are going to adopt a three-strikes-and-you-are-out provision for Congress only solidifies the public's mind that somehow we think we are in the same league as criminals. I think one strike in these cases, one grievous violation and, in all probability, you will be out, or you should be out. You do not need to have three recommendations from the Ethics Committee going to the Senate floor for a reprimand to say, "Now we think you are ready for expulsion." I think that is a particular flaw in this amendment.

From a security point of view, I also disagree with the disclosure of travel plans prior to the actual travel taking place, requiring a detailed itinerary of where you are going. When international relations are not stressful, this provision probably does not present a problem. But when there are international tensions and Members of the Senate are taking a trip out of the country, I do not think it is advisable to publish in advance in the CONGRESSIONAL RECORD travel plans for that particular period of time. I think that is dangerous. I think, obviously, there must be a full disclosure once the trip is over. But out of concerns about Members' safety, I would never advise a prior disclosure and a detailed itinerary of exactly where you are going to be on each occasion.

Again, perhaps I am overly concerned about security measures. But I have traveled to some fairly dangerous places during the course of my career in the House and Senate, and I must say that I would not have wanted it publicized exactly where I was going to be on a given day.

Let me come back to the amendment that has been offered by my friend from Kentucky. I think he and Senator JOHNSTON are also acting out of the best of intentions, and they are doing a considerable service to point out the difficulties that will be encountered if we pass the legislation which I am supporting.

They are pointing out that there are traps that we must be aware of. There are some grave dangers that we may step into unknowingly, unwittingly, with serious consequences. So it is important that we take the time to debate this issue, not simply pass it in the name of good Government, but we debate it seriously and substantively and look and see exactly where we are going. But ultimately what we have to do is to adopt changes. I do not think it will alter the public's perception in terms of enhancing their confidence in us, but it may prevent it from going lower than it currently is. We will never really regain the public respect this institution deserves until we deal with the major substantive issues that this Nation faces.

This is important because right now I think it is a view—maybe it is not quite as pervasive as I think it is out there—that somehow the Nation's business is being diverted or in some way twisted in a way that does not serve the public interest but only narrow special interests.

Do we believe that is the case? Do we not all feel we are acting in the best interest of our constituents on crime welfare, the economy, and other important issues? The answer is, of course we do. However we are required to respond to the public perception. How we respond to it is really the issue here. Can we do it in a way that will set a standard that will measure up without falling into legal snares that will entrap well-intentioned, noble-minded individuals, and force them to go before the Ethics Committee on some minor provision? That is a serious question.

I think it has been an important debate today. As the debate continues tomorrow, it should not be carried on with the view that we have the total solution here. We do not. There may be improvements that can be made upon this legislation. That is the way I hope we could carry on the debate, pointing out what I think are deficiencies in the McConnell amendment, and they rightly pointing out some of the problems we have in our own legislation.

We do not have a clear-cut answer. It is not as simple as we would like to make it, because there are complications and ways to circumvent this bill if we pass it. There is no piece of legislation you can pass that will achieve perfection.

I think this legislation is better than the initial version offered last year. It is a vast improvement in terms of simplicity and clarity.

Some have asked, "What is a reasonable person?" That is what the law is all about. The law in our country is based upon the reasonably prudent person. That is the standard we go to a jury with. We appeal to a jury, the reasonable prudent person. Under the circumstances, what would a reasonably prudent person conclude? Was it negligence? Was it willful? Was it simply a minor slip? Was it intentional? What does a reasonable prudent person conclude? That is the standard we use in virtually our entire judicial system. It is a standard that is pretty well established. How do you define it? I think we

have to fall upon reason and logic and experience.

Madam President, I will not take further time tonight other than to reemphasize the points I have made. We are searching for a solution to deal with a perception that is negative, even if it is false in many respects, in an effort to deal with it in the most effective way we can.

The McConnell amendment is an attempt to address this perception on the enforcement side. The Levin approach is that of tightening up the rules. It may be the ultimate result will end up somewhere in the middle.

I want to commend all of the Members who contributed to the debate. It is important that we think about this now and not pass a bill and then later regret that we did not think about what Senator INOUYE said about the floral leis he is often presented. What about the flowers that come to a Member or staffer in the hospital? These may seem like trivial matters, but it is important we try to resolve them through the debate.

I know Senator LEVIN will bring forward a clarifying amendment tomorrow that will try to respond to the specific concerns that have been raised.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I will be brief, I say to my colleague from Wyoming.

First of all, let me thank the Senator from Maine for his statement. I thought his words were eloquent. The one question, I would say to my colleague, that I am puzzled about is I quite agree with him that people really look to the Congress to address the really critical concerns and circumstances of their lives, whether it be health care or jobs or reduction of violence, of crime, or for that matter, given the international perspective, to understand the world we live in and be a country that plays a major and positive role. I agree.

Now, I want to just build on the remarks of my colleague from Michigan. I do not understand why we just do not let loose of some of this and get on with it. I am quite serious. I have heard so many people say it is not that important; why do we not just get beyond this and let loose of some of this.

I think the Senator is right when he talks about perception, and I think the problems with the amendment are the ones that were, in the main, outlined by the Senator from Michigan. I mean, we still have all of the travel, and it just looks terrible. The Senator uses the word "perception" because it really will continue to be in the name of charity or not paid for by a lobbyist in a variety of different, large financial interests. It looks terrible. We do not need it. And if you have unlimited meals, it just does not pass the credibility test. Just let go of it. Why do not we just let go off this?

Mr. COHEN. Madam President, will the Senator yield?

Mr. WELLSTONE. I am pleased to yield.

Mr. COHEN. The Senator makes a valid point on the travel, and I think Senator JOHNSTON essentially raised the issue about the Aspen Institute. I have been actively involved in the Aspen Institute over the years, as I believe Senator LEVIN has. We have traveled to exotic places to hold conferences. They meet throughout the day and it is primarily business. The institute invited Soviet scholars and politicians to help us better understand what was going on in the Soviet Union. They sponsored a trip that Senator LEVIN and I took with Senator SIMPSON to Moscow for several days to meet with Andrei Sakharov and others, in an effort to make us better informed.

Those are the kinds of trips that we ought to encourage.

Mr. WELLSTONE. Yes.

Mr. COHEN. Yet, I think there will be some apprehension if this legislation gets passed as to whether those types of trips are the right thing to do. At the same time those trips are very different from travelling to golf tournaments or tennis tournaments, even though many of the tournament trips are also for valid functions. There are tournaments to raise money for charity and they will be impacted by this.

But there are distinctions that have to be drawn between the kinds of travel that is permitted, which is without question principally business in nature. We should encourage trips that promote our understanding internationally, and that will help us develop informed policies.

So the perception, I think, ultimately is different even on trips which are largely informational in nature where you must work extensively. Although some of these trips may be held in Bermuda, or Round Hill where, as I recall, many of them have been held, that, too, creates a perception we are travelling for leisure. On the other hand some Members would probably not go to the seminars if they did not have the chance to spend some time taking a break from hurly-burly Washington. Clearly the issue is not always black and white. I think that these distinctions must be drawn, and I am hopeful that we can clarify these issues during the course of the debate.

Mr. WELLSTONE. Let me say to my colleague from Maine that I agree with him. I have always felt, in trying to work this out, that that distinction is a very important one to make.

What I do not understand—and I would just mention one other problem with the substitute amendment. I mean, again, we can talk about the work that we do, travel somewhere as a part of a conference that is policy oriented, extremely important, in terms of giving us a broader perspective, extremely important bringing a variety of thinkers together and comparing notes. That is one thing.

Again, to continue free tickets, anything under $75, not even counting toward any aggregate, it just does not make any sense. I will go back to the issue of perception. I do not even want to argue that point. How much is perception? How much is reality? I think that is mainly perception when we have an amendment here. It really is. I mean I just want our colleagues to understand this really is business as usual.

Does it represent any major change? If we are going to continue to allow a lot of paid travel, a lot of paid trips, going to continue to have unlimited meals from any source, any source, and if we are going to continue to have tickets under $75, unlimited, no aggregate amount, I just think it does not pass the credibility test. I hope my colleagues will understand this.

Again, I will just repeat what I said earlier. People do care. Whether or not we think they should care, I happen to believe they should care about ethics, about good government, about accountability, about our having as honest and open a process as possible.

People will understand full well that this substitute amendment does not represent any kind of significant reform. It is business as usual. I certainly hope that Senators will vote this down.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I have been listening to the debate and hearing the cries of anguish from our colleagues—in private, of course—with regard to this legislation, like: How long are we going to do this to ourselves, and what should be done?

I support the McConnell-Johnston substitute. I think these two fine colleagues have done an excellent job of trying to bring reality to what is a difficult situation.

There has never been a time in the history of the U.S. Congress that this institution was as popular as those who have served would like it to be. It is not exactly highly revered, nor is the Presidency, nor are local governments.

Congress has been the butt of jokes for now a bit over 200 years. We should be used to it by now.

But, nevertheless, we are going through another exercise at self-criticism, and we are going to change the rules under which we operate in the hopes of gaining greater respect from the American people. Unfortunately, I just do not think that the mind of man could draft a piece of legislation that would ever obtain that result.

In my legislative career of 30 years, in Wyoming in the legislature and here, I have always thought the best way to handle these things was through total disclosure. The issue is "sunshine laws" and full disclosure. Put it in the record. What did you receive? How much was it worth? I have no problems with full disclosure of such things.

There have been some serious issues raised by Senator COHEN about activities like those sponsored by the Aspen Institute and the Carnegie Foundation. I have been the beneficiary of those. They are marvelous learning experiences. And I have been to some of those events, and also to events in support of charities. I have done those things, and they are all clearly disclosed.

But one thing I think has not sufficiently been discussed here is honoraria which go entirely to charity. In the year 1991, there was $762,316 in honoraria given by Members in the U.S. Senate to various institutions and charities. Last year, Senators directed over $500,000 from honoraria speeches to charities.

I see the majority leader on the floor. I remember very well at a function about 2 years ago when he shared with us at a dinner of Members and spouses a quote as to how people in America perceive their Congress. Essentially, it was an eloquent quote about how the American people have never held Congress in high esteem. And that is true! But, we do not have bodyguards. We do not go home with trumpets blaring or limos waiting. That is just not the way it is.

I greatly respect Senator LEVIN. He and I came here together. Senator COHEN, Senator LEVIN and I all were in the same class. And Senator WELLSTONE is speaking from deep feelings on this issue.

As I always say to my constituents, there are 535 of us and there are about the same number of lightweights, screwballs, and boobs in Congress as there are in your hometown. After all, it is a representative Government. You would not want those people to be unrepresented. And we do have people here that represent that segment of society.

So, with that, we must remember that the rest of us are trying to do it right. There are not many "corner cutters" in Congress. There are not many Members trying to gimmick the system.

We really ought to examine very carefully the issue of honoraria which are directed to charity. Under the Levin bill, that will cease. And that is unfortunate.

We ought to carefully examine provisions relating to factfinding missions. I went to the Soviet Union for 10 days with Senator Cranston, Senator LEVIN, Senator COHEN, and Senator NUNN; it was the greatest learning experience of my time in the U.S. Senate. A lot of positive things happened after we left. And I think a lot of it was due to our presence.

I think the majority leader would like to pose his unanimous-consent request, and I will continue when he concludes.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate resume consideration of S. 1935, the gift ban legislation, at 10 a.m. tomorrow; that there then be a time limitation on the McConnell-Johnston substitute amendment, numbered 1674, of 3½ hours, equally divided in the usual form; and that at 1:30 p.m. tomorrow, the Senate vote on or in relation to that amendment, with no amendments in order to the McConnell-Johnston substitute amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Madam President, in view of this agreement, there will be no further rollcall votes today.

As the agreement states, there will be 3½ hours of debate tomorrow on the McConnell-Johnston substitute amendment and a vote on or in relation to that amendment at 1:30 p.m. tomorrow.

Madam President, I thank my colleagues for their cooperation.

I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I am pleased we were able to arrive at this unanimous-consent agreement. I think that will certainly generate a swifter solution here.

The McConnell-Johnston substitute provides some tough penalties for those who violate the rules. It substantially reduces gift limits without discarding the type of activities which benefit charities. It is a reasonable approach and I wholeheartedly support it.

I am proud to say that I do give speeches for honoraria. Senator TED KENNEDY and I still do a program called "Face Off." The entire receipts of "Face Off" go to various charities in his State and mine and throughout the country. We receive and keep nothing from "Face Off." I receive and keep nothing from the honoraria speeches.

I think it is very important that those should be allowed to continue. From every report I receive, charities are presently facing a serious decline in contributions. What is wrong with directing money to charity? Mine are all listed. Anyone can find out who sponsored the speech and how much was contributed to charity. There is not a thing I do which I do not expect to be seen by a lot of sets of eyeballs. That might be a real novel idea to ponder!

There are no locks on any drawers in my office. I gave back $93,000 in my salary over the past 5 years, from 1987 on. I take on outfits like the AARP, and some of the veterans groups and others. It would be something if all of us would take a lick there at a few "sacred cows" out there. That would begin to shape up this institution. That is what we ought to be doing, but we do not.

Somebody ought to write a "Portrait In Courage" about how we cower under the power of organizations like the AARP that just whip us into a frenzy. Is anyone willing to take on the AARP with me? I have not had anybody beating my door down. But I sure do get in and wade around in it and talk about what they have in the way of money, and what they do, and how they come in here and give us a bunch of smoke about if we pass a balanced budget amendment everybody in America will lose $1,142.50 of their Social Security payments.

What kinds of people are they?

So, step up. If we are going to do real work, we should not just do the stuff that gets people excited briefly on the television news. Let us do some "heavy lifting." Let us do something with the entitlements programs: Medicare, Medicaid, the benefits programs.

We should begin to lay the facts regarding U.S. Senate pensions out on the table. I may do that with legislation because the people of America need to know that we receive the most extraordinarily generous pensions. We pay 8 percent of our salary. Other Federal employees pay 7 percent. We receive pensions far in excess of what we have put in, depending on your length of service.

If we are going to do self-flagellation, I think we must pass around an additional parcel of whips. The Senate pension program would be an interesting topic for discussion. This will not make much headway out in the country, but it will certainly create a great stir of interest with my colleagues. That is something real. But there are many misperceptions about Congress, too. Let us discuss what we really do. The people of America do not really feel it is the lobbyists that dictate how we operate. But, they really believe that we fly back and forth to our districts in military aircraft, or that we have autos at our disposal, or that we pay no Social Security, and no income tax. I've seen them at town meetings. They say, "We do not like what you people do. We do not like the perks you have."

I say, "What perks do I have?"

They say, "Well, you voted in the middle of the night for a pay raise."

I listen to that.

Then, "You did this, and you did that, and you get this." I say, "Wait a minute, we voted at 9:20 at night one evening for a pay raise and everybody voted yes or no. What is tricky about that?" "Well, I did not know that."

I say, "I know."

And I say, "I pay my own Social Security at the maximum rate. I pay my own house payments, my own mortgages, pay my own pension money, I pay my own medical insurance."

They say, "Well we want a health insurance policy like you have."

I say, "Great, just be a Federal employee because I get the same one the rest of the Federal employees get." "No, you don't."

I say, "Yes, I do."

So you can hardly convince your constituents what is real because their minds have been so clouded about what they think we do and the perks we receive. Then you tell them you pay for the gymnasium and that is $500 a year, and I go in there once a month; or that you pay for a cold remedy at the infirmary here. We pay for everything we do. The American people don't know that.

How strange and curious it is that we are working on this bill. If we really want to do something, maybe we should look again at the frank. That needs careful attention. These are the real things. These are the things that will save us some real bucks. Then of course there is the legislation to apply to us every form of law that we inflict upon the rest of society. That is a real one which often disappears somewhere along the way here.

So we should not spend the time of Congress focusing on the few people who get notoriety for cutting corners, making shortcuts. This bill requires a greater examination than I believe we have given it to this point.

I thank, indeed, Senator MCCONNELL and Senator BENNETT JOHNSTON for bringing this legislation some semblance of order. It is ludicrous that we are considering this legislation when we continually leave unaddressed the great, huge issues facing our country. And the huge issues of how so-called reputable organizations like the AARP have the capacity to freeze Congress in place. That is what we ought to look at. Instead of banning honoraria directed to charity. I personally do not really enjoy going out with lobbyists at night. I prefer to go home, put a couple of candles in the middle of the table, and visit with the woman I have been living with for 40 years. I enjoy that.

I feel we can reach a point of eventual absurdity with this legislation. If we are going to do stuff, let us go for the heavy stuff. Maybe we can join together and be realistic rather than making efforts to bring our own institution down. I do not see the purpose in that. I know it is not the purpose of the sponsors but that is occurring, at the expense of worthwhile efforts like contributing to charities.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I do not know of anybody else who wishes to speak tonight so I think we can, perhaps, 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. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. LEVIN. Madam President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Jere Walton Glover, to be chief counsel for the Small Business Administration.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that upon confirmation, the motion to reconsider be laid on the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nomination was considered and confirmed as follows:

SMALL BUSINESS ADMINISTRATION

Jere Walton Glover, of Maryland, to be chief counsel for advocacy, Small Business Administration.

STATEMENTS ON THE NOMINATION OF JERE WALTON GLOVER

Mr. BUMPERS. Madam President, I rise in support of the nomination of Jere W. Glover of Maryland to be chief counsel for the Office of Advocacy in the Small Business Administration. This nomination was favorably reported by the Committee on Small Business on May 3, 1994, by a vote of 17 to 5.

The President submitted this nomination on March 2, 1994, and I regret that it has taken somewhat longer than usual for our committee to get this nominee before the Senate. A hearing was held on April 12, and suffice it to say that a series of questions was submitted to the nominee, both at the hearing and for several days following, by Members on the other side of the aisle which delayed somewhat the Senate's consideration of this nomination. The nominee responded to all of these questions in a timely fashion, and I ask unanimous consent that the questions and Mr. Glover's answers be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. BUMPERS. In any event, it is appropriate that the Senate should consider this nomination today because this week is U.S. Small Business Week, as proclaimed by President Clinton. Hundreds of small business owners are in Washington even as we speak. They are being honored by festivities around the city which celebrate their individual accomplishments and contributions to the Nation's economy.

Without a doubt, small business owners have long felt that the chief counsel for advocacy's office was the best bargain in Government, the one office which they most favored, and the one office in Government they believe is most helpful to them.

Created during the Carter administration, the Office of Advocacy is intended to serve as small business owners' pit bull against the Federal bureaucracy and in the Halls of Congress. No person better fit that description than the legendary Milt Stewart who served under President Carter as the first chief counsel for advocacy. It speaks well of Jere Glover that he was selected by Milt Stewart to serve as his deputy in that administration, and he carried out those duties with distinction.

Since that time, Jere has had a fine career in the legal profession which I will discuss presently. First, since this nomination was filed without a written report in order to get it to the floor quickly, I want to say a few words for the record about this nominee's background. His qualifications, I believe, could not be more appropriate for this job.

Jere Glover is a native of Ridgely in northwest Tennessee, not far from the northeast corner of my home State of Arkansas. His father owned a small photographic studio where Jere's mother also worked and where he worked while in high school. I was pleased to meet Mr. and Mrs. Glover at their son's confirmation hearing. Jere and his wife Doris have lived for some years in Annapolis, MD. He also has a brother in the area who is a medical doctor and a urologist. Mr. and Mrs. Glover, Sr., have much to be proud of in these two sons who have been successful in their chosen professions and, jointly, in several businesses in which they have invested and worked.

A few words about Jere Glover's professional background which has brought him before the Senate for confirmation: Jere received his B.A. degree from Memphis State University in 1966 and his J.D. in 1969. After coming

to Washington, Jere did graduate work in law at George Washington University where he received the LL.M. degree in 1974. He did this while serving on the staff of the Federal Trade Commission—an important agency for small business. Later he served on the staff of the House Small Business Committee where he was counsel to the Subcommittee on Antitrust, Consumers and Employment for a short period before being asked to join Milt Stewart's staff in the newly created SBA Office of Advocacy.

Jere Glover held the No. 2 post in Advocacy during what are now seen by many as the halcyon days of the Office. Milt Stewart was aggressive and fearless in seeking to protect the interests of small business owners, and he ruffled a lot of feathers in this town. More importantly, he and his staff prepared the way for the 1980 White House Conference on Small Business—the first such conference in living memory—which proved hugely successful. That conference recommended, among other things, the Paperwork Reduction Act, the Regulatory Flexibility Act, the Taxpayer Bill of Rights, the Equal Access to Justice Act and the Small Business Innovation Research Act. All except the SBIR bill were enacted during the Carter administration.

As Senators know, work is now underway for the 1995 White House Conference on Small Business, beginning with State conferences which will start this summer. We can only hope that it will be as successful as the 1980 conference.

I can think of no person better qualified than Jere Glover for the post of Chief Counsel for Advocacy. Following his Government service in the 1970's, he established a successful law practice in Washington in which he has represented almost exclusively the interests of small businesses. His clients have included a number of well known trade associations for small businesses, and several individual small companies with a variety of legal problems and public policy issues. Jere Glover is knowledgeable about small business policy generally, and especially so in the areas of antitrust enforcement, fair trade practices, taxation, finance, and innovation. In addition, Jere has invested in and worked in several successful small companies, particularly in the area of medical devices and services.

In short, Jere Glover has gained a wealth of experience which will put him in good stead as SBA's new chief counsel for advocacy. His nomination has been praised by all small business organizations including National Small Business United, National Association for the Self Employed, Small Business Council of America, National Association of Small Business Investment Companies, Small Business Legislative Council, National Association of Women Business Owners, and the National Federation of Independent Business.

President Clinton is to be commended for selecting such a fine and universally respected person for this important post. I urge all Senators to support the President's nomination.

EXHIBIT 1

SENATOR PRESSLER'S QUESTIONS

Mr. Glover, I would appreciate receiving your written response to the following questions prior to the committee vote on your nomination:

Activities in private sector

Q. Have you ever lobbied an employee of the Office of Advocacy? If so, whom did you lobby and on what issue?

A. To the best of my knowledge, in the past 13 years I have not lobbied any employee of the Office of Advocacy and certainly have not in the past 3 or 4 years.

Q. Have you ever represented a client before any other division of the SBA?

A. Yes. Size determination for Baron Transportation, Inc. Preparation of initial 8(a) application of T&S Bus Service, Inc. Small Disadvantaged Business protest involving Lightcom International, Inc. (Prior to the announcement of the intention to nominate me, I withdrew and turned the matter over to another attorney, who is not associated with me, who handled the matter thereafter.)

Q. How would you avoid any appearances of a conflict of interest with any of your former employers or clients?

A. I will fully comply with SBA regulations concerning conflicts of interest including the circumstances which might give rise to any conflict. I will discuss the situation with the agency's Ethics Officer and will comply with his or her suggestions. If necessary, I will dispose of the asset in question and/or recuse myself from matters involving former clients.

Q. Since you left the SBA in 1981, you have had business relationships with numerous small business trade associations. However, it appears some of these associations may not be contained in the documents you provided to the committee. Therefore, in order to clear up any confusion, could you briefly discuss the associations that you have had business relationships with since leaving SBA in 1981?

A. To the best of my knowledge, both orally or in writing, I have disclosed all of my business relationships. To clarify any confusion, the following is a list of the associations with which I have had a business relationship since 1981:

In 1982 or 1983, I was retained for a brief period by the National Federation of Independent Business as a consultant and appeared as a witness on behalf of NFIB. I believe it was at the National Governors' Conference.

I served as counsel to and a director of National Small Business United for a period of time in the early 1980s. Most of my service to NSBU was on a pro-bono basis.

I served as counsel and legislative representative to the National Association for the Self-Employed during the mid to late 1980s.

In the early 1980s, I was on the board of the Small Business Legislative Council and received an award for my activities.

I served as a director of and represented the Coalition of Membership Associations (a coalition of several small business associations) during the last few years.

I served as President of the Alliance for Affordable Health Care (an association of primarily small business associations) during the last few years.

I served as Executive Director of the National Council for Industrial Innovation, a group of small business men and women interested in innovation, from 1981 to present. This organization has been inactive for several years.

I served as Executive Director of the Fair Franchising Coalition, from 1989 to present. This organization has been inactive for several years.

Activities as nominee

Q. During your recent courtesy call at my office, you mentioned you have had only brief contact with the Office of Advocacy since the President expressed his intent to nominate you several months ago. However, I still have concerns over the extent of your contact with the SBA prior to this hearing and confirmation by the full Senate. Therefore, I have a series of fairly specific questions about your recent activities. How many meetings, visits, conversations, briefings, telephone calls, or meals have you had with Advocacy staff?

A. In order to prepare for this hearing, and at the suggestion of the Office of Congressional Relations, I have had several briefing sessions with the Advocacy personnel. The first of these was with Doris Freedman, the Acting Chief Counsel. Ms. Freedman has also called me on two or three occasions supplementing that meeting.

Subsequent meetings were held with Office Directors Susan Walthall and Bruce Phillips. Each of these meetings were about two hours in length and were conducted at my office and in an inexpensive Greek restaurant near my office.

After receiving a copy of the issue papers for the White House Conference on Small Business, I had a conversation with Susan Walthall when Doris Freedman was out of the country. I suggested that she try to make the issue papers more user friendly. They were too long. I suggested an introductory paragraph or a summary was needed. I did not suggest any substantive changes but did suggest some editorial changes. I was one of several members of the public who were asked to review the issue papers.

We had a rehearsal for the hearing at which Doris Freedman appeared, together with Marty Teckler of the Office of General Counsel, Bob Gardner of the Inspector General's Office and Kris Swedin of the Congressional Relations Office.

At the suggestion of staff of the Senate Small Business Committee that Marty Teckler's letter to the Office of Government Ethics be clarified, I went to Kris Swedin to her office to get the changes made. Doris Freedman stopped by Kris' office to say "hi."

I also attended a hearing of the House Judiciary Subcommittee on the Regulatory Flexibility Act. Doris Freedman testified and at least one other Advocacy employee, Barry Pinellas, was present. Other than pleasantries, no substantive conversation occurred at this meeting.

Q. Did you attend any public or private third-party events with Advocacy officials? If so, please tell this committee with whom you attended and describe the event.

A. I attended the recent public Regulatory Forum presented by the Office of Management and Budget and the SBA at which the Acting Chief Counsel and other Advocacy personnel were present. I did not have any discussions other than exchanging pleasantries.

I did not participate in the meeting except to listen, as a member of the public audience, which included about 75 people.

I attended the National Association for the Self-Employed's Open House and met Steve Dixon, an Advocacy employee, who was at the meeting. Other than exchanging pleasantries, no other discussion was held.

Since leaving the Office of Advocacy in 1981, I have made no policy or personnel decisions or recommendations concerning the Office of Advocacy. I will make no policy or personnel decisions or recommendations until and if I am confirmed.

I did receive a letter from a small business owner about a problem with a proposed FDA regulation. I forwarded it to the Office of Advocacy without comment or recommendation.

Q. In preparation for today's hearing, have you had any contact with SBA's Inspector General's Office? If so, please tell this committee with whom you met and describe the encounters.

A. Bob Gardner of the Inspector General's Office participated in a dress rehearsal for the hearing with Doris Freedman, Kris Swedin and Marty Teckler.

Q. Did any of your activities involve the upcoming White House Conference on Small Business? If so, what was the extent of your activities?

A. I met with Mark Schultz, the Executive Director of the White House Conference, for approximately one hour to receive a briefing on the organization and planning of the Conference as a part of my briefing process. I later met with Kathy St. Denis, Nick Friendly and Mark Schultz for a further 2-hour briefing. As mentioned above I did review the issues papers.

Advocacy management

Q. How independent do you envision the position of Chief Counsel for Advocacy? In other words, how do you see your role vis-a-vis the Administrator and the White House?

A. I believe it is important for the Chief Counsel to represent the views of the small business community even when they conflict with the views of the Administrator and the White House. It is my intention to work within the Administration as much as possible but on issues that will impact the small business community. It may be necessary and appropriate to express my views and my opinions, even if they are inconsistent with those of the Administrator and the White House.

The Administrator and I have discussed the role of Chief Counsel and he and the President both understand that from time to time I will express views which conflict with his views or those of the President.

A. Will you publicly oppose the President and Administrator Bowles when they take positions that would have a negative effect on the small business community?

A. Yes, see question 1 above.

Q. Currently, half the Regional Advocate positions remain vacant. If confirmed, would you fill these very important positions?

A. If confirmed, I will be reviewing the functions of the Regional Advocates as well as the entire office. Once that review is completed, I will fill vacancies as soon as possible.

Q. The Acting Director of Advocacy's Office of Information currently is engaged in a major fundraising campaign for Small Business Week 1994. Do you think it is proper to raise large sums of money from associations and corporations that do business with the SBA, and with the Office of Advocacy in particular?

Congress recognized a need to develop partnerships with the private sector to further the Small Business Administration's mission. I have been advised that the Office of the General Counsel at the SBA has issued an opinion that the small business fundraising activities are legal and appropriate and that this has been the practice for some years. I have been told that none of the sponsoring organizations have contracts with SBA.

SENATOR COVERDELL'S QUESTIONS

Q. What role do you think small businesses should play in the reform of our health care system?

A. Although I have not had an opportunity to fully review the issues in Senator Coverdell's questions. I am providing my comments based on the information I have at this time.

Small business should play a constructive role in restructuring the health care system. The current system discriminates against small business. Many small businesses are completely excluded from providing health insurance because one of their key employees or family members has a pre-existing condition. Likewise, many small businesses cannot afford to provide health care under the circumstances. Because of the significant effect on small business by any health care legislation, small business has a significant role to play in any health care legislation.

Q. As a proponent of employer mandates and one who has advocated this position, how can you now represent the interest of small businesses who strongly oppose this concept?

A. I have never publicly been a proponent of employer mandates, nor have I advocated this position. I believe that it is important that the Chief Counsel totally represent the view of small business, including the issue of health care. Even in situations when I disagree with small businesses' views, I believe it is important for me to reflect the views of small businesses and their organizations.

On the issue of employer mandates, it is clear that most small business organizations and the majority of small businesses are opposed to it. I will advise the White House about small businesses' deep concerns and reservations about employer mandates. I believe that I, as well as the rest of Administration, am looking for an alternate solution that involves universal coverage without employer mandates. To date, I do not know of any other solution.

Q. What is your position on labor issues such as Striker Replacement and Davis-Bacon?

A. While most small businesses don't have labor unions, those that do are severely impacted by labor problems.

In the case of striker replacement, I believe that the proposed legislation interferes with the normal employee-employer relationship and that legislation in that regard is not needed. Most small business organizations oppose striker replacement.

Concerning the Davis-Bacon Act, it is necessary to reevaluate the prevailing wage to include not only union but non-union wages in particular locations. I believe it is not necessary to require a government contractor to pay the higher wages. Most small business organizations support reform or repeal of Davis-Bacon.

Q. What is your position on Product Liability Reform?

A. Product liability laws clearly need to be reformed. This is a especially true for small businesses, which cannot afford product liability insurance. Often small businesses cannot sell their products because they cannot get product liability insurance.

Q. From your resume I note you have started a number of small businesses. Did you receive SBA assistance with any of these venture? If so, what assistance and what is your current relationship with the assisted businesses?

A. None of the businesses in which I have been involved have requested or received any assistance from the Small Business Administration. None was asked for and none was received.

I am an officer of two firms which have received SBIR awards. Stacogen received an SBIR from NIH 6 to 8 years ago. Advanced Resources International, Inc. received an SBIR award from the Department of Energy last year. Since the announcement of the intention to nominate me in December, I have sold my interest in both firms.

SENATOR BURNS' QUESTIONS

Q. Probably the most important issue facing the small business community is health care reform. Will you publicly oppose the President and Administrator Bowles when they take positions that would have a negative effect on the small business community?

A. As I said in response to Senator Coverdell's question number 1:

"Although I have not had an opportunity to fully review the issues in Senator Coverdell's questions, I am providing my comments based on the information I have at this time.

Small business should play a constructive role in restructuring the health care system. The current system discriminates against small business. Many small businesses are completely excluded from providing health insurance because one of their key employees or family members has a pre-existing condition. Likewise, many small businesses cannot afford to provide health care under the circumstances. Because of the significant effect on small business by any health care legislation, small business has a significant role to play in any health care legislation."

As I stated in my testimony, "As the small business community and Congress expect, and the law requires, if confirmed, I intend to be a strong independent voice for small business."

As I stated in my response to Senator Pressler's question:

"I believe it is important for the Chief Counsel to represent the views of the small business community even when they conflict with the views of the Administrator and the White House. It is my intention to work within the Administration as much as possible but on issues that will impact the small business community, it may be necessary and appropriate to express my views and my opinions, even if they are inconsistent with those of the Administrator and the White House.

The Administrator and I have discussed the role of Chief Counsel and he and the President both understand that from time to time I will express views which conflict with his views or those of the President."

Q. What is your position regarding employer mandates?

A. As I said in my response to Senator Coverdell's question number 2:

"I have never publicly been a proponent of employer mandates, nor have I advocated this position. I believe that it is important that the Chief Counsel totally represent the view of small business, including the issue of health care. Even in situations when I dis-

agree with small businesses' views, I believe it is important for me to reflect the views of small businesses and their organizations.

On the issue of employer mandates, it is clear that most small business organizations and the majority of small businesses are opposed to it. I will advise the White House about small businesses' deep concerns and reservations about employer mandates. I believe that I, as well as the rest of Administration, am looking for an alternate solution that involves universal coverage without employer mandates. To date, I do not know of any other solution."

If conformed, I will continue to look for alternatives to employer mandates.

Q. What is your position regarding alliances?

A. A number of small business organizations, including the council of Smaller Enterprises in Cleveland and the Smaller Manufacturers Council in Pittsburgh, have, in effect, created health care alliances in the past. These have been successful in reducing health care costs. One of the problems facing small businesses now, as in the past, is having to pay 30 to 50 percent more in premiums for health care insurance than large firms are paying. I believe alliances can afford small businesses a more equal playing field and can enable small businesses to purchase health care at lower rates similar to those of large firms.

Q. Do you think that Congress should go slow and start with insurance reform, like portability, medical malpractice, coverage of pre-existing conditions, and paperwork reduction?

A. See response to question 1 above.

Because of the severity of the problem, the hardship the current situation has imposed on small business for many years, and the millions of small business people and their employees who do not have health insurance, I think Congress should move quickly to resolve the health care crisis that exists in America today.

Issues like insurance reform, portability, medical malpractice and coverage of pre-existing conditions, are all serious problems. The states have historically had jurisdiction to regulate these practices. It is unfortunate that the states, by and large, have not addressed these problems in the past.

Q. Regarding tort reform: Can we expect your support and cooperation when the Product Liability Fairness Act, S. 687, comes to the Senate floor this spring, even if the Administration does not support the bill?

A. As I said in response to Senator Coverdell's question number 4:

"Product liability laws clearly need to be reformed. This is especially true for small businesses, which cannot afford product liability insurance. Often small businesses cannot sell their products because they cannot get product liability insurance."

I have not reviewed S. 687 specifically. I do generally support product liability reform and, if I am confirmed, will review S. 687 as well as other product liability reform legislation.

Q. I also strongly support the Paperwork Reduction Act, Senate Bill 560. As a cosponsor of this bill, I am interested in your opinion on paperwork reduction. Can we count on your support of S. 560?

A. I have not reviewed S. 560 specifically, but I strongly support paperwork reduction. If confirmed, I will review all paperwork reduction legislation and support strong paperwork reduction legislation.

Q. Do you support a capital gains tax cut?

A. Yes, so long as the capital gains tax is targeted specifically to small businesses engaged in trade or commerce. This has been my position since 1978. I believe that targeted capital gains reduction for small businesses which was included in the Budget Reconciliation Act last year was a step in the right direction, but I believe more can and should be done to encourage investment in small businesses engaged in trade or commerce.

SENATOR PRESSLER'S QUESTIONS

Q. What is your position regarding employer mandates?

A. As I stated in my response to Senator Coverdell's question number one and to Senator Burns' second question:

"I have never publicly been a proponent of employer mandates, nor have I advocated this position. I believe that it is important that the Chief Counsel totally represent the view of small business, including the issue of health care. Even in situations when I disagree with small businesses' views, I believe it is important for me to reflect the views of small businesses and their organizations.

On the issue of employer mandates, it is clear that most small business organizations and the majority of small businesses are opposed to it. I will advise the White House about small businesses' deep concerns and reservations about employer mandates. I believe that I, as well as the rest of Administration, am looking for an alternate solution that involves universal coverage without employer mandates. To date, I do not know of any other solution."

If confirmed, I will continue to look for alternatives to employer mandates.

Q. What is your position regarding alliances?

A. As I stated in my response to Senator Burns' third question:

"A number of small business organizations, including the Council of Small Enterprises in Cleveland and the Smaller Manufacturers Council in Pittsburgh, have, in effect, created health care alliances in the past. These have been successful in reducing health care costs. One of the problems facing small businesses now, as in the past, is having to pay 30 to 50 percent more in premiums for health care insurance than large firms are paying. I believe alliances can afford small businesses a more equal playing field and can enable small businesses to purchase health care at lower rates similar to those of large firms."

Q. Do you support universal coverage or universal access?

A. I support both. I think universal access should occur immediately, and universal coverage should occur as soon as practicable.

Q. Do you think Congress should go slow and start with insurance reform, like portability, medical malpractice coverage of pre-existing conditions, and paperwork reduction?

A. As I said in response to Senator Coverdell's question number 1:

"Small business should play a constructive role in restructuring the health care system. The current system discriminates against small business. Many small businesses are completely excluded from providing health insurance because one of their key employees or family members has a pre-existing condition. Likewise, many small businesses cannot afford to provide health care under the circumstances. Because of the significant effect on small business by any health care legislation, small business has a significant role to play in any health care legislation."

As I stated in my response to Senator Burns' question number four:

"Because of the severity of the problem, the hardship the current situation has imposed on small business for many years, and the millions of small business people and their employees who do not have health insurance, I think Congress should move quickly to resolve the health care crisis that exists in America today.

Issues like insurance reform, portability, medical malpractice and coverage of pre-existing conditions, are all serious problems. The states have historically had jurisdiction to regulate these practices. It is unfortunate that the states, by and large, have not addressed these problems in the past."

Q. Do you support the Administration's plan or any of the competing health care reform proposals? If so, does this mean you will take a public position in opposition to the SBA Administrator and the Administration?

A. While I generally support the Administration's plan, as I mentioned in the answer to question number one above, regardless of my personal views, I will honestly report that most small business organizations do not support the President's plan. I will also work to see that whatever plan is ultimately enacted is the most beneficial for small business and has the least possible burdens for small business.

I have already taken positions in opposition to the Administration. See my responses to Senator Coverdell's questions 3 and 4 on striker replacement, Davis-Bacon and product liability.

QUESTIONS FROM SENATOR WALLOP

Health Care Legislation—Employer Mandates

In the area of health care, I recognize that most small business organizations do not support employer mandates. If confirmed, I will acquaint myself with other proposals and those that will be made in the future.

I will work to see that whatever plan is ultimately enacted is as beneficial as possible for small business and has the least possible burdens on small business.

I would like to discuss these and other issues of the Office of Advocacy with you at your convenience at some time in the future. I would also like to thank you personally for your work to obtain judicial review for the Regulatory Flexibility Act.

Regulatory Flexibility Act

Q. Would you support deleting section 611 of the Act to allow judicial review under the Regulatory Flexibility Act as recommended in the Vice-President's National Performance Review?

A. Yes.

Q. Do you support applying coverage of the Act to the IRS?

A. Yes.

Q. Do you support analyzing the indirect as well as the direct impacts to be required under the Act?

A. Yes.

Q. Can we expect you to remain consistent in your support of the Regulatory Flexibility Act in the interests of representing small business no matter what the Administration's agenda may be?

A. Yes. From 1978 to 1980, I worked very hard on developing the concept of regulatory flexibility and assuring the ultimate passage of the bill. The implementation of the noble goals of the Regulatory Flexibility Act have been impeded by government officials who recognized that the Act is not judicially enforceable and therefore had no teeth.

Unfortunately, after 25 years' experience of administrative law, I have come to the conclusion that we cannot trust the bureauc-

racy to eliminate excessive and unnecessary regulatory burdens on small business without judicial review.

Your work in getting judicial review is a giant step forward. I hope that the legislation is promptly passed. You will have my enthusiastic and consistent support for judicial review in the Regulatory Flexibility Act.

Mr. SASSER. Madam President, I am pleased that the Senate has today confirmed the nomination of Mr. Jere Glover to be the chief counsel for advocacy at the Small Business Administration.

Jere Glover hails originally from Ridgely, TN. He received his undergraduate and law degrees from Memphis State University, where he won numerous academic awards.

Mr. Glover has extensive experience in government, law, and business which suits him well for the important post of chief counsel for advocacy. During the Carter administration, he culminated 12 years of service in the Federal Government by spending 3 years as deputy chief counsel for advocacy for the SBA. Mr. Glover served ably in that post and gained experience that will be invaluable to him as chief counsel for advocacy.

After leaving the deputy chief counsel job in 1981, Mr. Glover entered private law practice. He has specialized in representing small business clients and trade associations before various State and Federal agencies and regulatory bodies. He has also started a number of businesses, and he remains chairman and CEO of a medical equipment company and a biotechnology company.

During his prior service in the chief counsel's office, Mr. Glover worked closely with Congress on the passage of the Equal Access to Justice Act, the University Patent Act, the Small Business Innovation and Research Act and the Regulatory Flexibility Act. His work on and dedication to the principles of this last bill actually earned him the nickname of "Mr. Reg Flex" in many small business circles.

Small business is the backbone of our Nation's economy. The Federal Government must pursue policies that foster its growth. The men and women who help develop those policies at the Small Business Administration must understand how small business works, and they must understand how important small business is to our Nation's future.

Jere Glover is a small businessman. Jere Glover has worked for years on behalf of other small business people. Jere Glover has the experience and expertise to represent the special needs of our small business community in the position of chief counsel for advocacy. I commend my colleagues for confirming his nomination today, and I look forward to working with him on behalf of our Nation's small business men and women.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REPORT ON THE DISTRICT OF COLUMBIA GOVERNMENT'S 1995 BUDGET REQUEST AND 1994 REVISED BUDGET REQUEST—MESSAGE FROM THE PRESIDENT—PM 106

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 Governmental Affairs.

To the Congress of The United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's 1995 budget request and 1994 revised budget request.

The District of Columbia Government has submitted a 1995 budget request for $3,409 million in 1995 that includes a Federal payment of $674 million, the amount authorized and requested by the Mayor and the City Council. The 1995 Federal payment level proposed in my fiscal year 1995 budget of $670 million is also included in the District's 1995 budget as an alternative level. My transmittal of the District's budget, as required by law, does not represent an endorsement of its contents.

I look forward to working with the Congress throughout the 1995 appropriation process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 4, 1994.*

MESSAGE FROM THE HOUSE

At 3:04 p.m., a message from the House of Representative, delivered by Mr. Hays, one of its reading clerks announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2024. An act to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes.

The message also announced that the House has passed the following joint resolution, without an amendment:

S.J. Res. 146. Joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week".

The message further announced that the House has passed the following joint resolutions in which it requests the concurrence of the Senate:

H.J. Res. 303. Joint resolution to designate June 6, 1994, as "D-Day National Remembrance Day".

H.J. Res. 357. Joint resolution designating the week beginning February 12, 1995, as "National Random Acts of Kindness Week".

At 5:34 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3191. An act to revise the national flood insurance program to promote compliance with requirements for mandatory purchase of flood insurance, to provide assistance for mitigation activities designed to reduce damages to structures subject to flooding and shoreline erosion, and to increase the maximum coverage amounts under the program, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

At 5:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 146. Joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week".

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bill and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3191. An act to revise the national flood insurance program to promote compliance with requirements for mandatory purchase of flood insurance, to provide assistance for mitigation activities designed to reduce damages to structures subject to flooding and shoreline erosion, and to increase the maximum coverage amounts under the program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.J. Res. 303. Joint resolution to designate June 6, 1994, as "D-Day National Remembrance Day"; to the Committee on the Judiciary.

H.J. Res. 357. Joint resolution designating the week beginning February 12, 1995, as "National Random Acts of Kindness Week"; to the Committee on the Judiciary.

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–2608. A communication from the President of the U.S. Institute of Peace, transmitting, pursuant to law, the report of the audit of accounts for fiscal year 1993; to the Committee on Labor and Human Resources.

EC–2609. A communication from the Secretary of Labor, transmitting, pursuant to law, the report on the administration of the Employee Retirement Income Security Act for calendar year 1992; to the Committee on Labor and Human Resources.

EC–2610. A communication from the Secretary of Health and Human Services, trans-

mitting, pursuant to law, the report of summaries of Research and Demonstration Grants funded by the Head Start Bureau; to the Committee on Labor and Human Resources.

EC-2611. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the announcement of criteria for Loan Origination for the 1995-1996 academic year; to the Committee on Labor and Human Resources.

EC-2612. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the final regulations for Institutional Eligibility; to the Committee on Labor and Human Resources.

EC-2613. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the notice relative to the Student Assistance General Provisions; to the Committee on Labor and Human Resources.

EC-2614. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the final regulations for the Federal Family Education Loan Program; to the Committee on Labor and Human Resources.

EC-2615. A communication from the Secretary of Education, transmitting, pursuant to law, the report on improving and streamlining rulemaking procedures at the Department of Education; to the Committee on Labor and Human Resources.

EC-2616. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the final regulations for the Federal Family Education Loan Program and Federal Pell Grant Program; to the Committee on Labor and Human Resources.

EC-2617. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the final regulations for the State Postsecondary Review Program; to the Committee on Labor and Human Resources.

EC-2618. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Secretary's Procedures and Criteria for Recognition of Accrediting Agencies; to the Committee on Labor and Human Resources.

EC-2619. A communication from the Secretary of Education, transmitting, pursuant to law, the report of Institutional Eligibility Under the Higher Education Act of 1965, as Amended; to the Committee on Labor and Human Resources.

EC-2620. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the final regulations of the Student Assistant General Provisions (Campus Security Act); to the Committee on Labor and Human Resources.

EC-2621. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the final regulations of the Student Assistant General Provisions; to the Committee on Labor and Human Resources.

EC-2622. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the final regulations of the Federal Family Education Loan Program; to the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Simon Ferro, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1994. (Reappointment)

Simon Ferro, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997. (Reappointment)

Arvonne S. Fraser, of Minnesota, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

Charles H. Dolan, Jr., of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1997. (Reappointment)

Henry Howard, Jr., of Virginia, to be an Associate Director of the United States Information Agency.

John P. Loiello, of the District of Columbia, to be an Associate Director of the United States Information Agency.

Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Mark L. Schneider, of California, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 1998.

Charles H. Dolan, Jr., of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1994.

Marion M. Dawson, of Connecticut, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 1999, vice John Train, term expired.

Willie Grace Campbell, of California, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 1999.

Ralph R. Johnson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the Rank of Ambassador during his tenure of service as Coordinator of the Support for East European Democracy (SEED) Program.

Edmund T. DeJarnette, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Edmund De Jarnette.

Post: Ambassador to Angola.

Nominated: 1993.

Contributions, amount, date, and donee:

1. Self, Edmund De Jarnette, Jr., none.

2. Spouse, Katia De Jarnette, none.

3. Children and spouses names, Edmund III and Alexandra (unmarried), none.

4. Parents names, Edmund (died 1966), Emily Carter (died 1956), none.

5. Grandparents names, Eliott De Jarnette (died 1948), Jamie Tompkins (died 1945), Sam Carter (died 1946), Elizabeth Lee (died 1962), none.

6. Brothers and spouses names, none.

7. Sisters and spouses names, Jane De Jarnette (unmarried), none.

Melvyn Levitsky, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Melvyn Levitsky.

Post: U.S. Ambassador to Brazil.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, Adam and Sara Levitsky, Ross Levitsky, Josh Levitsky, none.

4. Parents names, David Levitsky (deceased), Mollie Levitsky, none.

5. Grandparents names, Max Levitsky, Rose Levitsky, deceased.

6. Brothers and spouses names, none.

7. Sisters and spouses names, Sharon Levitsky, none.

Derek Shearer, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Finland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self, $1,000, 1991, Clinton for President.

2. Spouse, Ruth Goldway, $1,000, 1991, Clinton for President. $250, 1992, Boxer for Senate.

3. Children and spouses names, Casey Shearer, none; Anthony Yannatta, none; Julie Yannatta, none.

4. Parents names, Marva and Lloyd Shearer.

1989.—Marva: Democratic Campaign Committee, $25; National Organization for Women, $40; Women's Campaign Fund, $35; National Women's Political Caucus, $35.

1990: Marva: Women's Campaign Fund, $25; Feminist Majority Foundation, $35; National Organization for Women, $25; Women's Campaign Fund, $50; National Organization for Women, $40; Clinton for Governor, $150; Beilenson Campaign Committee, $25; Harvey Gantt for U.S. Senate, $25; Anita for Congress, $25.

1991.—Lloyd: Clinton for President, $1,000. Marva: Fund for Feminist Majority, $20; Women's Campaign Fund, $25; Clinton for President, $250; National Organization for Women, $40; National Democratic Committee, $100; Clinton for President, $1,000; Emily's List, $100.

1992.—Marva: Women's Campaign Fund, $25; Beilenson for Congress, $25; Beilenson Campaign Committee, $25; Clinton for President, $1,000; Saul & Belly Chaplin for Clinton, $60; Barbara Boxer for Senate, $50; National Women's Political Caucus, $40; Fund for Feminist Majority, $35; Boxer for U.S. Senate, $50; Presidential Inaugural Committee, $460.

1993.—Marva: Emily's List, $100; Women's Campaign Fund, $25; Democratic Congressional Campaign, $25.

5. Grandparents names, Ivy and Vern Peterson, deceased; John and Hanna Shearer, deceased.

6. Brothers and spouses names, Cody Shearer, none.

7. Sisters and spouses names, Brooke Shearer, $1,000, 1992 Clinton for President; Strobe Talbott, none.

Ryan Clark Crocker, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Ryan Clark Crocker.

Post: Ambassador to the State of Kuwait.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, Christine Barnes Crocker, none.

3. Children and spouses names, no children, none.

4. Parents names, Carol Crocker, Howard Crocker, (deceased).

5. Grandparents names, all deceased.

6. Brothers and spouses names, none.

7. Sisters and spouses names, none.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Cambodia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Charles H. Twining.

Post: Ambassador to Cambodia.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, Daniel Twining, none; Steven Twining, none.

4. Parents names, Charles Twining, deceased; Martha C. Twining, none.

5. Grandparents names, Isaac and Sarah Twining, deceased; Harry Caples, deceased; Margaret Caples, none.

6. Brothers and spouses names, David and Judy Twining, none.

7. Sisters and spouses names, N.A.

William J. Crowe, Jr., of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: William J. Crowe, Jr.

Post: U.S. Ambassador to United Kingdom.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, Shirley G. Crowe, none.

3. Children and spouses names, William Blake Crowe, James Brent Crowe, Bambi Crowe, Lynn Crowe, none.

4. Parents names, deceased.

5. Grandparents names, deceased.

6. Brothers and spouses names, not applicable.

7. Sisters and spouses names, not applicable.

Peter R. Chaveas, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Peter R. Chaveas.

Post: Ambassador to Malawi.

Contributions, amount, date, and donee:

1. Self, $100, 1990, Democratic National Committee, $250, 1992, Democratic National Committee, $100, 1993, Democratic National Committee.

2. Spouse Lucille Chaveas, none.

3. Children and spouses names: Pamela Chaveas, none; Michael Chaveas, none.

4. Parents names: William and Evelyn Chaveas, none.

5. Grandparents names: All deceased since 1982 or earlier.

6. Brothers and spouses names: Richard and Debbie Chaveas, none; Paul Chaveas, none.

7. Sisters and spouses names: Not applicable.

Myles Robert René Frechette, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Myles Robert René Frechette.

Post: Colombia.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse Barbara Ann Frechette, none.

3. Children and spouses names: See continuation sheet.

4. Parents names: See continuation sheet.

5. Grandparents names: See continuation sheet.

6. Brother and spouses names: See continuation sheet.

7. Sisters and spouses names, none.

CONTINUATION SHEET

3. Children and spouses: Alicia Ann Frechette, none; her spouse Steven Ericson, none; Stephen Myles Frechette, none.

4. Parents: Myles Robert Frechette, deceased; Estela A. Frechette, none.

5. Grandparents: Louis Frechette, deceased; Anna Marie Berry Frechette, deceased; Abel Isaias Reyes Celis, deceased; Dorila del Carmen Rojas de Reyes, deceased.

6. Brother and spouses: Louis Andrew Frechette, none; his spouse Joy D. Frechette, $20, January 27, 1994, Citizens for Wofford; $100, July 31, 1993, Emily's List; $50, February 20, 1993, Democratic Senate Campaign Committee; $55, January 31, 1993, Democratic National Committee (Federal Account); $25, September 1992, Democratic National Committee; $25, August 1992, Pennsylvania Democratic Party; $100, February 1992, Democratic National Committee; $25, August 1991, Citizens for Wofford; $50, 1991, Democratic State Committee of North Carolina; $25, February 1990, Democratic National Committee.

Donna Jean Hrinak, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Donna Jean Hrinak.

Post: Dominican Republic

Contributions, amount, date, and donee:

1. Self, $500, 1990, Patricia Schroeder.

2. Spouse: Gabino M. Flores, none.

3. Children and spouses names: Wyatt A. Flores, none.

4. Parents names: John and Mary Hrinak, none.

5. Grandparents names: John and Anna Hrinak, Joseph and Julia Pukach, none; all grandparents deceased.

6. Brothers and spouses names: David and Elaine Strouss Hrinak, none.

7. Sisters and spouses names, none.

Johnny Young, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Johnny Young.

Post: Togo.

Contributions, amount, date, and donee:

1. Self: Johnny Young, none.

2. Spouse: Angelena Young, none.

3. Children and spouses names: David J. Young, none; Michelle J. Young, none.

4. Parents names: Lucille Pressey, none; Eva Young, deceased; John Young, deceased.

5. Grandparents names: Alice Young, deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Loretta Young, none; Lottie Mae Young, none.

Irvin Hicks, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Irvin Hicks.

Post: Ethiopia.

Contributions, amount, date, and donee:

1. Self: $100, September 1991, DNC; $100, December 1991, DNC; $100, August 1992, DNC.

2. Spouse.

3. Children and spouses names: Irvin Jr., $40, August 1992, RNC; Karim, C. Generieve, none.

4. Parents names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: No contract with half brothers and sisters.

7. Sisters and spouses names: No contract with half brothers and sister.

Robert Krueger, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Robert C. Krueger.

Post: Ambassador to Burundi.

Contribution, amount, date, and donee:

1. Self, Robert C. Krueger, $100,000, June 2, 1993, loan to my U.S. Senate race, $95,000 has been repaid.

2. Spouse, Kathleen Tobin Krueger, $1,000, April 1993, Bob Krueger for U.S. Senate; $55, August 2, 1992, Democratic National Committee; $25, August 23, 1993, Carol Mosley-Braun for U.S. Senate; $25, September 15, 1993, Bill Clinton for President.

3. Children: Mariana Faye Krueger, none; Sarah Eileen Krueger, none.

4. Parents: Arlon Krueger; deceased; Faye Krueger; deceased.

5. Grandparents: Carl A. Krueger, deceased; Idah Kruger, deceased; Christian Leifeste, deceased; Sophie Leifeste, deceased.

6. Brother and spouse, none.

7. Sister, Arlene Seales, none.

(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.)

Edward S. Walker, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Edward Stanley Walker, Jr.

Post: U.S. Ambassador to Arab Republic of Egypt.

Contributions, amount, date, and donee:

1. Self, Edward S. Walker, Jr., none.

2. Spouse, Wendy J. Walker, none.

3. Children and spouses names, Kathryn E. Walker, none; Christopher J. Walker, none.

4. Parents names, Edward S. Walker, deceased; Rosabelle D. Walker, deceased; Patricia B. Walker, none.

5. Grandparents names, Rosa Bella Gould, deceased; William Dunbar Gould, deceased; Lillian Winter Walker, deceased; Issac Stanley Walker, deceased.

6. Brothers and spouses names, none.

7. Sisters and spouses names, Josephine Faithful Walker, divorced, none.

(The above nomination was reported with the recommendation that he be confirmed.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably two nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of March 16 and 25, 1994, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of March 16 and 25, 1994, at the end of the Senate proceedings.)

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. LEAHY (for himself, Mr. MITCHELL, Mr. KENNEDY, Mr. COHEN, Mr. JEFFORDS, Mr. DODD, Mr. SMITH, Mr. PELL, Mr. GREGG, Mr. CHAFEE, Mr. KERRY, and Mr. LIEBERMAN):

S. 2069. A bill to grant consent of Congress to the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

By Mr. KOHL:

S. 2070. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal hours of limitation; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. GRASSLEY, Mr. CAMPBELL, Mrs. BOXER, Mr. COHEN, Mr. DECONCINI, Mrs. FEINSTEIN, Mr. KOHL, Mr. METZENBAUM, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. RIEGLE, Mr. ROBB, Mr. NICKLES, Mr. WOFFORD, Mr. KERREY, and Mr. GLENN):

S. 2071. A bill to provide for the application of certain employment protection and information laws to the Congress and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2072. A bill to amend the Immigration and Nationality Act to facilitate the immigration to the United States of certain aliens born in the Philippines or Japan who were fathered by United States citizens; to the Committee on the Judiciary.

By Mr. SMITH (for himself and Mr. GREGG):

S. 2073. A bill to designate the United States courthouse that is scheduled to be constructed in Concord, New Hampshire, as the "Warren B. Rudman United States Courthouse", and for other purposes; to the Committee on Environment and Public Works.

By Mr. McCAIN:

S. 2074. A bill to increase the special assessment for felonies and improve the enforcement of sentences imposing criminal fines, and for other purposes; to the Committee on the Judiciary.

By Mr. McCAIN (for himself and Mr. INOUYE):

S. 2075. A bill to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the Act; to the Committee on Indian Affairs.

By Mr. DORGAN:

S. 2076. A bill to prohibit the departments and agencies of the Federal Government from requiring that any State, or political subdivision thereof, utilize a metric system of measurement; to the Committee on Governmental Affairs.

By Mr. HATFIELD:

S. 2077. A bill to provide for waivers of the requirements of the Davis-Bacon Act with respect to certain Federal programs as such requirements relate to volunteers, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WOFFORD (for himself, Mr. SIMON, Mr. JEFFORDS, Mr. MOYNIHAN, Mrs. KASSEBAUM, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, Mr. PELL, and Mr. DECONCINI):

S. Res. 210. A resolution congratulating the people and leaders of South Africa on the results of their first democratic election; considered and agreed to.

By Mr. RIEGLE:

S. Res. 211. A resolution to express the sense of the Senate welcoming the May 1994 concert tour of the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television under the direction of Mikis Theodorakis; considered and agreed to.

By Mr. REID:

S. Con. Res. 68. A concurrent resolution to authorize printing of Senator Robert C. Byrd's Addresses to the United States Senate on the History of Roman Constitutionalism; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. MITCHELL, Mr. KENNEDY, Mr. COHEN, Mr. KERRY, and Mr. LIEBERMAN):

S. 2069. A bill to grant consent of Congress to the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

NORTHEAST INTERSTATE DAIRY COMPACT CONSENT ACT OF 1994

Mr. LEAHY. Mr. President, I rise today with all 11 of my colleagues from New England to introduce the Northeast Interstate Dairy Compact.

This interstate compact has already been approved by the six New England State legislatures and signed into law by the Governors of New England. As with all interstate compacts, it must be approved by Congress before it takes effect. I commend the New England Governors for sending this compact to Congress for approval. I would like to make special note of the leadership of Governor Howard Dean, State senator Francis Howrigan and State representative Bobby Starr, chairmen of the agriculture committees in the Vermont legislature, and the efforts of Dan Smith of the Northeast Interstate Compact Committee.

This compact is a model of cooperation—it is a partnership between the States and the Federal Government, between dairy processors and cooperatives, and most importantly, between dairy farmers and consumers. It can help preserve our family dairy farms. I

hope it will be approved at the appropriate time by the Senate and by the House.

The compact will form a commission made up of representatives from each State in New England. The commission will be made up of both farmers and consumers and explore ways to improve the marketing of milk within the region. This commission will also have authority to set prices—above the minimum prices set by the New England Federal milk marketing order—for beverage, or fluid milk, in the New England region.

Currently, fluid milk prices in New England are set through the complicated Federal milk marketing order system, and are subject to wide swings throughout the year. These swings occur despite the stable demand for fluid milk. The compact would allow the commission to stabilize fluid milk prices—giving dairy farmers a more equitable return for their work. The State legislatures of New England want to use this compact to improve the way these prices are set.

A recent USDA study demonstrates how price stability can help consumers. The USDA study shows that when farm prices rise, retail prices rise by an equal amount. But that when farm prices fall—as they always do—the retail prices do not fall by an equal amount. The commission could act to stabilize the wide swings in fluid milk prices.

The beauty of this compact is that the commission will be allowed to set the fluid milk price while leaving in place the regulatory functions of the Federal milk marketing order. The Commission will not replace the Federal milk marketing order, and the movement of milk into and out of the region will occur just as it does now.

This compact is supported by not only the New England Governor's Conference, but by the National Association of State Departments of Agriculture, the National Grange, and the National Farmers Organization as well.

Each State legislature in New England has passed this compact and all 12 Senators from the region are original cosponsors of the bill. The New England States want more say in how fluid milk products are priced. The Northeast Interstate Dairy Compact addresses these concerns. In addition, it could serve as a model for solving other problems on a regional basis. I ask my colleagues to support New Englanders in this effort.

By Mr. KOHL:

S. 2070. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal hours of limitation; to the Committee on Finance.

BUSINESS MEAL FAIRNESS ACT

Mr. KOHL. Madam President, I rise today to introduce legislation to repeal an unintended tax on hardworking, middle-income Americans—truckers, long-haul bus drivers, train conductors, and other people regulated by the Department of Transportation.

As my colleagues know, last year's budget lowered the deductible portion of business meals and entertainment expenses from 80 percent to 50 percent. This was intended to raise money primarily from those people who spend their lunchtimes in luxury restaurants and their nighttimes on luxury yachts. But, contrary to popular belief, the business meal deduction is not only used by lobbyists and fat cats for three-martini lunches. Due to the length of trips, and regulations limiting travel hours, many middle-income transportation workers must act out.

Madam President, the bill I am introducing today repeals the unintended tax created last year, by restoring the business meal deduction to 80 percent for truckers, long-haul bus drivers, train conductors, and others regulated by the Department of Transportation. This legislation is simple, straightforward, and most importantly, fair.

Madam President, I would like to remind my colleagues of a smaller bill we worked on to correct another mistake which hurt tens of thousands of hardworking, middle-income Americans. As my colleagues remember, the 1990 Deficit Reduction Bill imposed a surtax on specific luxury items. At the time, it was argued that the surtax would only affect the wealthiest segment of society. However, after it went into effect, it became clear that, instead of paying the tax, many wealthy people decided not to buy the new boat, the diamond ring, or the fur coat. And as a result, the middle- and lower-income Americans producing and selling those luxury items ended up bearing the burden of the tax through the loss of their jobs.

Once it was apparent that the luxury tax was not achieving its intended goal, we repealed it. Unfortunately, far too many people were hurt by this mistake because we did not correct it quickly enough. We cannot let that happen again. Therefore, I am requesting the support and assistance of my colleagues to ensure that the bill I am introducing today becomes law.

Thank you, Madam President. I ask unanimous consent that the text of my legislation be printed in the RECORD.

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

S. 2070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL HOURS OF SERVICE.

(a) IN GENERAL.—Section 274(n) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR INDIVIDUALS SUBJECT TO FEDERAL HOURS OF SERVICE.—In the case of any expenses for food or beverages consumed by an individual during, or incident to, the period of duty subject to the hours of service limitations of the Department of Transportation, paragraph (1) shall be applied by substituting '80 percent' for '50 percent'."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1994.

By Mr. LIEBERMAN (for himself, Mr. GRASSLEY, Mr. CAMPBELL, Mrs. BOXER, Mr. COHEN, Mr. DECONCINI, Mrs. FEINSTEIN, Mr. KOHL, Mr. METZENBAUM, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. RIEGLE, Mr, ROBB, Mr. NICKLES, Mr. WOFFORD, Mr. KERREY, and Mr. GLENN):

S. 2071. A bill to provide for the application of certain employment protection and information laws to the Congress and for other purposes; to the Committee on Governmental Affairs.

CONGRESSIONAL ACCOUNTABILITY ACT

Mr. LIEBERMAN. Mr. President, I am very pleased to join my colleague from Iowa, Senator GRASSLEY, in introducing the Congressional Accountability Act of 1994. This builds on the Congressional Accountability Act of 1993, which I introduced, along with a companion measure in the other body, cosponsored by a broad bipartisan group led by Congressman CHRIS SHAYS, from Connecticut, and Congressman DICK SWETT, a Democrat from New Hampshire.

I should add, noticing the presence in the Chamber of the Senator from Oklahoma [Mr. NICKLES], we are joined in this introduction by a broad bipartisan group including Senator NICKLES, who had introduced legislation of his own on this subject, and has graciously joined with us and the other cosponsors in introducing this bill.

Mr. President, the other Senator from Oklahoma [Mr. BOREN] spoke earlier in a very moving address, which touched me personally. I have known the Senator from Oklahoma since we were at college together. When I was elected to the Senate, I was thrilled to be able to join my old friend as a colleague here. He served admirably and very constructively and productively. He has now made a very sincere and important decision about moving on to the world of education. I wish him well. I will miss him, but I know he has made the right decision for himself and for his State of Oklahoma and its education system.

But I was drawn by what he said about the importance of moving on this process of reform of Congress and to do so because it is right, but also to do so to repair and reconstruct the bonds of trust between those of us who have the honor and privilege of serving

in Congress and those whom we serve, the people of America, whose attitude towards us, unfortunately, is at an all time low.

There are many reasons why that is so. A lot of them have to do with the state of change in the world, the drop in values in our country, and yet a lot of it has to do, unfortunately, with parts of our own behavior. I must say in that regard, one fact that I continue to hear about from people in Connecticut is, how can you, Members of Congress, not apply to yourselves the same laws that you pass and apply to us. That is, in my opinion, a question without an adequate answer. That is why I have joined with Senator GRASSLEY and the others in introducing this legislation.

But I must say that there is more at stake here, although it is significant, than the public's respect for Congress or the fairness of having Congress abide by the laws that it passes. We are talking here also about the lives of real people who work for us, who work with the Congress of the United States, and their rights.

Let me give an example. The Occupational Safety and Health Act of 1970 was passed to prevent people from being injured or even killed on the job. Congress' failure to meet OSHA's workplace safety standards means that it is putting the health, perhaps even the lives, of our employees at risk. And the proof here, unfortunately, is in the statistics.

Over the years, from July 1992 to June 1993, the last for which most statistics are available, the workers coming under the Architect of the Capitol in their compensation claim rate had the second highest such rate in the entire Federal Government, second only to the Peace Corps, which obviously sends its workers abroad to live in parts of the world where they are exposed to hazards and diseases that our workers fortunately are not. This is a real problem. Let me cite another example.

Just last week, the GAO issued a report on employment policies of the Architect of the Capitol. The study found grievances, complaints, and concerns there. But notably I want to point out that in a survey of the employees, only 34 percent said that they would definitely seek relief at the Architect's Fair Employment Practices Office set up by the Architect of the Capitol. Thirty-nine percent said that they were hesitant about seeking such relief, and only 13 percent said that they were more likely to do so than not. But the point here is that far too many employees of the Capitol do not feel comfortable seeking relief for workplace discrimination through the in-house means provided for them. That is why we need an independent Office of Compliance where employees of the U.S. Capitol can know that they can seek relief in confidence and without any fear of retaliation.

Mr. President, the GAO report does, unfortunately, raise questions about whether our employees may have some real grievances that they have reason to want to take to an independent compliance office. For instance, among the top level of administrative positions in the Architect's Office, only 23 percent of those jobs are held by women, while in the rest of the Federal Government, women hold 36 percent of the jobs. In the private sector in similar jobs, women hold an average of 52 percent. Certain categories of workers—high-voltage electricians, woodcrafters—100 percent are white males. In the rest of the Federal Government, those figures in similar categories are about 65 percent.

That raises questions. It may raise complaints by individual employees, and we ought to give them a place fairly and independently to take those complaints.

Our employment discrimination laws—the Americans with Disabilities Act, the Family and Medical Leave Act, and the Fair Labor Standards Act—all similarly contain important safeguards for public and private employees. Collective bargaining has been the cornerstone of our labor-management laws since the Great Depression. Our employees don't deserve to be treated as second class citizens simply because they work for us. They deserve equal treatment and protection under the law.

The bill Senator GRASSLEY and I are here to introduce is an updated version of the Congressional Accountability Act of 1993, which I sponsored in the Senate and which was first introduced in the House by Congressmen CHRIS SHAYS and DICK SWETT. I wouldn't be here today if not for Senator GRASSLEY, who has been out front on this problem for years, and I would also like to mention the efforts of Senator NICKLES, who has been a leader on this issue and has graciously offered to cosponsor this bill.

Our bill establishes an Office of Compliance for the entire legislative branch. The role of the Office is to function as a legislative-branch equivalent of the executive enforcement agencies, ensuring congressional compliance with all the major Federal employment laws.

The bill will also build on the dispute resolution procedures created in the Government Employees Rights Act of 1991. Individual complaints of discrimination or harassment, denial of minimum wage, overtime pay, family or medical leave, or unfair labor practices will be handled by a three step administrative process: counseling, mediation, and the choice of either an administrative hearing convened by the Office of Compliance or a civil action in Federal District Court with a jury trial.

Mr. President, the bill that Senator GRASSLEY and I are here to introduce is one that establishes an Office of Compliance for the entire legislative branch. It builds on the dispute resolution procedures created in the Government Employees Rights Act of 1991.

The Office of Compliance will be allowed to seek the assistance of executive branch enforcement authorities to conduct inspections or audits in the offices required to use the services of the Department of Labor on a periodic basis to conduct OSHA investigations and inspections.

This is the surest way to protect our employees from any unsafe work conditions that may result. For clarity, this bill takes the approach of specifying the laws which are meant to be applied to Congress.

For clarity, our bill takes the approach of specifying the laws which will apply to Congress. There are, of course, many more laws that we have passed. If we identify other laws that should apply, we can expand this list. But it is possible that, try as we might, we will miss some laws that should apply. The Office of Compliance is required, therefore, to survey all other laws and to report back within 2 years with recommendations of any additional laws that should also be applied to Congress.

Mr. President, I would like to note that this bill will implement many of the recommendations or consider the exhortations of the Senate Members of the Joint Committee on Reorganization of Congress.

Specifically, the Senate Members of the joint committee recommended that the Senate should "adopt procedures for applying to itself, to the maximum extent possible, laws regarding employment discrimination, working conditions, and health and safety matters." And this bill does just that.

Senate Members wrote, "The enforcement office and its procedures should be as independent as practicable and (Senate) employees should have a right of judicial review comparable to the private sector." This bill does just that.

Senate Members recommended, "There should be a single enforcement office, it should be as independent as practicable, and the employees of such instrumentalities should have a right of judicial review equal to or greater than that currently enjoyed." And this bill would do just that.

Mr. President, this bill also respects our constitutional system of checks and balances and separation of powers. But the concepts of separation of powers and checks and balances can no longer be used as an excuse for a double standard which deprives our employees of the same rights enjoyed by employees throughout America, rights of equal protection, and due process.

This bill does have in it and respects the separation of powers by creating an

Office of Compliance as an agency of the legislative branch but assuring its independence and giving it the power to enforce employment and information laws in Congress.

And, significantly, the judicial branch of our Government is enabled to review those decisions only to the extent it reviews claims against the executive branch that have been administered or adjudicated by an executive branch enforcement authority.

The bottom line is this: It is time to move forward and eliminate what the American people perceive as special treatment by us for ourselves—of this anomaly that is just hard to explain. For me it is impossible to explain why we can pass laws and apply them to the rest of America but not apply them to ourselves.

Mr. President, Senator Grassley and I urge the Senate to incorporate the Congressional Accountability Act into any internal reform measurers we act on this year.

At this time, Mr. President, I send the bill to the desk, and I ask unanimous consent that the text of the bill and the summary of the bill be printed in the RECORD.

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

S. 2071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Accountability Act".

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

Sec. 1. Short title and table of contents.
Sec. 2. Application of Federal laws.
Sec. 3. Office of Compliance.
Sec. 4. Board functions.
Sec. 5. Procedure for consideration of alleged violations of civil rights and personnel requirements.
Sec. 6. Step I: Counseling.
Sec. 7. Step II: Mediation.
Sec. 8. Step IIIA: Formal complaint and hearing.
Sec. 9. Step IV: Judicial review.
Sec. 10. Step IIIB: Civil Action.
Sec. 11. Procedures for consideration of alleged violations relating to information requirements.
Sec. 12. Procedures for consideration of alleged violation relating to labor management and occupational health and safety requirements.
Sec. 13. Information requirements.
Sec. 14. Resolution of complaint.
Sec. 15. Prohibition of intimidation.
Sec. 16. Confidentiality.
Sec. 17. Inspections.
Sec. 18. Collection of information.
Sec. 19. Political affiliation and place of residence.
Sec. 20. Other review.
Sec. 21. Severability.
Sec. 22. Authorization of appropriations.
Sec. 23. Definitions.

SEC. 2. APPLICATION OF FEDERAL LAWS.

(a) EMPLOYMENT.—The following provisions shall apply, except as otherwise specifically provided in this Act, to each employing office and each congressional employee, in accordance with section 4:

(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(2) Chapter 71 of title 5, United States Code (relating to labor-management relations).

(3) Section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654).

(4) Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16).

(5) Section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a).

(6) Sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–12114).

(7) Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(8) Sections 101 through 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(9) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.).

(10) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(b) INFORMATION.—Section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), and section 552a of title 5, United States Code (commonly known as the "Privacy Act of 1974"), shall apply, except as otherwise specifically provided in this Act, to each office of the legislative branch of the Federal Government and the information in the possession of such office, in accordance with section 4.

(c) ACCOMMODATIONS.—

(1) IN GENERAL.—Sections 201 through 203 (except as such section refers to procedures) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131–12133), shall apply, except as otherwise specifically provided in this Act, to each entity of the legislative branch of the Federal Government that owns, leases, or operates a place of public accommodation (as defined in section 301(7) of such Act (42 U.S.C. 12181(7))), and to each client or customer of the covered public accommodation who is a qualified individual with a disability (as defined in section 201(2) of such Act), in accordance with section 4.

(2) APPLICATION.—For purposes of the application of such sections under this Act—

(A) references in this Act to an employing office shall be deemed to include such an entity; and

(B) references in this Act—

(i) to an employee of the House of Representatives shall be deemed to include references to such a client or customer of such an entity of the House of Representatives;

(ii) to an employee of the Senate shall be deemed to include references to such a client or customer of such an entity of the Senate; and

(iii) to an employee of an instrumentality shall be deemed to include references to such a client or customer of such an entity of the instrumentality.

(d) EMPLOYMENT UNDER FEDERAL CONTRACTS.—

(1) IN GENERAL.—Section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793) shall apply, except as otherwise specifically provided in this Act, to each party contracting with an entity of the legislative branch of the Federal Government and to each applicant for employment, employee, or former employee, of such party, in accordance with section 4.

(2) APPLICATION.—For purposes of the application of such sections under this Act—

(A) references in this Act to an employing office shall be deemed to include such a party; and

(B) references in this Act—

(i) to an employee of the House of Representatives shall be deemed to include references to such an applicant, employee, or former employee of a party contracting with an entity of the House of Representatives;

(ii) to an employee of the Senate shall be deemed to include references to such an applicant, employee, or former employee of a party contracting with an entity of the Senate; and

(iii) to an employee of an instrumentality shall be deemed to include references to such an applicant, employee, or former employee of a party contracting with the instrumentality.

SEC. 3. OFFICE OF COMPLIANCE.

(a) ESTABLISHMENT.—There is established in the legislative branch for the Congress an Office of Compliance (referred to in this Act as the "Office").

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—

(A) APPOINTMENT.—There shall be a Board of Directors in the Office (referred to in this Act as the "Board of Directors"). The Board of Directors shall consist of 8 individuals, of which 2 shall be appointed by the Speaker of the House of Representatives, 2 shall be appointed by the Majority Leader of the Senate, 2 shall be appointed by the Minority Leader of the House of Representatives, and 2 shall be appointed by the Minority Leader of the Senate. The members first appointed to the Board of Directors shall be appointed not later than 120 days after the date of the enactment of this Act.

(B) REMOVAL.—Any member of the Board of Directors may be removed by a majority decision of the appointing authorities described in subparagraph (A), only for—

(i) disability that substantially prevents the member from carrying out the duties of such a member;

(ii) incompetence;

(iii) neglect of duty;

(iv) malfeasance; or

(v) a felony or conduct involving moral turpitude.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The Board of Directors shall be composed of individuals with training or expertise related to the provisions referred to in section 2, and the application of the provisions referred to in section 2.

(B) SPECIFIC QUALIFICATIONS.—

(i) LOBBYING.—No individual who engages in, or is otherwise employed in, lobbying of the Congress shall be considered eligible for appointment to, or service on, the Board of Directors.

(ii) OFFICE.—No current, or former, Member of the House of Representatives or Senate may be appointed as a member of the Board of Directors. No congressional employee may be so appointed within 6 years of any employment by any office of the legislative branch of the Federal Government.

(3) VACANCIES.—Any vacancy occurring in the membership of the Board of Directors shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Board of Directors.

(c) AUTHORITY.—The members of the Board of Directors shall have the authority to carry out the functions described in subsections (a), (b), (d), and (e) of section 4, and the functions described in sections 8(f), 11, and 12.

(d) TERM OF OFFICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), each member of the Board of

Directors shall be appointed for 1 term of 5 years.

(2) FIRST APPOINTMENTS.—Of the members first appointed to the Board of Directors—

(A) 1 member appointed by the Speaker of the House of Representatives and 1 member appointed by the Minority Leader of the Senate shall be appointed to a term of 1 year;

(B) 1 member appointed by the Minority Leader of the House of Representatives and 1 member appointed by the Majority Leader of the Senate shall be appointed to a term of 2 years;

(C) 1 member appointed by the Minority Leader of the House of Representatives and 1 member appointed by the Majority Leader of the Senate shall be appointed to a term of 3 years;

(D) 1 member appointed by the Minority Leader of the Senate shall be appointed to a term of 4 years; and

(E) 1 member appointed by the Speaker of the House of Representatives shall be appointed to a term of 5 years.

(e) CHAIRPERSON.—The Board of Directors shall elect a Chairperson from among the members of the Board.

(f) COMPENSATION OF MEMBERS.—Each member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 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 Board.

(g) TRAVEL EXPENSES.—Each member of the Board of Directors shall receive 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, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) EXECUTIVE DIRECTOR.—

(1) IN GENERAL.—The Chairperson of the Board of Directors shall appoint and may terminate, subject to the approval of the Board of Directors, an executive director (referred to in this Act as the "executive director").

(2) COMPENSATION.—The Chairperson of the Board of Directors may fix the compensation of the executive director. The rate of pay for the executive director may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DUTIES.—Except as otherwise specified in this Act, the executive director shall carry out the responsibilities of the Office under sections 6, 7, 8, 9, 11, 12, 14, 16, 17, and 18.

(i) STAFF.—

(1) IN GENERAL.— The executive director shall appoint and may terminate such other additional staff as may be necessary to enable the Board to perform its duties.

(2) COMPENSATION.—The executive director may fix the compensation of the staff. The rate of pay for the staff may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(j) DETAILEES.—The executive director may, with the prior consent of the Government department or agency concerned, use on a nonreimbursable basis the services of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(k) CONSULTANTS.—In carrying out the functions of the Office, the executive director may procure the temporary (not to exceed 1 year) or intermittent services of individual consultants, or organizations thereof.

SEC. 4. BOARD FUNCTIONS.

(a) INITIAL ACTION.—

(1) REGULATIONS.—

(A) IN GENERAL.—Not later than 180 days after the appointment of the executive director, the Board of Directors shall, in accordance with section 553 of title 5, United States Code, issue such regulations as are necessary to implement the provisions referred to in section 2.

In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record, prior to issuing such regulations.

(B) REQUIREMENTS.—Such regulations—

(i) shall be consistent with the regulations issued by an agency of the executive branch of the Federal Government with respect to such provisions, including portions relating to remedies, except as otherwise specifically provided;

(ii) may specify specific dates for the application of specific provisions and may specify specific means for the application of such provisions; and

(iii) in specifying the manner in which the provision described in section 2(a)(3) shall apply to the offices or employees described in section 2(a), shall take into account the costs associated with the application of such provision to the offices or employees.

(C) INFORMATION REGULATIONS.—In proposing regulations for the application of any provision referred to in section 2(b) to offices of the legislative branch and information in the possession of such offices, the Board of Directors shall be guided by judicial decisions under such provision.

(2) AMENDMENTS AND REPEALS.—When proposing regulations under paragraph (1) to apply a provision described in section 2 to employees and offices described in section 2, the Board of Directors shall recommend to the Congress any necessary changes in or repeals of existing law to accommodate the application of such provision to the employees and offices.

(b) CONTINUING ACTION.—Two years after the date on which the first executive director is appointed under section 3(h), and every 2 years thereafter, the Board of Directors shall—

(1) study provisions of Federal law relating to employment, personnel actions, or availability of information to the public, that are similar to the provisions described in section 2 and that do not apply to some or all congressional employees, employing offices, or offices of the legislative branch of the Federal Government; and

(2) recommend to the Congress whether any of the provisions should be applied to employees or offices described in paragraph (1).

(c) CONGRESSIONAL DISAPPROVAL.—

(1) IN GENERAL.—

(A) HOUSE OF REPRESENTATIVES.—

(i) IN GENERAL.—Regulations issued by the Board of Directors under subsection (a) that relate to the House of Representatives shall take effect, and shall apply to each employee of the House of Representatives, and each office of the House of Representatives described in section 2, on the date of issuance of such regulations unless disapproved by the Congress by concurrent resolution.

(ii) INTRODUCTION AND CONTENT REQUIREMENTS.—Such resolution shall be introduced after the date on which the Board of Directors publishes the general notice of proposed rulemaking relating to the regulations. The matter after the resolving clause of the resolution shall be as follows: "That Congress disapproves the issuance of regulations of the Office of Compliance as proposed on _____ (the blank space being appropriately filled in).".

(B) SENATE.—Regulations issued by the Board of Directors under subsection (a) that relate to the Senate shall take effect, and shall apply to each employee of the Senate, and each office of the Senate described in section 2, on the date of issuance of such regulations unless disapproved by the Congress by concurrent resolution. Such resolution shall comply with the requirements of subparagraph (A)(ii).

(C) INSTRUMENTALITIES.—Regulations issued by the Board of Directors under subsection (a) that relate to the instrumentalities shall take effect, and shall apply to each employee of an instrumentality, and each office of such an instrumentality described in section 2, on the date of issuance of such regulations unless disapproved by the Congress by joint resolution. Such resolution shall comply with the requirements of subparagraph (A)(ii).

(2) RULEMAKING.—The provisions of this subsection are enacted by the Congress, and regulations issued by the Board of Directors are so issued—

(A) with respect to the application of this subsection, and regulations issued by the Board of Directors, to regulations affecting employees or offices of the House of Representatives, as an exercise of the rulemaking power of the House, with full recognition of the constitutional right of the House to change its rules (so far as the rules relate to the procedure of the House), in the same manner, and to the same extent, as in the case of any other rule of the House; and

(B) with respect to the application of this subsection, and the regulations issued by the Board of Directors, to regulations affecting employees or offices of the Senate, as an exercise of the rulemaking power of the Senate, with full recognition of the constitutional right of the Senate to change its rules (so far as the rules relate to the procedure of the Senate), in the same manner, and to the same extent, as in the case of any other rule of the Senate.

(d) RULES OF THE OFFICE.—

(1) IN GENERAL.—The Board of Directors shall, in accordance with section 553 of title 5, United States Code, issue rules governing the procedures of the Office, including the procedures of hearing boards. The Board of Directors may issue amendments to the rules in the same manner. In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record, prior to issuing such regulations.

(2) MEETINGS AND VOTING.—Such rules shall require that the Board of Directors meet not less often than 4 times annually in the District of Columbia, and shall ban voting by proxy by members of the Board.

(3) CONSULTATION.—The Board of Directors may consult with the Chairman of the Administrative Conference of the United States on the proposal of such rules.

(e) INFORMATION PROGRAM.—The Board of Directors shall carry out such an information program as may be appropriate to inform Members of the House of Representatives, Senators, congressional employees,

and heads of employing offices as to the provisions, including provision relating to remedies, made applicable to the legislative branch of the Federal Government under this section.

SEC. 5. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS OF CIVIL RIGHTS AND PERSONNEL REQUIREMENTS.

(a) IN GENERAL.—The procedure for consideration of alleged violations (except as provided in sections 11 and 12 and including violations of section 11(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(c)) consists of the following:

(1) Step I, counseling, as set forth in section 6.

(2) Step II, mediation, as set forth in section 7.

(3) At the election of the employee alleging the violation—

(A)(i) step IIIA, formal complaint and hearing by a hearing board, as set forth in section 8; and

(ii) step IV, judicial review of a hearing board decision by the United States Court of Appeals for the Federal Circuit, as set forth in section 9; or

(B) step IIIB, a civil action in a district court of the United States, as set forth in section 10.

(b) CONSTRUCTION.—Nothing in this section shall be construed to prohibit inspections under section 17.

SEC. 6. STEP I: COUNSELING.

(a) IN GENERAL.—A congressional employee alleging a violation described in section 5(a) may request counseling by the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the alleged violation forming the basis of the request for counseling occurred.

(b) PERIOD OF COUNSELING.—The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

SEC. 7. STEP II: MEDIATION.

(a) IN GENERAL.—Not later than 15 days after the end of the counseling period under section 6, the employee who alleged a violation described in section 5(a) may file a request for mediation with the Office, which mediation—

(1) may include the Office, the employee, the employing office, and individuals who are recommended to the executive director by the Federal Mediation and Conciliation Service or by the Administrative Conference of the United States; and

(2) shall be a process involving meetings with the parties separately or jointly for the purpose of resolving the dispute between the employee and the employing office.

(b) MEDIATION PERIOD.—The mediation period shall be 30 days beginning on the date the request for mediation is received and may be extended for an additional 30 days at the discretion of the Office. The Office shall notify the employee and the head of the employing office when the mediation period has ended.

SEC. 8. STEP IIIA: FORMAL COMPLAINT AND HEARING.

(a) IN GENERAL.—

(1) FORMAL COMPLAINT.—A congressional employee may, within 30 days after receipt of notice from the Office of the end of the mediation period under section 7, file a formal administrative complaint with the Office as provided in this section.

(2) EXHAUSTION REQUIREMENT.—No administrative complaint may be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 6 and 7.

(b) HEARING BOARD.—A board of 3 independent hearing officers (referred to in this Act as a "hearing board"), who are not Members of the House of Representatives, Senators, heads of employing offices, or congressional employees, chosen by the Office (one of whom shall be designated by the Office as the presiding hearing officer) shall be assigned to consider each complaint filed under subsection (a). The Office shall appoint hearing officers after considering any candidates who are recommended to the executive director by the Federal Mediation and Conciliation Service, the Administrative Conference of the United States, or organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters. A hearing board shall act by majority vote.

(c) DISMISSAL OF FRIVOLOUS CLAIMS.—Prior to a hearing under subsection (d), or at any time prior to the issuance of a decision under subsection (g), a hearing board may dismiss any claim that it finds to be frivolous.

(d) HEARING.—A hearing shall be conducted—

(1) in closed session on the record by a hearing board;

(2) no later than 30 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to an additional 60 days the time for conducting a hearing; and

(3) except as specifically provided in this Act and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code.

(e) DISCOVERY.—Reasonable prehearing discovery may be permitted at the discretion of the hearing board.

(f) SUBPOENA POWER.—

(1) IN GENERAL.—At the request of a hearing board, the Chairperson of the Board of Directors, acting at the direction of a majority of the Board of Directors, may issue subpoenas on behalf of the hearing board, for the attendance of witnesses at proceedings of the hearing board and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of evidence may be required from any place within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Chairperson of the Board of Directors, acting at the direction of a majority of the Board of Directors, may apply to a United States district court for an order requiring that person to appear before the hearing board to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the hearing board shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application may be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(5) IMMUNITY.—The hearing board is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

(g) DECISION.—The hearing board shall issue a written decision as expeditiously as possible, but in no case more than 45 days after the conclusion of the hearing. The written decision shall be transmitted by the Office to the employee and the employing office. The decision shall state the issues raised by the complaint, describe the evidence in the record, and contain a determination as to whether a violation described in section 5(a) has occurred.

(h) REMEDY ORDER.—If the hearing board determines that a violation described in section 5(a) has occurred, it shall order such remedies as are authorized under the regulations promulgated under section 4. The hearing board shall have no authority to award punitive damages. The entry of an order under this subsection shall constitute a final decision for purposes of judicial review under section 9.

(i) PRECEDENTS AND INTERPRETATIONS.—A hearing board that conducts such a hearing relating to the protections of an Act referred to in section 2 shall be guided by judicial decisions under such Act.

SEC. 9. STEP IV: JUDICIAL REVIEW.

(a) COURT OF APPEALS.—

(1) IN GENERAL.—Following any administrative hearing convened under section 8(d), any congressional employee or any head of an employing office aggrieved by a dismissal under section 8(c), a final decision under section 8(g), or an order under section 8(h), may petition for a review by the United States Court of Appeals for the Federal Circuit.

(2) LAW APPLICABLE.—Chapter 158 of title 28, United States Code, shall apply to a review under paragraph (1) except that—

(A) with respect to section 2344 of title 28, United States Code, service of the petition shall be on the House or Senate Legal Counsel, or the appropriate entity of an instrumentality, as the case may be, rather than on the Attorney General;

(B) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(C) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 8(g) or an order under section 8(h);

(D) the Office shall be an "agency" as that term is used in chapter 158 of title 28, United States Code; and

(E) the Office shall be the respondent in any proceeding under paragraph (1).

(3) STANDARD OF REVIEW.—To the extent necessary to decision and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision under section 8(g) or an order under section 8(h) if it is determined that the decision or order was—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(B) not made consistent with required procedures; or

(C) unsupported by substantial evidence.

(4) RECORD.—In making determinations under paragraph (3), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before the hearing board, the decision of the hearing board, and the order of the hearing board.

(b) ATTORNEY'S FEES.—If a congressional employee is the prevailing party in a proceeding under this section relating to a pro-

vision referred to in section 2, attorney's fees may be allowed by the court in accordance with any standards prescribed under Federal law for the award of such fees in the event of a violation of such provision.

SEC. 10. STEP IIIB: CIVIL ACTION.

(a) IN GENERAL.—

(1) CIVIL ACTION.—An employee may within 30 days after receipt of notice from the Office of the end of the mediation period under section 7 for violations described in section 5(a) bring a civil action in a district court of the United States seeking relief from the alleged violation of law. In any such civil action, any party may demand a jury trial.

(2) EXHAUSTION REQUIREMENT.—No civil action may be filed under paragraph (1) unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 6 and 7.

(3) COURT ORDER.—If a court determines that a violation of law occurred, the court may only enter an order described in section 8(h).

(b) ATTORNEY'S FEES.—If a congressional employee is the prevailing party in a proceeding under this section relating to a provision referred to in section 2, attorney's fees may be allowed by the court in accordance with any standards prescribed under Federal law for the award of such fees in the event of a violation of such provision.

SEC. 11. PROCEDURES FOR CONSIDERATION OF ALLEGED VIOLATIONS RELATING TO INFORMATION REQUIREMENTS.

(a) PROCEDURES FOR VIOLATIONS RELATING TO INFORMATION REQUIREMENTS.—In proposing regulations under section 4 for the application of provisions described in section 2(b), the Board of Directors shall propose regulations that specify the procedure for consideration by the Office of alleged violations of the provisions. Such regulations shall provide, at a minimum, for procedures similar to the procedures described in section 552 of title 5, United States Code.

(b) COURT REVIEW.—Any petitioner seeking information from an office of the legislative branch of the Federal Government, or any such office, that is aggrieved by a final decision of the Office under the procedures described in subsection (a), may petition for review of the decision by the District Court of the United States for the District of Columbia. Such review shall be conducted in accordance with subparagraphs (B), (C), (E), (F), and (G) of section 552(a)(4) of title 5, United States Code.

(c) ATTORNEY'S FEES.—If a congressional employee is the prevailing party in a proceeding under this section relating to a provision referred to in section 2(b), attorney's fees may be allowed by the court in accordance with any standards prescribed under Federal law for the award of such fees in the event of a violation of such provision.

SEC. 12. PROCEDURES FOR CONSIDERATION OF ALLEGED VIOLATION RELATING TO LABOR MANAGEMENT AND OCCUPATIONAL HEALTH AND SAFETY REQUIREMENTS.

(a) PROCEDURES FOR VIOLATIONS RELATING TO LABOR MANAGEMENT REQUIREMENTS AND OCCUPATIONAL SAFETY AND HEALTH REQUIREMENTS.—

(1) PROCEDURES FOR VIOLATIONS RELATING TO LABOR-MANAGEMENT RELATIONS.—In proposing regulations under section 4 for the application of provisions described in section 2(a)(2), the Board of Directors shall propose regulations that specify the procedure for consideration by the Office of alleged violations of the provisions. Such regulations shall prescribe, at a minimum, for procedures similar to the procedures described in sections 7118, 7119, 7121, and 7122 of title 5, United States Code.

(2) PROCEDURES FOR VIOLATIONS RELATING TO OCCUPATIONAL SAFETY AND HEALTH REQUIREMENTS.—In proposing regulations under section 4 for the application of provisions described in section 2(a)(3), the Board of Directors shall propose regulations that specify the procedure for consideration by the Office of alleged violations of the provisions. Such regulations shall provide, at a minimum, for procedures similar to the procedures described in sections 8, 9, 10, and 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 658, 659, and 666).

(b) COURT REVIEW.—

(1) IN GENERAL.—Any congressional employee or head of an employing office aggrieved by any dismissal, order, or decision issued after procedures described in subsection (a) relating to a provision described in paragraph (2) or (3) of section 2(a), may petition for review by the United States Court of Appeals for the Federal Circuit.

(2) LAW APPLICABLE.—Chapter 158 of title 28, United States Code, shall apply to a review under paragraph (1) except that—

(A) with respect to section 2344 of title 28, United States Code, service of the petition shall be on the House or Senate Legal Counsel, or the appropriate entity of an instrumentality, as the case may be, rather than on the Attorney General;

(B) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(C) the petition for review shall be filed not later than 90 days after the entry in the Office of any decision or order issued after procedures described in subsection (a);

(D) the Office shall be an "agency" as that term is used in chapter 158 of title 28, United States Code; and

(E) the Office shall be the respondent in any proceeding under paragraph (1).

(3) STANDARD OF REVIEW.—To the extent necessary to decision and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside any decision or order issued after procedures described in subsection (a), if it is determined that the decision or order was—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(B) not made consistent with required procedures; or

(C) unsupported by substantial evidence.

(4) RECORD.—In making determinations under paragraph (3), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before any decisionmaker under the procedures described in subsection (a), the decision of the decisionmaker, and the order of the decisionmaker.

(c) ATTORNEY'S FEES.—If a congressional employee is the prevailing party in a proceeding under this section relating to a provision referred to in paragraph (2) or (3) of section 2(a), attorney's fees may be allowed by the court in accordance with any standards prescribed under Federal law for the award of such fees in the event of a violation of such provision.

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit inspections under section 17.

SEC. 13. INFORMATION REQUIREMENTS.

(a) EXEMPTION.—The provisions referred to in section 2(b) shall not apply to the offices described in subsection (b), or any information in the possession of the offices described in subsection (b).

(b) OFFICES.—The offices referred to in subsection (a) shall consist of the following:

(1) The personal offices of Members of the House of Representatives or of Members of the Senate.

(2) The offices of standing, select, special, joint, and other committees of Congress.

(3) The offices of the President pro tempore of the Senate, the President of the Senate, or the Majority Leader of the House of Representatives.

(4) The offices and support organizations of the other leaders of the House of Representatives or of the Senate.

(5) The offices of any caucus or partisan organization related to the Congress.

(6) The offices of the Legislative Counsel of the House of Representatives or of the Senate.

(7) The Office of Legislative Operations of the House of Representatives.

(8) The office of the Parliamentarian of the House of Representatives or of the Senate.

(9) The offices of the Doorkeepers of the House of Representatives or of the Senate.

(10) The offices of the Clerks of the House of Representatives or of the Senate.

(11) The office of the General Counsel of the House of Representatives.

(12) The Office of Legislative Information of the House of Representatives.

(13) The offices of the Legal Counsel of the House of Representatives or of the Senate.

(14) The offices of the Attending Physicians of the House of Representatives or of the Senate.

(15) The escort assistance division of the Capitol Police.

(16) Any staff organization.

(17) Any other office to which the Board of Directors determines, by regulation issued in accordance with section 4, that the provisions described in section 2(b) shall not apply.

SEC. 14. RESOLUTION OF COMPLAINT.

(a) EMPLOYMENT.—If, after a formal complaint is filed under section 8 or in accordance with the procedures described in section 12(a), the employee and the head of the employing office resolve the issues involved, the employee may withdraw the complaint or the parties may enter into a written agreement, subject to the approval of the executive director.

(b) INFORMATION.—If, after a formal complaint is filed in accordance with the procedures described in section 11(a), the office of the legislative branch and the petitioner seeking information from the office resolve the issues involved, the petitioner may withdraw the complaint or the parties may enter into a written agreement, subject to the approval of the executive director.

SEC. 15. PROHIBITION OF INTIMIDATION.

Any intimidation of, or reprisal against, a congressional employee by any Member or officer of the House of Representatives or of the Senate, any head of an employing office, or any congressional employee, as the case may be, because of the exercise of a right under this Act relating to a provision described in section 2, constitutes an unlawful employment practice, which may be remedied, except as provided in section 5(a), in the same manner under this Act as is a violation relating to such provision.

SEC. 16. CONFIDENTIALITY.

(a) COUNSELING.—All counseling conducted under this Act shall be strictly confidential except that the Office and the employee may agree to notify the head of the employing office of the allegations.

(b) MEDIATION.—All mediation conducted under this Act shall be strictly confidential.

(c) HEARINGS.—Except as provided in subsections (d) and (e), the hearings and deliberations of hearing boards (including any decisionmaker under procedures described in section 11(a) or 12(a)) shall be confidential.

(d) RELEASE OF RECORDS FOR JUDICIAL REVIEW.—The records of such hearing boards may be made public if required for the purpose of judicial review under section 9, 10, 11, or 12.

(e) ACCESS BY COMMITTEES OF CONGRESS.—At the discretion of the executive director, the executive director may provide to the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate access to the records of the hearings and decisions of the hearing boards, including all written and oral testimony in the possession of the hearing boards, concerning a decision under section 8(g) or any decision or order issued after procedures described in section 11(a) or 12(a). The executive director shall not provide such access until the executive director has consulted with the individual filing the complaint at issue in the hearing, and until the hearing board has issued the decision.

SEC. 17. INSPECTIONS.

(a) IN GENERAL.—On a regular basis, and at least once during each Congress, the Office shall request that the Secretary of Labor and the Architectural and Transportation Barriers Compliance Board detail to the Office such personnel as may be necessary to inspect the facilities of the legislative branch of the Federal Government in order to ensure compliance with the Occupational Safety and Health Act of 1970, the Fair Labor Standards Act of 1938, and title II of the Americans with Disabilities Act of 1990.

(b) DATE AND SCOPE OF INSPECTIONS.—The Office shall determine the dates and scope of such inspections, in accordance with regulations issued in accordance with section 4.

(c) REPORT.—After conducting such an inspection, the Office shall prepare and submit for publication in the Congressional Record a report containing information on the results of the inspection.

SEC. 18. COLLECTION OF INFORMATION.

(a) COLLECTION.—The executive director shall collect information with respect to complaints filed under section 8 or under procedures described in section 11(a) or 12(a), including—

(1) the total number of such complaints;

(2) the number of such complaints that allege—

(A) discrimination on the basis of race or color;

(B) discrimination on the basis of sex;

(C) discrimination on the basis of religion;

(D) discrimination on the basis of national origin;

(E) discrimination on the basis of disability;

(F) discrimination on the basis of age;

(G) a violation of the Fair Labor Standards Act of 1938;

(H) a violation of chapter 71 of title 5, United States Code;

(I) a violation of the Occupational Safety and Health Act of 1970;

(J) a violation of the Family and Medical Leave Act of 1993;

(K) a violation of the Employee Polygraph Protection Act of 1988;

(L) a violation of the Worker Adjustment and Retraining Notification Act; or

(M) a violation of section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), or section 552a of title 5, United States Code (commonly known as the "Privacy Act of 1974");

(3) the number of such complaints that were resolved by—

(A) settlement;

(B) a decision following a hearing under section 8 or under procedures described in section 11(a) or 12(a); or

(C) withdrawal of the complaint, or other means; and

(4) for each category of allegations described in subparagraphs (A) through (M) of paragraph (2)—

(A) the aggregate amount of monetary compensation (including damages, equitable monetary relief, and interest) awarded as a result of settlement;

(B) the aggregate amount of such monetary compensation awarded as a result of a decision described in paragraph (3)(B); and

(C) the aggregate amount of such monetary compensation awarded as a result of withdrawal of the complaint or other means.

(b) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, and every year thereafter, the executive director shall prepare and submit for publication in the Congressional Record a report containing the information described in subsection (a).

(2) PRESENTATION OF INFORMATION IN THE AGGREGATE.—In preparing the reports described in paragraph (1), the executive director shall not identify by name parties participating in actions resulting from complaints described in subsection (a). The reports shall present information collected under subsection (a) in the aggregate.

SEC. 19. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) IN GENERAL.—It shall not be a violation to consider the—

(1) party affiliation;

(2) domicile; or

(3) political compatibility with the employing office,

of an employee with respect to employment decisions issued under this Act.

(b) DEFINITION.—For purposes of subsection (a), the term "employee" means—

(1) a congressional employee on the staff of the leadership of the House of Representatives or the leadership of the Senate;

(2) a congressional employee on the staff of a committee or subcommittee of—

(A) the House of Representatives; or

(B) the Senate;

(3) a congressional employee on the staff of a Member of the House of Representatives or on the staff of a Senator;

(4) an officer of the House of Representatives or Senate, or a congressional employee, who is elected by the House of Representatives or Senate or is appointed by a Member of the House of Representatives or by a Senator, other than an employee described in paragraph (1), (2), or (3); or

(5) an applicant for a position that is to be occupied by an individual described in any of paragraphs (1) through (4).

SEC. 20. OTHER REVIEW.

No congressional employee may commence a judicial proceeding to redress practices prohibited under section 2 or 4, except as provided in this Act.

SEC. 21. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 22. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary for fiscal year 1995 and each subsequent fiscal year.

SEC. 23. DEFINITIONS.

As used in this Act:

(1) CONGRESSIONAL EMPLOYEE.—The term "congressional employee" means—

(A) an employee of the House of Representatives;

(B) an employee of the Senate; and

(C) an employee of an instrumentality.

(2) EMPLOYEE OF AN INSTRUMENTALITY.—The term "employee of an instrumentality" means—

(A) an employee of the Architect of the Capitol (except an employee described in paragraph (3) or (4)), the Congressional Budget Office, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, or the United States Botanic Garden;

(B) with respect to the application of a provision described in paragraph (4), (5), (6), or (7) of section 2(a), section 2(c), or section 2(d), any applicant for a position that will last 90 days or more and that is to be occupied by an individual described in subparagraph (A); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the employment of the individual by an instrumentality described in subparagraph (A).

(3) EMPLOYEE OF THE HOUSE OF REPRESENTATIVES.—The term "employee of the House of Representatives" means an individual who was eligible to file a formal complaint with the Office of Fair Employment Practice of the House of Representatives under clause 6 of rule LI of the Rules of the House of Representatives, as in effect on the day before the date of enactment of this Act. Such term shall only include an applicant for employment with an entity of the House of Representatives with respect to the application of a provision described in paragraph (4), (5), (6), or (7) of section 2(a), section 2(c), or section 2(d).

(4) EMPLOYEE OF THE SENATE.—The term "employee of the Senate" means—

(A) any employee whose pay is disbursed by the Secretary of the Senate;

(B) any employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings;

(C) with respect to the application of a provision described in paragraph (4), (5), (6), or (7) of section 2(a), section 2(c), or section 2(d), any applicant for a position that will last 90 days or more and that is to be occupied by an individual described in subparagraph (A) or (B); or

(D) any individual who was formerly an employee described in subparagraph (A) or (B) and whose claim of a violation arises out of the individual's Senate employment.

(5) EMPLOYING OFFICE.—The term "employing office" means the office headed by a head of an employing office.

(6) HEAD OF AN EMPLOYING OFFICE.—The term "head of an employing office" means the individual who has final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the congressional employment of a congressional employee.

(7) INSTRUMENTALITY.—The term "instrumentality" means an entity described in paragraph (2)(A).

(8) VIOLATION.—The term "violation" means a violation of a provision listed in section 2 or a regulation that takes effect under section 4(c).

SUMMARY OF THE LIEBERMAN-GRASSLEY CONGRESSIONAL ACCOUNTABILITY ACT

Makes Congress subject to the following laws:

The Fair Labor Standards Act of 1938;

The Federal Labor-Management Relations Statute of 1978;

The Occupational Safety and Health Act of 1970;

The Civil Rights Act of 1964 and 1991 Amendments;

The Age Discrimination in Employment Act of 1967;

The Americans With Disabilities Act of 1990;

The Rehabilitation Act of 1973;

The Family and Medical Leave Act of 1993;

The Employee Polygraph Protection Act of 1988;

The Worker Adjustment and Retraining Notification Act of 1988;

Applies the Freedom of Information Act and the Privacy Act to administrative offices of the House and Senate such as the disbursing offices, and non-political support agencies such as the Architect of the Capitol, the Congressional Budget Office, and the Library of Congress; and

Establishes an independent Office of Compliance to enforce laws throughout the legislative branch and adjudicate complaints and violations.

An 8 person Board of Directors, composed of individuals with expertise in employment laws, will oversee the administration of The Office of Compliance. Members of the Board will be appointed by the House and Senate leadership.

Board members may not be lobbyists, current or former members of Congress, or employees of Congress within the last six years. Narrow grounds for removal and limit of one term of service ensure independence of Board members.

The Board will issue final procedural regulations implementing these laws within 180 days after the appointment of the Executive Director. The Board will be guided by the same regulations issued by federal agencies under these laws.

Before the Board issues final regulations, there will be a public comment period of 30 days. Once issued, the final regulations are binding unless Congress passes a concurrent resolution of disapproval.

Board members will be paid per diem rate prescribed for level V of the Executive Schedule (approx. $105,000 per annum).

The Board will appoint an Executive Director and necessary staff. Executive Directors may not earn more than pay for level V of Executive Schedule.

Detailees from executive branch agencies, as well as the Government Accounting Office Personnel Appeals Board, may be employed in order to assist the Office in its duties.

On a regular basis, at least once every Congress, the Office will request the services of the Occupational Safety and Health Administration and the Americans With Disabilities Access Board in order to inspect the offices of Congress to ensure compliance with OSHA and ADA. The Board will determine the dates and the scope of the inspections. The Office may also order additional OSHA inspections when it deems necessary, or in response to a complaint.

Aggrieved employees will have a right to file a complaint with the Office of Compliance. Where the law authorizes an action in Federal court, the Congressional employee will also have a right to sue in Federal Court.

Individual complaints of discrimination, harassment, denial of minimum wage or overtime pay, denial of family or medical leave, violation of equal pay standards, or unfair labor practices will be handled by a 3-step administrative process:

1. Counseling;
2. Mediation;
3. At the election of complainant, formal administrative complaint and hearing or civil action in Federal District Court where the underlying law permits such action.

Administrative hearing board members are chosen by the Executive Director of the Office from candidates recommended by the Federal Mediation and Conciliation Service and the Administrative Conference of the United States.

When a violation is found, remedies appropriate under existing laws will be issued, except punitive damages. Administrative hearing boards will be guided by judicial decisions under these laws. This decision is final unless appellate review is sought.

Congressional employees may also state a claim for intimidation or retaliation for exercising their rights under these laws.

Office of Compliance may provide House and Senate Ethics Committees records of hearing boards for additional review after a decision is issued by a hearing board, but no Ethics Committee proceeding may substitute for the functions of the office or a hearing board.

Mr. GRASSLEY. Mr. President, I am pleased to join Senator LIEBERMAN in introducing the Congressional Accountability Act. The time is long overdue for Congress to follow the laws it prescribes for everyone else. Our bill will correct the longstanding practice of Congress exempting itself from labor and employment laws, as well as good Government laws, such as the Freedom of Information and Privacy Acts.

The American people are frustrated with Congress. They don't respect the institution. The citizenry finds Congress to be out of touch with the real world. Well, one part of the real world is the host of laws Congress has enacted to protect workers. Those laws include—wage and hour laws, collective bargaining laws, anti-discrimination and anti-harassment laws, as well as laws protecting a safe workplace.

But for too long, Congress has said—"OK for you America, but not for Capitol Hill." This bill says, "no more."

It's time for Congress to get serious, to hear the American people and to act.

Our bill applies 10 laws to all of Congress and the instrumentalities, such as the Library of Congress and the General Accounting Office. It establishes an Office of Congressional Compliance to administer and enforce these laws.

Any employee who has a complaint under one of these laws—from Title VII of the Civil Rights Act to the Fair Labor Standards Act—may bring it to the Office. The first efforts to resolve the complaint will be less formal—counseling and mediation. Then, if the employee is not satisfied, he or she can take the complaint to a hearing.

Under those laws which allow an employee in the private sector to sue in Federal court, a congressional employee will, likewise, be able to pursue the claim in a Federal trial court. But if the employee wants a more efficient and expeditious resolution of the complaint, he or she may opt for an independent hearing conducted before three hearing officers selected from outside the Congress. Then, the employee who chooses an administrative hearing will be entitled to appellate review in our Federal court system.

And, for those laws which do not provide a private sector employee with a right to a Federal trial—and that includes collective bargaining and occupational safety and health claims—the employee will be entitled to pursue an independent administrative hearing, with appellate review in a Federal court.

So, let me illustrate with an example. An employee believes she should receive overtime compensation for work over 40 hours each week. She will, under this bill, take her complaint to the Office of Congressional Compliance where the staff will, in the first instance, attempt to counsel the parties involved. If that is not successful, the employee will be entitled to mediation. If the employee is still not satisfied, she has a choice. Since, the Fair Labor Standards Act entitles private sector employees to pursue their claims directly in Federal court, she—the congressional employee—will have the same opportunity—will have the same opportunity—to sue the Congress in Federal court for overtime violations.

But, if she does not want to wait a couple of years in Federal court, she can seek an administrative hearing with appellate review if she's not satisfied with the hearing officers' decision.

If this bill becomes law, Congress will finally understand how these laws actually work. There can be no better substitute for Congress' living under the laws. A congressional committee can hold hearings to examine how a law will work; we can hear from witnesses about this impact or that effect. But until we are prepared to live under the laws, Congress has no business imposing them on anyone else.

Now, this bill is not everything I want in congressional coverage. It does not provide for the executive branch agencies to enforce these laws. Instead we are creating a separate congressional agency to enforce the laws. But I know a majority of my colleagues will say that the Constitution does not permit Labor Secretary Robert Reich to enforce OSHA or the Fair Labor Standards Act against Congress. I disagree, but I am not, as the saying goes, going to let the perfect be the enemy of the good.

And, the bill does not cover Congress under the National Labor Relations Act—the private sector collective bargaining law. Since there is no experience of the NLRA covering a govern-

mental entity, we chose to extend the Federal Management-Labor Relations Act—the collective bargaining law which applies to the executive branch agencies—to Congress and the instrumentalities. But congressional employees, under this bill, will have the right to join unions and engage in collective bargaining. That is an important breakthrough for Congress.

This is a solid bill. It will make Congress subject to all the laws from which it is now exempt. It builds on the 1991 Mitchell-Grassley amendment to the civil rights bill by expanding the coverage and strengthening the enforcement mechanism. It meets, in my view, James Madison's directive in Federalist No. 57, "that [Congress] can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of society."

I look forward to working with Senator LIEBERMAN on the bill, to hearings in the Governmental Affairs Committee, and to moving this bill into law this year.

Mrs. BOXER. Mr. President. thank you very much.

I want to say that I am a cosponsor of Senator LIEBERMAN's bill that he is sending to the desk and am happy to be such.

Mr. NICKLES addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, first I wish to compliment my colleagues, Senator GRASSLEY and Senator LIEBERMAN, for introducing the legislation which I am happy to cosponsor, to provide for congressional coverage of several laws, and which coverage Congress, going back to 1935, has exempted itself from.

I might mention that I was with some of my colleagues yesterday, and some of my constituents, in addition, and we happened to be in the basement of the Capitol, and I showed them several areas that just would not comply with the OSHA inspection. I hope we will be able to pass this legislation.

• Ms. MIKULSKI. Mr. President, I am proud to cosponsor legislation being introduced today, the Congressional Accountability Act.

Traditionally, Congress has exempted itself from the very laws which were to apply to the other two branches of Government as well as the private sector. This bill will force Congress to comply with those laws.

This legislation is long overdue. The U.S. Senate should practice what we preach. We should go by the same rules that we establish for everyone else.

Public opinion of Congress is very low. Americans are wondering about the integrity of an institution which exempts itself from the rules it places on the rest of the country. In Maryland, we call this a double standard.

I think when we make ourselves subject to the same legal framework that we do every other American, we will be taking an important step forward toward restoring confidence in this institution. We need to let Americans know that we are not above the law.

But Mr. President, it's more than just a question of perception. It's a question of right and wrong. It's a question of basic fairness and decency. This legislation will put Congress squarely under the law. It will also put congressional support offices and legislative branch offices under the law.

The critical need for this legislation has recently been demonstrated by the management practices at the Architect of the Capitol. For years, I and my staff have heard shocking complaints from dozens of constituents employed in the offices of the Architect. In 1991, I asked the General Accounting Office to investigate.

The findings of the GAO report are outrageous. The Architect of the Capitol has no fair and independent complaint process of employee grievances. There is no affirmative action plan, no agency-wide merit-based hiring or promotion plan. Minorities and women are underrepresented, and promotions and other decisions are not shown to be based on performance. I could go on.

Mr. President, this is a serious situation. There is no question that we need to act on this legislation today to apply labor and workplace safety statutes to Congress and its support offices across the board. I am cosponsoring this legislation, and I strongly encourage my colleagues to join in support.

But in the meantime, I will also be introducing separate legislation which will specifically target the operations of the Architect of the Capitol. There is a demonstrated, urgent need to address the workplace environment at the Architect of the Capitol. Because of the findings of the GAO report, it is likely that we will be able to move more quickly with legislation isolating the situation there.

This only adds to my strong support for legislation being introduced today to bring Congress and the legislation branch as a whole under the same laws that already apply to the general public and the executive branch of Government.•

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2072. A bill to amend the Immigration and Nationality Act to facilitate the immigration to the United States of certain aliens born in the Philippines or Japan who were fathered by United States citizens; to the Committee on the Judiciary.

THE AMERASIAN IMMIGRATION ACT AMENDMENTS OF 1994

• Mr. INOUYE. Mr. President, today I introduce legislation which amends Public Law 97-359, the Amerasian Immigration Act, to include Amerasian children from the Philippines and Japan as eligible applicants. This legislation also expands the eligibility period for the Philippines until the completion of the last United States military base closure and until the date of enactment of the proposed legislation for Japan.

Under the current Amerasian immigration law, only children born in Korea, Laos, Kampuchea, Thailand, and Vietnam after December 31, 1950, and before October 22, 1982, who were fathered by United States citizens, are allowed to immigrate to the United States. When this legislation was first introduced in the 97th Congress, it included Amerasian children born in the Philippines and Japan with no time limits concerning their births. The final version of this bill, however, included only areas where the United States had engaged in active military combat from the Korean war onward, and hence, excluded both the Philippines and Japan.

Although the Philippines and Japan were not considered a war zone from 1950 to 1982, the extent and nature of United States military involvement in both countries were quite similar to the involvement of the United States military in other Asian countries during the Korean and Vietnam wars. As a result, interracial marriages in both countries were common, thereby leading to a significant number of Amerasian children fathered by U.S. citizens. There are now over 50,000 Amerasian children in the Philippines and 6,000 Amerasian children in Japan born between 1987 and 1992.

These children face similar problems to the Amerasian children provided for under Public Law 97-359. Due to the illegitimate or mixed ethnic make-up, they are often ostracized within their home countries. This stigmatization, in turn, leaves many without viable opportunities of employment, education, or family life. As a result, Amerasian children are subjected to conditions of severe poverty and prejudice, with very little hope of escaping their plight.

Public Law 97-359 was passed in hopes of redressing the situation of Amerasian children in Korea, Laos, Kampuchea, Thailand, and Vietnam. Now is the time for the Senate to recognize our responsibilities to Amerasian children in the Philippines and Japan, and pass legislation that would lessen the severity of their impoverished lives.

Mr. President, I ask for unanimous consent that the text of my bill be placed in the RECORD.

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

S. 2072

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That section 204(f)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(f)(2)(A)) is amended—

(1) by inserting "(I)" after "born"; and

(2) by inserting after "subsection," the following: "(II) in the Philippines after 1950 and before November 24, 1992, or (III) in Japan after 1950 and before the date of enactment of this subclause,".●

By Mr. SMITH (for himself and Mr. GREGG):

S. 2073. A bill to designate the U.S. courthouse that is scheduled to be constructed in Concord, NH, as the "Warren B. Rudman United States Courthouse", and for other purposes; to the Committee on Environment and Public Works.

WARREN B. RUDMAN COURTHOUSE

● Mr. SMITH. Mr. President, on behalf of Senator GREGG and myself, I rise today to introduce a bill to name the new U.S. courthouse that is scheduled to be constructed in Concord, NH, in honor of our distinguished former colleague, Senator Warren B. Rudman.

It is fitting that the new Federal courthouse in concord should be named for former Senator Rudman because he is a distinguished lawyer. After leaving the Senate at the end of his second term in 1992, Senator Rudman joined the prestigious international law firm of Paul, Weiss, Rifkind, Wharton and Garrison. He maintains offices with the law firm in both Washington and New York. Senator Rudman also has a law office of his own in New Hampshire.

After earning his undergraduate degree at Syracuse University and serving as a combat platoon leader and company commander with the U.S. Army during the Korean war, Warren Rudman graduated from the Boston College School of Law in 1960. He then began his career practicing law in his hometown of Nashua, NH.

Warren Rudman left the private practice of law to enter public service in 1970, when he was appointed as the attorney general of New Hampshire. In 1975, he brought distinction to our State when he was elected as the president of the National Association of Attorneys General. Upon completing his service as attorney general of our state in 1976, Warren Rudman returned to private law practice.

Four years later, in 1980, Warren Rudman answered the call of public service again when he ran for the U.S. Senate. He was elected that year as part of the large class of 1980 that swept the Republican Party to control of the Senate for the first time in nearly 30 years.

Perhaps Senator Rudman's most noteworthy accomplishment during his 12 years of service in the Senate was his co-authorship of the Gramm-Rudman-Hollings deficit reduction law. He also distinguished himself by his service as the vice chairman of the Senate select committee that investigated the so-called Iran-Contra affair.

In addition, Senator Rudman served as the chairman, and later the vice chairman, of the Senate Select Committee on Ethics. For many years, he also was the ranking Republican member on the Senate Appropriations Committee's Subcommittee on Commerce, State, and the Judiciary.

Even though he decided in 1992 to leave the Senate and to return to the private practice of law, Senator Rudman continues to serve the public interest through his leadership of the Concord coalition. Along with former Senator Paul Tsongas and former Commerce Secretary Peter Peterson, Senator Rudman was a cofounder of that organization. The Concord coalition is a grassroots, nonprofit group that was established to alert the American people to the gravity of our Nation's budget deficit crisis and to propose bold and innovative ways in which to resolve it.

Beyond his work with the Concord coalition, Senator Rudman also serves as a member of President Clinton's Foreign Intelligence Advisory Board and as the Deputy Chairman of the Federal Reserve Bank of Boston.

It was a privilege to serve with Warren Rudman as a member of the New Hampshire delegation in the U.S. Congress for 8 years and as his junior colleague in the Senate for 2 years. I am pleased to have this opportunity to play a role in giving Senator Rudman's distinguished career the lasting recognition that it merits.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD.

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

S. 2073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WARREN B. RUDMAN UNITED STATES COURTHOUSE.

The United States courthouse that (as of the date of enactment of this Act) is scheduled to be constructed in Concord, New Hampshire, shall be known and designated as the "Warren B. Rudman United States Courthouse".

SEC. 2. LEGAL REFERENCES.

Any reference in a law, regulation, document, record, map, or other paper of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "Warren B. Rudman United States Courthouse".●

By Mr. MCCAIN:

S. 2074. A bill to increase the special assessment for felonies and improve the enforcement of sentences imposing criminal fines, and for other purposes; to the Committee on the Judiciary.

CRIME VICTIM ASSISTANCE IMPROVEMENT ACT

● Mr. MCCAIN. Mr. President, today I'm introducing a bill to aid victims of crime by making needed improvements in the Federal crime victims fund. This fund, financed by mandatory criminal fines, provides vital assistance to victims through special programs, such as recovery services for battered women and children, and direct financial aid to cover medical bills and other crime related expenses such as medical bills.

Crime, particularly violent crime, continues to plague our nation. The unmet need for victim compensation and assistance services is enormous and has grown significantly in the past 5 years.

In my home State of Arizona, at a time when serious crime is increasing, we are receiving less crime victim assistance. We must enhance collections and improve administration of the fund to keep pace with the needs of crime victims and to let criminals know that fine payment is not an option, it is an obligation that they must and will meet.

The Crime Victim Assistance Improvement Act would help us meet our responsibility to care for those who have been victimized by crime as follows:

One, the bill would double the crime victim fund by increasing fines imposed on federal felons, and establish the new amount as a minimum rather than a fixed assessment.

Two, the bill would increase the statute of limitations for fine collections from 5 to 20 years so that criminal debtors can't evade their responsibilities by outwaiting the current five year term.

Three, it would require the courts to impose enforceable fine payment schedules for criminals fines and restitution. Under current law, payment schedules are discretionary. Making the mandatory will improve the fine collection rate.

Four, delinquent criminal debtors would be prohibited from receiving crime victim fund compensation, and other Federal benefits including grants, contracts, loans, and other assistance programs.

Five, the bill would authorize the courts to require delinquent criminal debtors to conduct community service in lieu of interest on outstanding debt. This provision will enable indigent criminal debtors to meet their obligations pending payment of their fine.

Six, the bill would create a crime victim reserve fund and authorize the director of the crime victim fund to carry over unspent crime victim revenue from 1 year to the next to assure consistent funding from year to year. Crime victim appropriations can fluctuate annually with collection rates. A more consistent level of funding would better serve the needs of all victims.

Seven, all Federal felons would be required to forfeit to the crime victim fund all media and commercial revenues earned as a result of their crime.

Eight, the bill would ensure that compensation to a victim will not be considered as income for purposes of eligibility for Federal assistance programs. Some individuals have actually been denied Medicaid assistance be-

cause temporary crime victim compensation for living expenses was considered as income. This is not right and it must be changed.

Mr. President, in addition, the Crime Victim Assistance Improvement Act contains provisions to ensure that all victims of crime, including those who reside in the most remote and underserved areas of this Nation, receive the services to which they are entitled. It accomplishes this by providing Indian tribal governments with 5 percent of the fund to establish victim assistance programs at the local level—programs which are literally nonexistent today.

Currently, all victims of crime, whether they reside in or outside of Indian communities, must apply to a State administered program for victim's compensation. These victims must also drive many hours and many miles to receive victim assistance services. Many victims forgo these services because they are either inaccessible or the victims are unaware that the programs exist. While many States make a conscientious effort to properly serve people on the reservation, I believe allowing tribal governments to manage their own programs can only improve access to services for all crime victims.

As sovereign nations, tribal governments currently administer most Federal programs and have the ability to manage local victim's assistance program. This legislation is fully consistent with the government-to-government relationship that exists between the Federal Government and the individual tribes, and it is an important bench mark in the ongoing effort to promote the policy of tribal self-governance and self-determination.

I'm sure that some may be concerned that the Indian set-aside could take funding away from State programs. I would like to make an important point to address that issue. This bill, taken as a whole, would double the size of the current crime victim's fund. This will ensure significantly more resources for all victims' programs, both State and tribal. Everyone will benefit.

Mr. President, on the reservation and off, crime is taking an alarming toll on our Nation. According to the FBI uniform crime reports, every day, 65 Americans are murdered, nearly 3,000 Americans are raped, 2,000 people are robbed and 3,000 people are assaulted. In 1992, 6.6 million Americans were affected by violent crimes. These are alarming numbers, but they are much more. They are human beings.

In many areas, particularly in large cities, Americans are afraid to walk the streets. Simply put, crime is a national disgrace, and the single greatest threat to the welfare of our society.

Congress continues to work on the long-awaited crime bill. We need a strong bill. Much can and must be done to prevent and control crime and criminals. But, let's not forget about the victims—the innocent Americans to whom crime is not a discomfiting statistic or a disturbing segment on the nightly news, it's reality. As we seek more effective means to control the criminal, a just society has an obligation to aid and comfort the victim.

Violent crime annually costs victims $1.5 billion in medical bills and lost property. In many cases, these are uninsured losses. According to the Bureau of Justice statistics low-income families who are less likely to be insured are more likely to be affected by violent crime. The number of claims for compensation from the crime victim fund has increased by nearly 15 percent over the past 5 years.

Today, State compensation boards are struggling to keep pace with the need. In my home State of Arizona, last year, 16 agencies were denied crime victim assistance grants due to the lack of funds. The applicants included programs for domestic violence, child abuse, and sexual assault among others.

The Compensation Program is overburdened. Families with limited financial resources who are victimized, must face the trauma of crime, but they must also deal with the added concern over medical expenses, funeral bills or other crime related losses. In Arizona, where caps are in place, victims can only receive $130 per week for lost wages, regardless of whether they have dependents or how many.

In other States, including New Mexico and California, victims must wait for up to a full year just to have their applications reviewed. Many of these victims do not have the financial resources to pay medical bills and other expenses in the meantime.

Victims of violent crimes, particularly those in financial distress, need and deserve full compensation on a timely basis. We need more resources to do the job, and the Crime Victim Assistance Improvement Act will see that we get them.

As I stated, criminal fines finance the crime victim fund. Under current law, Federal felons are liable for a fixed special crime victim assessment of $50 while a fine of $200 is imposed on criminal organizations. The new amounts prescribed by this bill, $100 for individuals and $400 for organizations, would be established as a minimum. Judges will be given the discretion to impose higher amounts.

I think it might be instructive at this point to explain the sentencing process in which special assessments play only a part. After a Federal conviction, the judge is required to impose the special crime victim assessment. Next, in priority is any order for restitution the judge may impose to directly compensate the victim of the crime for which the conviction was made. Third, the judge may impose an additional fine depending on the circumstances of the case.

Doubling the primary assessment as called for in this bill is in no way intended to take away from the mandatory restitution provision in the Senate crime bill.

First, the primary fine is not large enough to substantially impede a criminal's ability to pay restitution. Second, it's important to understand that, in many violent crime cases no conviction is reached. The victim has no chance of obtaining restitution, and must rely on the aid of the crime victim fund. This makes it imperative that we maintain a strong and viable fund to assist these individuals.

I would also like to comment on the increase in the statute of limitations. The current limitation is 5 years. This is simply too short. Criminal debtors should not be permitted to wait out the limitation period and skate free. Expanding the statute of limitations and requiring judges to impose an enforcement due date will show criminals that criminal debt is not an option. It is an obligation tht will be met.

A criminal fine is a serious matter. That's why the bill contains provisions to ensure the delinquent criminal debtors will be ineligible for Federal benefits, including crime victim payments, until the debtor works out an achievable payment schedule or agrees to perform community service in lieu of interest on their debt.

This provision will not take effect until the National Fine Center, which was conceived to track criminal debt and integrate with other programs, is fully operational. On the crime bill, the Senate adopted a similar benefit suspension provision for delinquent restitution payments. This bill will extend the suspension to all delinquent criminal debt and a wider array of Federal benefit programs. The National Fine Center will be critical in making this provision effective. I will have more to say about the center at the conclusion of my remarks.

Mr. President, I would like to comment on one other vital provision in this bill. Federal law currently prohibits criminals from profiting from their crimes. However, the current forfeiture statute extends only to violent criminals and spies, and applies only to revenues derived from media rights to criminal stories. White collar criminals should be included in the forfeiture statute. The bill I have introduced will expand the law to all Federal felons and require forfeiture into the crime victim fund any commercial revenues derived from a Federal felony.

Finally, Mr. President, I'm very pleased that this bill includes a provision to provide more resources for crime victim assistance on the reservation. There is a great need for victim programs to serve native Americans and, we have a trust responsibility to see that they receive that assistance through programs operated by tribal governments and organizations.

As I said, Mr. President, I applaud efforts to pass a strong crime bill, and I am afraid that Congress will disappoint. I don't believe that either the House or the Senate passed measure does enough to help victims. This week is National Crime Victims Week. The best way Congress can honor and assist victims is to enact this bill. I urge conferees to consider these provisions for inclusion in the conference report on the crime legislation.

Mr. President, to conclude, I want to say a few words about the National Fine Center.

In 1987, Congress acknowledged the need for a centralized database in order to track criminal debt. This was the genesis of the National Fine Center concept. Such an integrated data-base to track and manage criminal debt seemed like a promising idea then and it still does, particularly when Justice Department officials can only estimate that outstanding criminal debt is somewhere between $1 and $6 billion.

Since 1990, $19 million have been appropriated and expended from the crime victims fund to develop the center. I've been greatly disturbed to learn that today we have almost nothing to show for those expenditures. I greatly fear that we have taken $19 million that could have been used to aid crime victims and wasted it for no good public purpose.

A new director was appointed this year to manage the project and he is still trying to determine the requirements such a system must meet. I've written Mr. Richard Hankinson, the Department of Justice inspector general, to investigate and report on what happened to the National Fine Center money. Moreover, I've asked the inspector general to report on what steps will be taken to ensure that the $6.2 million authorized to be spent on this vital database in the coming fiscal year, will be used to efficiently and effectively meet the goals and purposes of the project, and the needs of crime victims.

I ask unanimous consent that letters from various crime victims groups and tribes, as well as a resolution from the Nez Perce Tribal Executive Committee be printed in the RECORD.

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

ARIZONA DEPARTMENT OF PUBLIC SAFETY,
Phoenix, AZ, April 29, 1994.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for providing us the opportunity to respond to the proposed Victims of Crime Bill.

The Arizona Department of Public Safety administers the Federal Victims of Crime Act (VOCA) grant which supports private non-profit and government agencies who serve victims of crime. Because of decreasing collections, Arizona will receive a $38,000 decrease of VOCA during Federal fiscal year 94. This decrease will create a reduction of victim services during a time when victim services should be significantly increased.

The Arizona Department of Public Safety supports the Victims of Crime bill to:

Increase financial penalties and strictly enforce the collection of fines and restitution.

Clarify the "Son of Sam" laws to deny offenders financial benefit derived from the notoriety gained as the result of their criminal acts.

Allow the Department of Justice-Office for Victims of Crime to directly administer VOCA funded programs available for Indian tribes and tribal organizations.

Modify VOCA law to provide funding to improve victim services on Indian reservations. It is recommended that the method being used to determine the proposed 2.5 percent allocation for tribal victim assistance should be carefully evaluated. it is inconsistent to determine tribal organization allocations based upon percentage of land mass, while State and Territory allocations of VOCA assistance funds are based upon population.

These changes, if approved will have a lasting effect on improving services for our nation's victims of crime. Thank you for your efforts on behalf of crime victims.

Sincerely,

Lt. Col. R. AGUILERA,
Deputy Director.

HOPI INDIAN TRIBE,
Kykotsmovi, AZ, April 25, 1994.

Senator JOHN MCCAIN,
Longworth Office Building, Washington, DC.

DEAR SENATOR MCCAIN: This letter is in support of the bill that you will be proposing to Congress to provide direct funding to Indian Tribes in the establishment of Victim Assistance Programs in Indian Country.

As you are aware, there is a critical need for Indian Tribal Judicial Systems to meet the increased needs of crime victims and child abuse victims in Indian country. It should be apparent to Congress that crime has been on the increase in Indian country. It should be apparent to Congress that crime has been on the increase in Indian country but no direct help has been given to the Indian Tribes without special funding requests. We believe that as crime bills and funding are being made for the cities and rural areas of the country, Indian Tribes should be supported in developing an effective judicial system that will protect victims rather than the criminals.

Therefore, we support your efforts to establish direct funding for tribes in meeting the rights of the victims. We, on the Hopi Reservation, need protection just as much as other Americans in this great country and we will work with your office to see that your efforts will have positive results.

If further information is needed, please feel free to contact Mr. Le Roy Shingoitewa, Executive Assistant of my office at (602) 734-2441.

Sincerely,

FERRELL SECAKUKU,
Chairman.

COCOPAH INDIAN TRIBE,
Somerton, AZ, April 26, 1994.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR: We are very pleased to hear that you will be presenting a bill to the Congress to provide for direct funding to Tribes under the Victim Assistance program.

The only funds available to Tribes in this area are under special competitive funding that has a ten day or less submission date attached. Clearly, Tribes have the same, or worse, problems than other rural areas and our ability to compete with them for funds is very limited.

We are working very hard to improve our total justice system and the bulk of the funding necessary to do so is coming directly from Tribal funds. Victims are everywhere, including the reservation, and we would greatly appreciate any assistance that would come from the passage of your proposed legislation. Without such efforts, we will continue to be served last behind the other local governments.

Thank you for your continued support of Indian people.

Sincerely,

DALE PHILLIPS,
Chairman.

RESOLUTION

Whereas, the Nez Perce Tribal Executive Committee has been empowered to act for and in behalf of the Nez Perce Tribe, pursuant to the Revised Constitution and By-Laws, adopted by the General Council of the Nez Perce Tribe, on May 6, 1961 and approved by the Acting Commissioner of Indian Affairs on June 27, 1961; and

Whereas, the Nez Perce Tribe has a growing concern for the protection of its elders, children and families; and

Whereas, the Nez Perce Tribe is seeking relief from the victimization process that many face on the Nez Perce Reservation which falls under the concurrent state, federal and tribal jurisdiction; and

Whereas, the Nez Perce Tribe is concerned for the timely process involved in obtaining relief for its victims through the federal and state judicial systems: Now, therefore, be it

Resolved, That the Nez Perce Tribe joins in the support of all federally recognized Native American Indian Tribes throughout the United States in establishing a more effective and immediate response to victims of crime, and proposes the following remedies to eliminate the continued victimization of a race of people. from major crimes including, Child Abuse, Elderly Abuse, and Domestic Violence:

(1) that consideration be given to native American Indian Tribal Police, nationwide, to assess and validate felony cases of abuse and crimes committed against tribal members on their reservations and refer to the U.S. Attorney's office of their respective states for resolution

(2) that a "Native American Indian Law Division ' be created within each U.S. Attorney's office to specifically administer the judicial processing of crimes committed on Native American Indian Reservations to reduce the prolonged traumatization and in so doing, building empathy, cultural awareness and assessability of resources for victim relief of federal crimes committed against Native American Indian People

(3) that more funds are made available directly to native American Indian Tribes through the Department of Justice/Office for Victims of Crime for Native American Indian Victim Assistance Programs throughout the Nation

(4) that improved communication between State, Tribal and Federal judicial systems/law enforcement/and victim services groups be made on an annual basis to evaluate the progress of a systems reform in Indian Country.

Be it further resolved, That the Nez Perce Tribe joins in the efforts with other Native American Indian Nations to sound out a

voice for the need of State, Tribal and Federal systems reform, direct funding support for Native American Indian Victims of Crime Services, and improved communication to eliminate the victimization of Native American Indian people nationwide.

NAVAJO NATION,
Window Rock, AZ, April 28, 1994.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I understand you may be introducing language in a bill to provide a total of five percent set-aside funding for Indian tribes in the allocation of grant funds in the crime victim compensation and crime victim assistance of the Crime Victims Fund. I urge you to introduce the language to provide a set-aside funding in the Crime Victims Fund for Indian tribes.

The Navajo Office of Victim/Witness Program under the Navajo Department of Law Enforcement currently receives funding from the Office of Victims of Crime in Arizona and New Mexico, but we need more adequate federal funding to provide more services to Navajo crime victims. Currently, the Navajo Office of Victim/Witness Program provides minimal support, counseling, information and assistance to victims of domestic violence, elder abuse and sexual abuse because of inadequate funding.

It is a burden for the Navajo Office of Victim/Witness Program to apply for great monies through our states because of administrative problems. The Navajo Nation is not part of any state governmental system and should not be subject to state authority in the administration of the Crime Victims Fund. The Navajo Nation would like to administer and operate its own crime victim program. Therefore, our grant applications should not be submitted through our states. I believe it would be much easier for the Navajo Nation and other Indian tribes to apply directly to the U.S. Department of Justice.

The Navajo Office of Victim/Witness Program would like to provide more comprehensive services to Navajo crime victims in an efficient manner, and as such, needs additional resources than what is provided to the Navajo Nation under our current contracts with Arizona and New Mexico. Program services to Indian crime victims can be improved if a five percent set-aside for Indian tribes is included in the Crime Victims Fund.

If you have any questions, please call Geri Singer, Deputy Director at the Navajo Nation Washington Office, at (202) 775-0393.

Sincerely,

PETERSON ZAH,
President.

CRIME STRIKE,
Fairfax, VA, May 2, 1994.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I am writing to commend you for introducing the Crime Victims Assistance Improvement Act, and to express strong support for the important goals of this legislation.

Your advocacy on behalf of victims in this country is once again demonstrated by your willingness to fight, not only for increases in criminal fines used to fund victims' programs, but just as importantly for tougher enforcement provisions to make sure these fines are collected.

While I understand you are still reviewing the exact funding distribution, your proposal to ensure that Native American crime victims receive fair treatment is equally sound. Twenty years ago, along with my friend and colleague Frank Carrington, I drafted legislation which established the Navajo Victims' Rights Commission. I know first hand that Native American crime victims need the support and assistance your legislation seeks to provide.

Once again, I commend you for your fight for the rights of all crime victims and I urge your colleagues to support the important goals of your new legislation.

Very truly yours,

STEVEN J. TWIST,
Director.●

By Mr. MCCAIN (for himself and Mr. INOUYE):

S. 2075. A bill to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the Act; to the Committee on Indian Affairs.

INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT

● Mr. MCCAIN. Mr. President, today I am introducing legislation to amend Public Law 101-630, the Indian Child Protection and Family Violence Prevention Act. I am pleased that Senator DANIEL K. INOUYE has joined me as a cosponsor of this legislation.

Mr. President, throughout 1988 and 1989 I cochaired the Special Committee on Investigations of the Senate Committee on Indian Affairs. For over 2 years the Special Committee on Investigations held hearings which exposed widespread corruption and mismanagement on the part of the Bureau of Indian Affairs in the handling of the Federal Government's trust responsibility to tribes. Perhaps the most heart-wrenching findings were the reports of Federal employees who abused Indian children. To this day, I carry those vivid reports with me.

I recall listening to the parents of Indian children who had been sexually abused by Bureau of Indian Affairs employees. I listened as the BIA acknowledged hiring practices that allowed child abuse perpetrators to have access to Indian children. I listened as social workers told of child abuse victims being repeatedly traumatized by multiple interviews conducted by the very Federal agencies which were charged with enforcing child protection laws. And finally, I listened as child therapists and social workers told of their inability to provide psychological treatment and therapy to families and children due to long waiting lists and inadequate Federal resources.

This national tragedy lead me to introduce the Indian Child Protection and Family Violence Prevention Act. The Act was intended to give the Federal Government every opportunity to meet its responsibility to Indian child victims and their families by providing treatment and to enact policies which would prevent the tragedies of the past. The Indian Child Protection and Family Violence Prevention Act created the first mandatory Federal child abuse reporting law, encouraged information sharing between tribal, State and Federal law enforcement agencies, and directed the BIA to cooperate with the Indian Health Service to provide comprehensive local treatment programs for Indian child abuse and family violence victims.

The response to this legislation throughout Indian country was overwhelming. Indian communities, for the first time, believed that they would begin to recover from the psychological trauma, stigma, and the private shame of victimization. For the first time, tribes felt empowered to implement culturally sensitive Indian child abuse and family violence programs close to home. And it was my belief that the BIA would wholeheartedly embrace the opportunity to correct the mistakes of the past and meet the mandates of the Act. Unfortunately, the implementation of this law has proven to be another broken promise.

On October 28, 1993, the Committee on Indian Affairs held an oversight hearing on the Federal implementation of P.L. 101-630. The results were appalling. The law which was enacted in 1990 had yet to be implemented. Neither the Bureau of Indian Affairs nor the Indian Health Service had actively sought funding under the Act. In fact, the BIA reported that they were just starting to draft regulations to implement a key provision in the Act, to provide tribes with base support funding for onreservation programs. The IHS stated that child abuse is a high priority, but then opposed an amendment offered in the Senate to provide appropriations for grants for child abuse treatment programs.

At the same time, the committee heard from tribes who advised us that due to their efforts to provide child abuse education at the local level, reports of child abuse are on the increase. Unfortunately, Indian parents, social workers, and tribal communities which were once hopeful about combating this problem, are now critical and full of doubt.

The testimony of Wilma Mankiller, principle chief of the Cherokee Nation, perhaps best summarizes the feelings of tribes:

> When Congress adopted P.L. 101-630, the Indian Child Welfare and Family Violence Prevention Act, it made a promise to provide resources to prevent child abuse and treat its victims in Indian country. Sadly, that promise remains largely unfulfilled. The welfare of Indian children is at risk because the very agencies responsible for implementing the law are failing to coordinate interagency efforts and develop necessary federal regulations.
>
> Public Law 101-630 authorized funding for various strategies to combat child abuse and child sexual abuse and to treat its victims. Since the law was enacted in 1990, no funds have been provided by Congress to implement its provisions. Due to their lethargy the BIA and IHS have sacrificed federal fund-

ing for important Indian Child abuse prevention activities for the coming year. For failure to develop regulations in a timely manner, the Congress refused to fund grants to tribes for child abuse prevention programs. . . .

Now our urgently needed funding for child abuse prevention programs is canceled—essentially forfeited because BIA/IHS regulations were not timely developed. Congress also has noted a need for improved interagency coordination. This situation is a disgrace. Indian children are in jeopardy and Congress wants to help them.

Mr. President, the legislation I am introducing today proposes to do just that—once again try to help Indian children and victims of family violence.

The legislation reinforces the intent of the original Act—to establish onreservation child abuse prevention and treatment programs and to hold the Federal Government accountable to Indian children and families. This will be accomplished by transferring functions and authority from the BIA and imposing greater accountability on one agency, the Indian Health Service, and by streamlining the appropriations process accordingly. The IHS was chosen, not because of its superior record in implementing the law, but because of their expertise in mental health treatment issues.

The components of the original law essentially remain the same. However, the proposed amendment no longer requires the BIA and IHS to enter into a memorandum of agreement to implement provisions of the Act. It leaves this to the discretion of the IHS Director. In my view, this approach will eliminate the excuse of the BIA waiting for the IHS to act first, and vice-versa. The BIA will continue to carry out its trust obligations by reporting and investigating allegations of child abuse and by conducting employee background checks in cooperation with tribal, State and other Federal agencies. The BIA may also complete the central registry feasibility study, participate in the multidisciplinary teams, and continue their child abuse and family violence public awareness campaigns.

All other ongoing activity within the BIA, such as the development of Indian Child Protection and Family Violence Prevention Program guidelines and the drafting of regulations for base support funding will be transferred to the IHS. The IHS would be fully responsible for providing tribes with child abuse treatment grants, establishing the Indian Child Resource and Family Service Centers, and establishing the Indian Child Protection and Family Violence Prevention Program within the IHS.

It is my sincere hope, that this change to the Indian Child Protection and Family Violence Prevention Act, along with President Clinton's commitment to American families, will be a step toward a cure to what has been a dreadful chapter in this Nation's history of its treatment of Native American children and families.

Mr. President, there is also another issue for which I have great concern and which many experts state is a prevalent factor in child abuse and family violence—the problem of alcohol and substance abuse. The Congress has passed legislation to address this problem, including the Indian Alcohol and Substance Prevention and Treatment Act of 1986 and the Indian Health Amendments of 1992. Each of these statutes outline specific responsibilities of both the Indian Health Service and the Bureau of Indian Affairs.

In an effort to provide Indian communities with comprehensive alcohol and substance abuse prevention and treatment, these laws call for cooperation and coordination between the IHS and the BIA. However, I fear that as is the case in the area of child abuse prevention, both the Indian Health Service and the Bureau of Indian Affairs are spending too much time in drafting memorandums of agreement and agreeing to cooperate and not enough time combating the problem of alcohol and substance abuse or delivering services. For example, just look to the BIA budget. The BIA proposed to reduce the fiscal year 1995 alcohol and substance abuse budget by 57 percent while tribes continue to make the prevention and treatment of alcohol and substance abuse a high priority. Consequently, I will be introducing legislation soon in an attempt to propose a solution to this problem and I call upon all interested parties, especially those most affected by this legislation, to provide me with their input.•

By Mr. HATFIELD:

S. 2077. A bill to provide for waivers of the requirements of the Davis-Bacon Act with respect to certain Federal programs as such requirements relate to volunteers, and for other purposes; to the Committee on Labor and Human Resources.

THE COMMUNITY IMPROVEMENT VOLUNTEER ACT OF 1994

• Mr. HATFIELD. Mr. President, in the few years before the Revolutionary War, volunteers were organized into military companies and trained to bear arms. These volunteers were called minutemen because they were ready to fight at a minute's notice. Although minutemen regiments were eventually dissolved when regular armies were formed, the defense of the United States still depends on an All-Volunteer Army.

I mention the minutemen of the Revolutionary War because the idea of voluntarism has been ingrained in our psyche before our country's inception. The ethic of civic responsibility, the spirit of community and the belief in voluntarism have all been fundamental principles that have helped guide our country's evolution. Today, one only needs to visit the local soup kitchen, homeless shelter, hospital, or literacy center to find people who give of themselves daily, so that others may enjoy better and more fulfilling lives.

Americans persist in their desire to affirm their sense of humanity and shared values and I believe that most would agree that voluntarism plays a vital role in helping us meet these mores. That is why I am introducing the Community Improvement Volunteer Act of 1994.

As my colleagues know, the Davis-Bacon Act requires that those who work on federally assisted construction projects must receive the local prevailing wage. I support the Davis-Bacon Act and its protection of the working men and women of our country, however, over the years, I have been worried that it's application in certain instances has been overly zealous.

For example, in 1990 a local Kiwanis Club in Portland contributed 190 hours of free, voluntary labor to build an antipoverty center. Unfortunately, the Departments of Housing and Urban Development as well as Labor determined that, because of the Davis-Bacon Act, those volunteers should have been paid a total of approximately $3,000. Essentially, what the two departments were saying at that time was that members of the Kiwanis Club could not volunteer their labor or make a contribution for the needs of the poor. Because of this situation, I offered an amendment to the Cranston-Gonzalez National Affordable Housing Act that permitted volunteers to work on projects authorized under the Community Development Block Grant Program and the Public Housing and Section 8 Assistance Programs. I was pleased that the managers on both sides of the aisle sympathized with my concern and the amendment became public law.

However, more recently, another example emerged regarding the same issue. The small Oregon timber dependent town of Philomath which has been devastated by the timber crisis, came up with a very innovative project. For years, this town of 3,000 people, had a city library that was dreadfully small and inadequate to meet the needs of the public.

When the community decided to build a new library, they estimated that if they put out bids for the facility and used store-bought materials, the cost of the building would have been in the neighborhood of $870,000. Asking the citizens of the ailing timber dependent town to raise taxes to finance the construction of the library was simply not a serious option. But the city fathers knew they had to breathe new life into their town and show the community that they were willing to invest in themselves and their children's future.

Eventually, they came up with a magnificent idea. They decided to off-

set the prohibitive costs of the library by doing an old fashioned barn raising. And the way to accomplish this was to use volunteers. Regrettably, the Department of Labor informed the town that because the Federal Government provided $112,000 under a library construction grant, the Davis-Bacon Act applied to the project and all volunteers had to be paid prevailing wages.

To make a long story short, after several inquiries from city leaders and myself, the Department of Labor eventually determined that; because the volunteers were being supervised by the city rather than a paid contractor or subcontractor, the volunteers could continue to work on the library. Mr. President, I do not think anybody ever intended that the prevailing wage requirements of the Davis-Bacon Act were to be applied to volunteers who, by their own volition, and without the expectation of payment, contribute their services for community or humanitarian needs. Without volunteer help, many worthwhile community projects simply will not happen.

As a result, in 1992, I asked the Comptroller General of the United States to review the effect of the Davis-Bacon Act and its implementing regulations on the use of volunteers on federally financed or assisted construction projects. The study identified approximately 43 Davis-Bacon-related acts, of which five currently permit either the Secretary of Labor or the Secretary of Housing and urban Development to waive the prevailing wage requirements for volunteers. However, the study also identified a number of other related acts for which there was no specific authority for the use of volunteers.

Mr. President, having reviewed both the Comptroller General's report and the types of construction permitted under the identified related acts, I believe there are additional construction programs that should ahve specific authority for the use of volunteers as a consequence of the confusion created in Philomath.

The programs I have chosen to include in this bill lend themselves to wide participation by local citizens and have a very precise and significant social or humanitarian effect on a community. The bill I am introducing today will give this authority to an additional four related acts that permit the construction of libraries, health clinics, schools, and housing. Furthermore, I introduce this legislation without the intention of undermining the needed protections of the prevailing wage requirements.

The legislation makes it clear that projects that would not be otherwise possible without the use of volunteers, can utilize volunteers for the construction of that project. Specifically, the purpose is to promote and provide more opportunities for people who wish to volunteer their services for humanitarian, civic or community purposes.

For the last several months, I have devoted a great deal of time to provide what I believe are the necessary protections in this bill. Few would dispute my support for the Davis-Bacon Act and I have no interest in undermining its basic intent. However, I do believe that some of the Davis-Bacon-related acts need to recognize or have some flexibility in order to permit nonprofit or similar entities to overcome some of the fiscal constraints that many of our urban and rural areas face.

The bill defines a volunteer in very narrow terms. A volunteer would be one who performs a service for a public or private entity for civic, charitable, or humanitarian reason, without the promise or expectation of compensation. Furthermore, a volunteer must not be pressured or coerced by any employer, and the volunteer's service cannot be done for the benefit of any contractor.

Although the bill would permit reasonable expenses like protective gear, out-of-pocket expenses and meals, it would prohibit these expenses from being tied to productivity. Furthermore, the bill would only allow volunteers to work on certain types of projects—those that would not otherwise be possible without the use of volunteers.

The bill would only provide this exemption for four specific types of federally authorized construction programs: The Library Services and Construction Act, the Indian Self-Determination and Education Assistance Act, as well as community health centers and migrant health centers under the Public Health Service Act. Finally, the bill would require that the Secretary of Labor report to Congress on the impact of this legislation, if enacted, at the end of 1997 and make further recommendations with respect to other Davis-Bacon-related acts that meet the spirit of the bill.

Although the days of British colonialism and the need for minutemen are long over, there still are incalculable numbers of pressing issues that face our country. Daily, we hear of the nearly 37 million people who are uninsured or have little or no access to health care. By simply walking the street of any town or city in America, one can see people who have lost their way and have become homeless. We may be the freest, we may be the luckiest, and we may be the most prosperous country on the face of the Earth, but throughout the United States, there are continuing and pressing unmet public needs.

Few would dispute the fact that if we, as a government, can make it easier for the public or local communities to address some of these unmet needs, the American people will be able to better serve members of their own community. By making it easier for an organization or local community to build a community or migrant health center, a library, a school or housing for those who may not be as fortunate as we, we can continue to validate our shared values. Through this legislation, we can help to resuscitate in communities the breath of fresh air that comes with hard work and community spirit forged together to realize an otherwise impossible dream.●

ADDITIONAL COSPONSORS

S. 774

At the request of Mr. WOFFORD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 774, a bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a national Service Day to promote community service, and for other purposes.

S. 1288

At the request of Mr. AKAKA, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1350

At the request of Mr. INOUYE, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1350, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1439

At the request of Mr. LIEBERMAN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1439, a bill to provide for the application of certain employment protection laws to the Congress, and for other purposes.

S. 1614

At the request of Mr. LEAHY, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1614, a bill to amend the Child Nutrition Act of 1966 and the National Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes.

S. 1690

At the request of Mr. PRYOR, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1727

At the request of Mr. COHEN, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Mississippi [Mr. LOTT], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1727, a bill to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage.

S. 1728

At the request of Mr. DOMENICI, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1728, a bill to provide regulatory capital guidelines for treatment of real estate assets sold with limited recourse by depository institutions.

S. 1805

At the request of Mr. WARNER, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1830

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1830, a bill to authorize funding for the small business defense conversion program of the Small Business Administration, and for other purposes.

S. 1851

At the request of Mr. WOFFORD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1851, a bill to exclude shipboard supervisory personnel from selection as employer representatives, and for other purposes.

S. 1855

At the request of Mr. WOFFORD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1855, a bill to extend the coverage of certain Federal labor laws to foreign documented vessels, and for other purposes.

S. 1948

At the request of Mr. DECONCINI, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1948, a bill to amend the National Security Act of 1947 to improve the counterintelligence and security posture of the United States intelligence community and to enhance the investigative authority of the Federal Bureau of Investigation in counterintelligence matters, and for other purposes.

S. 2031

At the request of Mr. D'AMATO, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2031, a bill to amend the Merchant Marine Act, 1936, to prohibit the imposition of additional charges or fees for attendance at the United States Merchant Marine Academy, and to express the sense of the Senate that no additional charges or fees shall be imposed for attendance at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy, and for other purposes.

S. 2042

At the request of Mr. DOLE, the names of the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Oregon [Mr. PACKWOOD], the Senator from Nevada [Mr. REID], the Senator from Vermont [Mr. JEFFORDS], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 2042, a bill to remove the United States arms embargo of the Government of Bosnia and Herzegovina.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month".

SENATE JOINT RESOLUTION 168

At the request of Mr. WOFFORD, his name was added as a cosponsor of Senate Joint Resolution 168, a joint resolution designating May 11, 1994, as "Vietnam Human Rights Day".

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. LEAHY, the names of the Senator from Tennessee [Mr. SASSER], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution to express the sense of Congress that any health care reform legislation passed by Congress include guaranteed full funding for the special supplemental food program for women, infants, and children (WIC) so that all eligible women, infants, and children who apply could be served by the end of fiscal year 1996 and full funding could be maintained through fiscal year 2000, and for other purposes.

SENATE RESOLUTION 148

At the request of Mr. SIMON, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Resolution 148, a resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

SENATE CONCURRENT RESOLUTION 68—TO AUTHORIZE PRINTING OF SENATOR ROBERT C. BYRD'S ADDRESS TO THE U.S. SENATE ON THE HISTORY OF ROMAN CONSTITUTIONALISM

Mr. REID submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 68

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document "U.S. Senator Robert C. Byrd's Addresses to the United States Senate on the History of Roman Constitutionalism", delivered between May 5, 1993 and October 18, 1993.

SEC. 2. The document referred to in the first section shall be—

(1) published under the supervision of the Secretary of the Senate; and

(2) in such style, form, manner, and binding as directed by the Joint Committee on Printing, after consultation with the Secretary of the Senate. The document shall include illustrations.

SEC. 3. In addition to the usual number of copies of the document, there shall be printed the lesser of—

(1) 5,000 copies for the use of the Secretary of Senate; or

(2) such number of copies as does not exceed a total production and printing cost of $47,864.

SENATE RESOLUTION 210—CONGRATULATING THE PEOPLE AND LEADERS OF SOUTH AFRICA

Mr. WOFFORD (for himself, Mr. SIMON, Mr. JEFFORDS, Mr. MOYNIHAN, Mrs. KASSEBAUM, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, Mr. PELL, and Mr. DECONCINI) submitted the following resolution; which was considered and agreed to:

S. RES. 210

Whereas the people of South Africa have demonstrated by their recent election a desire to move toward full democratic government;

Whereas, despite the efforts of extremists, those elections have moved South Africa towards a new era of multiracial cooperation and government;

Whereas President-elect Nelson Mandela, former President F.W. DeKlerk, Chief Mangosuthu Buthelezi, and many others have by their cooperation helped to achieve these good results; and

Whereas the people of South Africa now enter a new and important period in their history: Now, therefore, be it

Resolved, That the Senate, on behalf of the people of the United States, hereby extends its congratulations to the people of South Africa and their leaders on the results of their first democratic election, and expresses the strong hope of all Americans that South Africa and its citizens continue on the road to freedom and national unity.

SENATE RESOLUTION 211—RELATIVE TO 150 ENSEMBLE SYMPHONY ORCHESTRA AND CHORUS OF HELLENIC RADIO AND TELEVISION

Mr. RIEGLE submitted the following resolution; which was considered and agreed to:

S. RES. 211

Whereas the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television, under the direction of Mikis Theodorakis, shall conduct a month-long goodwill tour of Canada and the United States during May 1994;

Whereas the proceeds from the concert tour of the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television will benefit a number of philanthropic organizations, including the Greek reforestation effort sponsored by the Plant Your Roots in Greece Foundation;

Whereas the leader of the concert tour, Mikis Theodorakis, returns to North America after an absence of nearly 2 decades, and shall lead the Ensemble and Chorus in performances of his own works;

Whereas the leader of the concert tour, Mikis Theodorakis, is an internationally renowned musical genius and is considered to be Greece's greatest living composer, and has composed more than 200 popular songs, 10 symphonies, 3 ballets, 2 oratorios, a folk opera, and the Olympic anthem (which was first performed at the 1992 Summer Olympic Games in Barcelona, Spain), and the film scores to "Z" and "Zorba the Greek";

Whereas the leader of the concert tour, Mikis Theodorakis was born in 1925 on the Greek island of Khios, taught himself to write music from memory and without access to musical instruments, and studied at the Paris Conservatory;

Whereas the leader of the concert tour, Mikis Theodorakis, combines his exceptional artistic talent with a deep love of his country, and is dedicated to heightening international awareness of human rights and environmental issues, and ending child hunger in the world; and

Whereas the United States is fortunate to welcome the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television, under the direction of Mikis Theodorakis, for the series of concerts they will present during May 1994: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate welcomes the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television, under the direction of Mikis Theodorakis, to the United States and applauds their talent and enthusiasm for their work; and

(2) the Senate acknowledges the musical contributions of the leader of the concert tour, Mikis Theodorakis, and supports and appreciates his efforts to promote human rights, raise awareness of environmental issues, and end child hunger.

AMENDMENTS SUBMITTED

CONSUMER REPORTING REFORM ACT OF 1994

SIMON AMENDMENT NO. 1671

Mr. SIMON proposed an amendment to the bill (S. 783) to amend the Fair Credit Reporting Act, and for other purposes; as follows:

At the appropriate place in the bill, add the following new title:

TITLE III—PRIVACY PROTECTION COMMISSION

SEC. 301. SHORT TITLE.

This title may be cited as the "Privacy Protection Act of 1994".

SEC. 302. FINDINGS AND PURPOSE.

The Congress finds that—

(1) we live in an age of ever-increasing dependence on electronic data storage, communications, and usage;

(2) vast quantities of data are stored electronically and may be instantly transferred electronically from 1 party to another for business or for other purposes;

(3) the nature of such data allows for the increasing possibility that an individual's privacy rights may be violated;

(4) the technology is growing so rapidly that broader societal consequences may not have been reviewed or studied nor is it clear how the use of such technology will affect existing data systems and their use; and

(5) a United States Privacy Protection Commission should be established to—

(A) ensure that privacy rights of United States citizens in regard to electronic data and fair information practices and principles are not abused or violated;

(B) provide advisory guidance to the public and private sector on matters related to electronic data storage, communication, and usage;

(C) provide the public with a central agency for information and guidance on privacy protections and fair information practices and principles;

(D) advise the Congress on the Federal agencies' implementation of section 552a of title 5, United States Code; and

(E) promote and encourage the adoption of fair information practices and principles in the public and private sector, which should include—

(i) the principle of openness, which provides that the existence of recordkeeping systems and databanks containing information about individuals be publicly known, along with a description of main purpose and uses of the data;

(ii) the principle of individual participation, which provides that each individual should have the right to see any data about him or herself and to correct any data that is not timely, accurate, or complete;

(iii) the principle of data quality, which provides that personal data should be relevant to the purposes for which they are to be used, and data should be timely, accurate, and complete;

(iv) the principle of collection limitation, which provides that there should be limits to the collection of personal data, that data should be collected by lawful and fair means, and that data should be collected, where appropriate, with the knowledge and consent of the subject;

(v) the principle of use limitation, which provides that there are limits to the use of personal data and that data should be used only for purposes specified at the time of collection;

(vi) the principle of disclosure limitation, which provides that personal data should not be communicated externally without the consent of the data subject or other legal authority;

(vii) the principle of security, which provides that personal data should be protected by reasonable security safeguards against such risks as loss, unauthorized access, destruction, use, modification, or disclosure; and

(viii) the principle of accountability, which provides that recordkeepers should be accountable for complying with fair information practices and principles.

SEC. 303. ESTABLISHMENT OF PRIVACY PROTECTION COMMISSION.

There is established the Privacy Protection Commission (referred to in this title as the "Commission").

SEC. 304. PRIVACY PROTECTION COMMISSION.

(a) MEMBERSHIP.—(1) The Commission shall be composed of 3 members who shall be appointed by the President, by and with the advice and consent of the Senate, from among members of the public at large who are qualified for service on the Commission by their knowledge and expertise in—

(A) civil rights and liberties;

(B) law;

(C) social sciences;

(D) computer technology;

(E) business; or

(F) State and local government.

(2) Not more than 2 members of the Commission shall be members of the same political party.

(3) The President shall designate 1 of the members as Chairperson of the Commission.

(b) MEETINGS.—The Chairperson shall preside at all meetings of the Commission, but the Chairperson may designate another member as an acting Chairperson who may preside in the absence of the Chairperson. A quorum for the transaction of business shall consist of at least 2 members present, except that 1 member may conduct hearings and take testimony if authorized by the Commission. Each member of the Commission, including the Chairperson, shall have equal responsibility and authority in all decisions and actions of the Commission, and shall have full access to all information relating to performance of the duties or responsibilities of the Commission, and shall have 1 vote. Action of the Commission shall be determined by a majority vote of the members. The Chairperson or acting Chairperson shall see to the faithful execution of the policies and decisions of the Commission and shall report thereon to the Commission from time to time or as the Commission may direct.

(c) TERMS.—(1) A member of the Commission shall serve for a term of 7 years, except that of members first appointed to the Commission—

(A) the member designated as Chairperson by the President shall be appointed for a term of 7 years;

(B) 1 member shall be appointed for a term of 5 years;

(C) 1 member shall be appointed for a term of 3 years; and

(D) all such terms shall begin on—

(i) January 1, next following the date of the enactment of this title; or

(ii) such date as designated by the President.

(2) A member may continue to serve until a successor is confirmed.

(3) Members shall be eligible for reappointment for a single additional term.

(d) VACANCIES.—(1) Vacancies in the membership of the Commission shall be filled in the same manner in which the original appointment was made.

(2) If there are one or more Commission members in office, vacancies in the membership of the Commission shall not impair the power of the Commission to execute functions and powers of the Commission.

(e) COMPENSATION AND RESTRICTION ON OTHER EMPLOYMENT.—(1) The members of the Commission may not engage in any other employment during their tenure as members of the Commission.

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

"Members of Privacy Protection Commission (5).".

(f) REQUESTS AND RECOMMENDATIONS.—(1) Whenever the Commission submits a budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that request to the Congress.

(2) Whenever the Commission submits a legislative recommendation, testimony, or comment on legislation to the President or Office of Management and Budget, it shall concurrently transmit a copy of such recommendation, testimony, or comment to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendation, testimony, or comment on legislation, to any officer or agency of the United States for approval, comment, or review, prior to the submission of such recommendation, testimony, or comment to the Congress.

(g) SEAL.—The Commission shall have an official seal which shall be judicially noted.

SEC. 305. PERSONNEL OF THE COMMISSION.

(a) EXECUTIVE DIRECTOR AND GENERAL COUNSEL.—The Commission shall appoint an Executive Director and a General Counsel who shall perform such duties as the Commission determines necessary and appropriate. Such appointment may be made without regard to the provisions of title 5, United States Code. The Executive Director and the General Counsel shall be compensated at a rate not in excess of the rate payable for a position under level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) LIMITATION ON EMPLOYEES.—The Commission is authorized to appoint and fix the compensation of not more than 25 officers and employees (or the full-time equivalent), and to prescribe their functions and duties.

(c) CONSULTANTS.—The Commission may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(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.

SEC. 306. FUNCTIONS OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) provide leadership and coordination to the efforts of all Federal departments and agencies to enforce all Federal statutes, Executive orders, regulations, and policies that involve privacy or data protection;

(2) maximize effort, promote efficiency, and eliminate conflict, competition, duplication, and inconsistency among the operations, functions, and jurisdictions of Federal departments and agencies responsible for privacy or data protection, data protection rights and standards, and fair information practices and principles;

(3) develop model standards, guidelines, regulations, policies, and routine uses for and by Federal, State, and local agencies in implementing the provisions of section 552a of title 5, United States Code;

(4) publish on a regular basis a guide to sections 552 and 552a of title 5, United States Code, and other laws relating to data protection, for use by record subjects;

(5) publish a compilation of agency system of records notices, including an index and other finding aids;

(6) not later than December 1, 1996, make recommendations to the Congress regarding any possible amendments to section 552a of title 5, United States Code, and for improving the coordination between such section and section 552 of such title;

(7) provide active leadership, guidance, education, and appropriate assistance to private sector businesses, organizations, groups, institutions, and individuals regarding privacy, data protection rights and standards, and fair information practices and principles;

(8) develop model privacy, data protection, and fair information practices, principles, standards, guidelines, policies, and routine uses for use by State and local governments and by the private sector; and

(9) upon written request, provide appropriate assistance in implementing privacy, data protection, and fair information practices, principles, standards, guidelines, policies, or routine uses of privacy and data protection, and fair information.

(b) DISCRETIONARY FUNCTIONS.—The Commission may—

(1) issue advisory opinions relating to section 552a of title 5, United States Code, or privacy and data protection practices, principles, standards, guidelines, policies, or routine uses of data at the request of a Federal agency, a data integrity Commission of an agency or business, a court, the Congress, a business, or an individual;

(2) investigate compliance with section 552a of title 5, United States Code, and report on violations of such section to the appropriate agency, the President, the Attorney General, and the Congress;

(3) file comments with the Office of Management and Budget and with the appropriate agency on each proposal to—

(A) amend section 552a of title 5, United States Code, or a regulation promulgated under such section;

(B) create or modify a system of records; or

(C) establish or alter routine uses of such a system;

(4) request an agency to stay—

(A) the establishment or revision of a system of records;

(B) a routine use;

(C) an exemption; or

(D) any other regulation promulgated under section 552a of title 5, United States Code;

(5) review Federal, State, and local laws, Executive orders, regulations, directives, and judicial decisions and report on the extent to which they are consistent with privacy and data protection rights, and fair information practices and principles;

(6) at the request of a Federal, State, or local government agency, a private business, or an individual, provide assistance on matters relating to privacy or data protection;

(7) comment on the implications for privacy or data protection of proposed Federal, State, or local statutes, regulations, or procedures;

(8) propose legislation on privacy or data protection;

(9) accept and investigate complaints about violation of privacy or data protection rights, and fair information practices and principles;

(10) participate in each formal or informal Federal administrative proceeding or process when, in the judgment of the Commission, the action being considered would have a material effect on privacy or data protection, either as a result of direct Government action or as the result of direct Government regulation of others;

(11) petition a Federal agency to take action on a matter affecting privacy or data protection;

(12) conduct, assist, or support research, studies, and investigations on the collection, maintenance, use, or dissemination of personal information, the implications for privacy or data protection of computer, communications, and other technologies, and any other matter relating to privacy or data protection;

(13) assist in the development or implementation of policies designed to provide for the protection of personal information maintained by private sector recordkeepers;

(14) assist United States companies doing business abroad to respond to foreign privacy or data protection laws and agencies;

(15) assist in the coordination of the United States privacy and data protection policies with the privacy and data protection policies of foreign countries; and

(16) cooperate and consult with privacy or data protection commissions, boards, or agencies of foreign governments.

SEC. 307. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—Each department, agency, and instrumentality of the executive branch of the Government, including each independent agency, shall furnish to the Commission upon request made by the Chairperson, such data, reports, and other information as the Commission determines necessary to carry out its functions under this title.

(b) CONFIDENTIALITY.—In carrying out its functions and exercising its powers under this title, the Commission may accept from any Federal agency or other person, any identifiable personal data if such data is necessary to carry out such powers and functions. In any case in which the Commission accepts any such information, it shall provide all appropriate safeguards to ensure that the confidentiality of such information is maintained and that under completion of the specific purpose for which such information is required, the information is destroyed or returned to the agency or person from which it was obtained.

SEC. 308. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may, in carrying out its functions under this title—

(1) conduct inspections;

(2) sit and act at such times and places as it determines necessary;

(3) hold hearings;

(4) take testimony;

(5) require by subpoena the attendance of witnesses and the production of books, records, papers, correspondence, documents, film, and electronic information;

(6) administer oaths; and

(7) make appropriate and necessary expenditures.

(b) SUBPOENAS.—(1) Subpoenas shall be issued only upon an affirmative vote of a majority of all members of the Commission. Subpoenas shall be issued under the signature of the Chairperson or any member of the Commission designated by the Chairperson. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) In the case of a disobedience to a subpoena issued under this title, the Commission may invoke the aid of any district court of the United States in requiring compliance with such subpoena. Any district court of the United States within the jurisdiction where such person is found or transacts business may, in the case of contumacy or refusal to obey a subpoena issued by the Commission, issue an order requiring such person to appear and testify, to produce such books, records, papers, correspondence, documents, films, and electronic information. Any failure to obey the order of the court shall be

punished by the court as a contempt of such court.

(c) APPEARANCES.—Appearances by the Commission in judicial and administrative proceedings shall be in its own name.

(d) DELEGATION.—The Commission may delegate any of its functions to such officers and employees of the Commission as the Commission may designate and may authorize such successive redelegations of such functions as it may determine desirable.

(e) ADMINISTRATIVE POWERS.—To carry out this title, the Commission may—

(1) enter into contracts or other arrangements with any State or local government, any agency or department of the United States, or with any individual, firm, association, or corporation; and

(2) establish advisory committees in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 309. REPORTS AND INFORMATION.

In an annual report to the President and the Congress, the Commission shall report on its activities in carrying out the provisions of this title. The Commission shall undertake whatever efforts it may determine to be necessary or appropriate to inform and educate the public of data protection, privacy, and fair information rights and responsibilities.

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $1,500,000 in fiscal year 1995;

(2) $2,000,000 in fiscal year 1996;

(3) $2,500,000 in fiscal year 1997; and

(4) such sums as may be necessary in each succeeding fiscal year thereafter.

Amend the table of contents accordingly.

LEVIN AMENDMENT NO. 1672

Mr. BRYAN (for Mr. LEVIN) proposed an amendment to the bill S. 783, supra; as follows:

At the appropriate place, insert the following:

It is the sense of the Senate that: (a) individuals should generally be judged for credit worthiness based on their own credit worthiness and not on the zip code or neighborhood in which they live; and (b) the Federal Trade Commission after consultation with the appropriate Federal banking agency shall report to the Banking Committee within 6 months as to whether and how the location of the residence of an applicant for unsecured credit is considered by many companies and financial institutions in deciding whether an applicant should be granted credit.

RIEGLE (AND OTHERS) AMENDMENT NO. 1673

Mr. BRYAN (for Mr. RIEGLE for himself, Mr. BRYAN, and Mr. BOND) proposed an amendment to the bill S. 783, supra; as follows:

On page 71, strike lines 1 through 13 and insert the following:

(1) in subparagraph (A)—

(A) by inserting "(i)" after "(A)"; and

(B) by inserting before the semicolon at the end the following: "; (ii) any communication of that information among persons related by common ownership or affiliated by corporate control; or (iii) any communication of information from a credit application by a consumer among persons related by common ownership or affiliated by common corporate control, if (I) it is clearly and conspicuously disclosed to the consumer with the credit application that the information may be communicated among such persons; and (II) the consumer is provided with the option to prohibit such communication (in writing, using a signature line that is separate and distinct from that used for the consumer's consent to the extension of credit) and does not exercise such option";

On page 73, between lines 8 and 9, insert the following new subsection:

(e) EXCLUSION OF CERTAIN COMMUNICATIONS BY EMPLOYMENT AGENCIES FROM DEFINITION OF CONSUMER REPORT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681(a)), as amended by subsections (a) through (d), is amended—

(1) in subsection (d), by adding at the end the following new sentence: "The term also does not include a communication described in subsection (n)."; and

(2) by adding at the end the following:

"(n) COMMUNICATIONS BY EMPLOYMENT AGENCIES EXCLUDED FROM DEFINITION OF CONSUMER REPORT.—For purposes of subsection (d), a communication is described in this subsection if it is a communication—

"(1) that, but for the third sentence of subsection (d), would be an investigative consumer report;

"(2) that is made to a prospective employer for the purpose of—

"(A) procuring an employee for the employer; or

"(B) procuring an opportunity for a natural person to work for the employer;

"(3) that is made by a person that regularly performs such procurement;

"(4) that is not used by any person for any purpose other than a purpose described in subparagraph (A) or (B) of paragraph (2);

"(5) with respect to which—

"(A) the consumer who is the subject of the communication—

"(i) consents orally or in writing to the nature and scope of the communication, before the collection of any information for the purpose of making the communication;

"(ii) consents orally or in writing to the making of the communication to a prospective employer, before the making of the communication; and

"(iii) in the case of consent under clause (i) or (ii) given orally, is provided written confirmation of that consent by the person making the communication, not later than 3 business days after the receipt of the consent by that person;

"(B) the person making the communication does not, for the purpose of making the communication, make any inquiry that if made by a prospective employer of the consumer who is the subject of the communication would violate any applicable Federal or State equal employment opportunity law or regulation; and

"(C) the person making the communication—

"(i) discloses in writing to the consumer who is the subject of the communication, not later than 5 business days after receiving any request from the consumer for such disclosure, the nature and substance of all information in the consumer's file at the time of the request, except that the sources of information that is acquired solely for use in making the communication and actually used for no other purpose need not be disclosed other than under appropriate discovery procedures in the court in which an action is brought; and

"(ii) notifies the consumer who is the subject of the communication, in writing, of the consumer's right to request the information described in clause (i).".

On page 107, line 10, insert "and" after the semi-colon.

On page 107, line 22, strike "; and" and insert a period.

Beginning on page 107, strike line 23 and all that follows through the first period on page 108, line 2.

On page 130, line 20, strike "charge or".

At page 117, line 1 delete "Duty" and all that follows through the end of line 8. And insert the following in lieu thereof:

"DUTY TO PROVIDE NOTICE OF DELINQUENCY OF ACCOUNTS.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall, by not later than 90 days after furnishing the information, notify the agency of the month and year of the commencement of the delinquency which immediately preceded the action.".

CONGRESSIONAL GIFTS REFORM ACT

MCCONNELL (AND OTHERS) AMENDMENT NO. 1674

Mr. MCCONNELL (for himself, Mr. JOHNSTON, Mr. DOLE, and Mr. INOUYE) proposed an amendment to the bill (S. 1935) to prohibit lobbyists and their clients from providing to Legislative Branch officials certain gifts, meals, entertainment, reimbursements, or loans and to place limits on and require disclosure by lobbyists of certain expenditures; as follows:

In lieu of the language proposed to be inserted insert the following:

SECTION 1. PENALTIES.

"(1) Any Senator, officer, or employee who receives a third reprimand pursuant to the provisions of subsection (a)(2) shall—

"(A) if the individual is a Senator, be—

"(i) expelled from the Senate if an expulsion resolution is agreed to pursuant to paragraph (2); and

"(ii) barred for 10 years from lobbying in the Senate; and

"(B) if the individual is an officer or employee, be—

"(i) dismissed; and

"(ii) barred for 10 years from lobbying in the Senate.

"(2) Not later than 5 session days after a Senator is reprimanded a third time, the Senate shall consider and dispose of a resolution of expulsion with respect to such Senator.".

(b) GIFT VIOLATIONS.—Rule XXXV of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"5. (a) Any Member, officer, or employee who violates this rule shall be subject to a fine of up to 3 times the value of the improper gift. The fine shall be levied by the Select Committee on Ethics and shall be payable to the general fund of the Treasury.

"(b) The name of an individual fined pursuant to subparagraph (a) and the amount of any fine shall be published in the Congressional Record.".

SEC. 2. GIFT LIMITS.

(a) IN GENERAL.—Rule XXXV of the Standing Rules of the Senate is amended—

(1) in paragraph 1(a) by striking "more than the minimal value as established by

section 7342(a)(5) of title 5, United States Code, or $250, whichever is greater," and inserting "more than a minimal value of $150"; and

(2) in paragraph 1(b)(2) by striking "$100" and inserting "$75".

(b) RULES COMMITTEE.—Notwithstanding any other provision of law, the Committee on Rules and Administration, on behalf of the Senate, may accept a gift if the gift does not involve any duty, burden, or condition, or is not made dependent upon some future performance by the United States. The committee is authorized to promulgate such rules and regulations as are necessary to carry out this subsection.

SEC. 3. TRAVEL RESTRICTIONS.

Rule XXXV of the Standing Rules of the Senate is amended by adding after paragraph 2 the following:

"2A. (a) Necessary travel-related expenses as defined by paragraph 2(c), to the extent limited by subparagraph (c), are not prohibited by this rule in connection with meetings, speaking engagements, fact finding trips, and similar events related to the official duties of the Member, officer, or employee if—

"(1) the expenditure covers the cost of the trip for a period of not more than—

"(A) 3 consecutive days (excluding travel days) in the case of domestic travel and 7 consecutive days (excluding travel days) in the case of international travel; and

"(B) 24 hours before or after such person's actual participation in the event in the case of domestic travel or 48 hours before or after such person's actual participation in the event in the case of international travel; and

"(2) the Member, officer, or employee has caused the following information to be published in the Congressional Record in advance of the travel (unless advance publication is not possible because the travel arrangements cannot be made in time for the information to be published while the Senate is in session or for other good reason (in which case the information shall be provided in advance of the travel to the Secretary of the Senate who shall make the information available to the public immediately and shall cause the information to be published in the next Congressional Record)):

"(A) The name of the Member, officer, or employee.

"(B) The dates and itinerary of such travel.

"(C) A statement of the purposes of such travel.

"(D) The identity of the party making the expenditure.

"(b) The requirements of subparagraph (a)(1) may be waived in exceptional circumstances if the Member, officer, or employee obtains a written statement from the Select Committee on Ethics of the Senate that approves the waiver and explains the justification for the waiver. That committee shall cause the statement to be published in the Congressional Record in advance of the travel (unless advance publication is not possible because the waiver is granted at a time when the Senate is not in session or for other good reason (in which case the committee shall, in advance of the travel, provide a copy of the statement to the Secretary of the Senate who shall make the information available to the public immediately and shall cause the statement to be published in the next Congressional Record)).

"(c) Necessary travel-related expenditures are limited to expenditures for a Member, officer, or employee's transportation, lodging, conference fees and materials, and meals, including reimbursement for necessary transportation whether or not such transportation occurs within the periods described in subparagraph (a)(1), but do not include expenditures for—

"(1) recreational activities, such as greens fees, ski lift tickets, tennis court time, theater tickets, tickets to sporting events, and similar items (except as provided in subparagraph (e)); or

"(2) entertainment, other than that provided in connection with meals offered as an integral part of the event.

"(d) Except as provided in subparagraph (e), an event the activities of which are substantially recreational shall not be considered to be directly related to the official duties of a Member, officer, or employee.

"(e) A Member, officer, or employee may receive payment or reimbursement for expenses, including travel, in connection with a charitable event if the expenses are approved as provided in subparagraph (a)(2).".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on S. 1614, "Better Nutrition and Health for Children." The hearing will be held on Wednesday, May 18, 1994, at 10 a.m. in SR-332.

For further information, please contact Dough O'Brien or Amy Brown at 224-2035.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on Thursday, May 19, 1994, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills pending before the subcommittee:

H.R. 3252, to provide for the conservation, management, or study of certain rivers, parks, trail and historic sites, and for other purposes; and

H.R. 4034, to amend the Urban Park and Recreation Recovery Act of 1978 to authorize grants for the expansion of recreation opportunities for at risk youth in urban areas with a high prevalence of crime, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-9863.

NOTICE OF MEETING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., in SR-301, Russell Senate Office Building, on Thursday, May 26, 1994, to hold a markup.

The committee will consider the following legislative items: S. 1824, the Legislative Reorganization Act of 1994; H.R. 877, to authorize the establishment of the National African American Museum within the Smithsonian Institution; an original bill to authorize appropriations for the Federal Election Commission for fiscal year 1995; Senate Resolution 196, to authorize the printing of additional copies of a Senate report entitled, "Developments in Aging: 1993"; an original resolution to authorize the purchase of 104,000 1995 U.S. Capitol Historical Society wall calendars for the use of the Senate; and House Concurrent Resolution 222, authorizing the placement of a bust of Raoul Wallenberg in the Capitol.

The agenda will also include other legislative and administrative items which are ready for committee consideration on the date of the markup.

For further information regarding this markup, please contact Carole Blessington of the Rules Committee staff on x40278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 4, 1994, at 10 a.m. on S. 1822 and the telephone companies entry into cable television.

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

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, May 4, 1994 at 10 a.m., to hear testimony from CBO Director Robert Reischauer on the subject of the CBO's analysis of the Managed Competition Act of 1994.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, May 4, 1994, at 10 a.m. to hold a business meeting to vote on pending nominations.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent on behalf of the

Governmental Affairs Committee for authority to meet on Wednesday, May 4, 1994, at 9:30 a.m. on a hearing on the subject: Federal Courthouses: Are We Over Building?

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 4, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on H.R. 6 and S. 1513, Reauthorization of the Elementary and Secondary Education Act of 1965.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on financing of VA health care reform. The hearing will be held on May 5, 1994, at 2 p.m. in room 418 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 4, 1994 at 4 p.m to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, May 4, 1994 at 2 p.m. to hold a hearing on United States policy toward China.

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

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 4, beginning at 10 a.m. to conduct a hearing on the effect of rising interest rates on the homebuilding industry.

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

SUBCOMMITTEE ON MERCHANT MARINE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Merchant Marine Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet at 2 p.m. on May 4, 1994, on S. 1945—the Maritime Administration Authorization Act of 1995.

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

SUBCOMMITTEE ON MILITARY READINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Military Readiness and Defense Infrastructure of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, May 4, 1994, in open session, to receive testimony on the Department of Defense environmental programs and on the implementation of the Base Closure Acts in review of the Defense authorization request for fiscal year 1995 and the future years Defense program.

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

ADDITIONAL STATEMENTS

THE MAY SWEEPS 1993 AND 1994: GROUNDS FOR GUARDED OPTIMISM

• Mr. SIMON. Mr. President, it has been almost a year since I convened a series of hearings on television violence. At that time, I was very concerned about the number of shows that glamorized violence being aired during the May ratings period, the May sweeps. From the Los Angeles Times to the Washington Post to the trade press, television critics referred to the television lineup for last May as murder May. Senior industry executives testified that, yes there were problems, and they would make an effort to do better.

This week marks the start of another May ratings period and there is both good news and bad news. The good news is that since May 1993, the industry has made a number of important changes. Last June, the networks agreed to put advisories on violent programming. In July, the cable industry followed suit. In August, the entire entertainment industry participated in the first-ever industrywide conference on television violence. Throughout the fall and winter, many programs have had antiviolence storylines, and both the networks and cable have aired specials on violence. Just last week, CBS and Fox presented an excellent 1-hour special called "Kids Killing Kids." Art Nielsen of the Nielsen ratings tells me there is less violence on programming today than he has seen in a decade. Finally, both cable and the networks have agreed to my suggestion to appoint independent monitors to review programming and provide annual public reports about the level of violence. The monitors should provide the incentive needed for the industry to continue on a positive track.

Turning to the 1994 May sweeps, while I have made it a practice not to comment on specific programming, my general observation is that the sweeps programming includes less glamorized violence, but it still is a mixed bag. The bad news is that there are still some violent shows, particularly the made-for-television movies and the theatrical releases. The networks obviously continue to believe that in order to earn ratings, they must put on their share of guns and blood. There is still the feeling that if violence sells, they will air it.

The good news is that in comparison to last year, there are far fewer of these programs—perhaps even half as many violent movies. Beyond that, this year, in contrast to last year, the great majority of the violent movies will carry advisory messages. All will be aired at 9 p.m., eastern time. I have been told that the promotions will be run during times when children are less likely to be watching.

Change of the kind I have been seeking for the past 10 years does not happen overnight, or even in a year. While I wish I could say that the May sweeps are a testament to the industry's commitment to ending the practice of using violence to attract ratings, I cannot. Nonetheless, I remain hopeful that we will continue to see even more progress. They have shown that they can do better. When the independent monitors issue their first reports, we will have the opportunity to study just how much progress has been made. But broadcasters, cable operators, programmers, and producers must know that we will all keep watching. I urge them not to think that the job is done. Finally, I would like to include in the RECORD the May 2 Washington Post article on the May sweeps written by Tom Shales. Mr. Shales has followed this issue closely, and his comparison of this year's May sweeps to last year's is instructive.•

AMERICAN LAWN MOWER-GREAT STATES CORP.'S 100TH ANNIVERSARY

• Mr. LUGAR. Mr. President, I rise today to recognize American Lawn Mower-Great States Corp.'s 100th anniversary as a distinguished manufacturer of reel, push-type lawn mowers.

This Shelbyville, IN, company was founded in 1895 in Richmond, IN. American Lawn Mower Co. started as a partnership that included Robert B. Kersey, W.F. Spencer, George M. Spencer, and W.F. Spencer III. The founding spirit is kept alive by the company's current president, Bob Kersey, whose grandfather was one of the original founders.

In 1936, American Lawn Mower Co. acquired the Great States Corp., another reel mower producer, making them the largest manufacturer in the industry. These mowers continue to be manufactured and assembled in the Hoosier city of Shelbyville, IN.

During the 1940's, the reel mower industry included nearly 60 manufacturers. By 1953, power mower sales sur-

passed reel-mower sales, and most reel mower manufacturers eventually went out of business. The company was able to survive largely because the family that owned the business also owned an iron foundry, where it could get cast iron mower components inexpensively.

Today's commitment to the environment has produced a new need for reel, push-type mowers. The mower represents one of the purest forms of lawn maintenance in that it emits no air pollution and uses no gas, electricity, or batteries.

In the 1990's, retail sales of the reel mowers reached the same levels they did in the 1940's. Unit sales for reel mowers remain steady at more than 200,000 per year.

The story of this Indiana company holds many similarities to those of other successful American companies. It is a story of commitment and survival in difficult times.

I congratulate American Lawn Mower-Great States for their continued success as they begin their second century.●

TRIBUTE TO STAN CURTIS AND USA HARVEST

● Mr. MCCONNELL. Mr. President, since America's earliest days, individuals have invested their talents, time, and energy in community service in order to directly address local needs and concerns. In this light, I would like to bring to the attention of my colleagues a Kentuckian whose past accomplishments and continuing dedication exemplify the essential role community service plays in our society.

Hunger is a growing dilemma in communities across America. Based on his deep personal concern and commitment, Mr. Stan Curtis, a Louisville, KY businessman, found a way to successfully link those with plenty to those in need. In 1987, Mr. Curtis established USA Harvest, a program committed to the relief of hunger through volunteerism and the efficient use of community resources. USA Harvest obtains food from grocery stores and restaurants that would otherwise be wasted, and distributes this food to soup kitchens, shelters, and missions. Stan Curtis' project for Louisville's needy citizens has now grown to include over 49,000 volunteers nationwide, and has distributed more than 250 million pounds of food.

I am proud to announce that Mr. Curtis was named as a recipient of the President's Volunteer Action Award for his work with USA Harvest during National Volunteer Week in April. This award is cosponsored by the Points of Light Foundation and the Corporation for National and Community Service.

Mr. President, I feel that the achievements of Mr. Stan Curtis and the volunteers of USA Harvest demonstrate how devoted community service can improve the lives of underprivileged Americans, and they deserve our sincere appreciation and respect. It is my hope that all of us will rise to meet our country's social and economic challenges with the same degree of fervor and effectiveness that the members of USA Harvest, and its founder Stan Curtis, have shown through their committed service and dedication.●

IN HONOR OF STEVEN SHERMAN AND PRINCESA VANBUREN

● Mr. DURENBERGER. Mr. President, I rise today to pay tribute to two young Minnesota scientists, Steven Daniel Sherman and Princesa Victoria VanBuren. They have received special recognition as Westinghouse science scholars, and are being honored tonight by the Young Scientist Roundtable of Wayzata Public School.

Steven Sherman, a student at Winona High School, placed fifth in the Nation for his research related to the effect of winglets on drag of aircraft wings. His research showed that drag could be reduced by about 6 percent if the winglets are to face downward. This invention has enormous economic value as it could translate into the potential savings of about $500 million per year for the U.S. commercial air fleet.

In the last 2 years, Steven has won several honors, including U.S. Naval National Science Competition, National Junior Science Engineering and Humanities Symposium, 3M's Drew Creativity Award, and Minnesota Science and Engineering Fair Award.

Steven was elected president of the Winona Senior High School Student Senate, 1992-93. He has been a member on the football and swim teams, and is a member of the National Honor Society.

Princesa VanBuren, of St. Cloud Technical High School, has studied the effects of fertilizer on plant metabolism. She discovered that the increased use of fertilizer leads to a reduced uptake of the heavy metals such as cadmium and arsenic. This research could potentially influence how the land reclaimed from surface mining could be put to economic use.

Princesa has received recognition from the Future Farmers of America with the Achievement Award in Soil and Water; Monsanto's Agriscience Contest Award, Minnesota State Science Fair Award, a Certificate of Achievement from the U.S. Navy, and the Gold Medal from the Minnesota Academy of Science.

In addition to her achievements in the field of science, Princesa is active in music as a member of the band, orchestra, and choir. And she has received awards or recognition from St. Catherine's Poetry Contest and at the writing/essay contests held by the Fleet Reserve Association, Optimist Club, and Future Farmers of America.

Mr. President, Princesa VanBuren and Steven Sherman are two outstanding young people who deserve our congratulations. But more than that, let us all join in offering our encouragement that their perseverance and dedication may carry them to greater heights in the field of scientific achievement.●

THE DEFICIT

● Mr. SIMON. Mr. President, James Glassman, who writes on economic affairs for the Washington Post, had a column on Friday of last week titled "How to Make the Deficit Vanish as an Issue—and a Reality."

What underscores his article is simply that the deficits that he estimates in his article are, in fact, going to be higher because interest rates have already risen.

I also agree with his statement that the language of budgeting, where we in fact "index" our expenditure, then talk about reductions, is totally unrealistic.

I am pleased that the Senate Budget Committee adopted language to change that, and he refers to the House Budget Committee doing the same.

I ask to insert the James Glassman article in the RECORD at this point.

The article follows:

HOW TO MAKE THE DEFICIT VANISH AS AN ISSUE—AND A REALITY

(By James K. Glassman)

What a difference a year makes! Last spring and summer, the federal deficit was just about the hottest topic in Washington; now the pressure is off.

The Harris Poll found in June 1993 that Americans ranked the deficit as the second more important issue "for government to address," narrowly behind health care. By this month, the deficit had dropped to a tie for sixth place. Only 8 percent of the 1,255 adults polled rated it one of their top two concerns, down from 24 percent.

"It's as though we were encircled by an army in a siege, and then all of sudden the army disappeared," said one Senate aide.

That's a shame, because—if we really want to fix the deficit—now is the time to do it. The economy is strong enough to absorb the short-term adverse effects of spending cuts and maybe even higher taxes.

In fact, slowing the economy would be an added benefit of deficit reduction. It would ease the need for the Federal Reserve to tighten monetary policy, and might calm recent jitters in the bond market. Rather than relying solely on the Fed to apply the monetary brakes, how about some fiscal brakes, too?

President Clinton and most members of Congress have been bragging about the $500 billion in deficit cuts they enacted last year. But these are "cuts" only in the fairy-tale language of government, which holds that you've reduced the deficit if your deficit projections are lower than the projections you made earlier in an imaginary number called the "baseline."

The baseline is a moving target. Back in 1990, the budget deal between then-President Bush and Congress called for deficits totaling $528 billion for the five years starting in 1992. Those deficits comprised the baseline three years ago.

But shortly thereafter, the baseline was moved, and deficit projections for the five years soared to well over $1 trillion. It was those new baseline figures that became the starting point for the half-trillion dollars in "cuts" produced in 1993.

Even so, the budget that a House-Senate conference will report next week will give the nation deficits from 1995 to 1999 that will total more than $900 billion. And for the five years after that, the Congressional Budget Office (CBO) sees deficits totaling $1.5 trillion. Some cut!

Americans probably wouldn't be so complacent if they understood this nasty state of affairs. As it is, they're giving the White House and Congress a free ride.

The truth is that, if the President decided to get serious, the deficit could be eliminated—and without much difficulty. Bill Clinton could go down in history for something actually worthwhile.

How to cut the deficit? The best place to start is a fat book the CBO publishes every year, listing sensible—if politically difficult—budget cuts. The new volume, issued last month, lists 197 possible spending and revenue measures that would turn the trick, if politicians could summon the will.

For example, we could save $2 billion over five years (everything in budget-talk is over five years) by killing operating subsidies for Amtrak, $1 billion by abolishing the Bureau of Mines and $7 billion by eliminating federal grants for local wastewater treatment plants.

We could save another $7 billion by reducing federal aid to mass transit, $3 billion by halving federal aid to the arts and humanities and $8 billion by axing the Low Income Home Energy Assistance Program, a vestige of high oil prices 13 years ago.

Making tiny adjustments in the $85 billion annual federal payroll could save $10 billion by 1999, and lowering target prices for farmers in agricultural commodity programs could cut the deficit by $11 billion.

Then there are items that the CBO doesn't cite—for example, the astounding $193 million that has been budgeted next year for Howard University here in Washington, ostensibly a private institution. Howard has received $1 billion over the last five years, covering more than half of its operating costs.

Big savings could come from small changes in entitlements. For example, the CBO estimates that the deficit can be cut by $109 billion over five years if the government limits increases in benefits for programs such as Social Security to the rise in the consumer price index minus 2 percentage points.

Here are a few reasonable revenue-raisers:

Increase the gasoline tax by 10 cents a year for five years. CBO estimates we could raise $127 billion this way, and our prices at the pump will still be less than half what Europeans pay.

Limit all itemized deductions to 15 percent, instead of as much as 39.6 percent for rich taxpayers. That would raise $274 billion over five years, estimates the CBO.

Limit mortgage interest deductions to $20,000 a year for a joint return and $12,000 for an individual. That would cut the deficit $32 billion.

Suspend the indexing of tax brackets for just one year. Deficit cut: $46 billion.

The problem with raising more revenue, of course, is that the government just spends the new money. That's what happened, for example, from 1987 to 1993. Revenues rose $300 billion, but spending rose $400 billion.

Still, it's clear from the numbers that, with strict controls, the federal deficit can be wiped out by the year 2000. There will be some pain but, surprisingly, not a great deal.

But we have to change the fraudulent language of budgeting. In a good first step, Reps. Christopher Cox (R-Calif.) and Charles W. Stenholm (D-Tex.) added a nonbinding measure to the budget resolution that replaces baseline budget comparisons with real, year-to-year actual vs. budget comparisons—just like every business uses. Let's make that measure binding, and get on with the cutting.●

TRIBUTE TO THOMAS D. CLARK KENTUCKY HISTORIAN LAUREATE

● Mr. McCONNELL. Mr. President, I rise today to honor a fellow Kentuckian for his outstanding contribution to the Commonwealth. Too often, we wait until someone has passed before we allow ourselves to remember all they have done. Well, my friend Thomas Clark is alive and well, and going strong at age 91. He continues to devote his time and effort to his lifelong passion, the study and teaching of history, specifically the history of the Commonwealth of Kentucky.

Clark first published his "History of Kentucky" in 1937. Although he has updated and revised this volume on several occasions, it is still considered one of the preeminent histories ever written of any State.

Mr. President, Thomas Clark spent the majority of his life as a teacher at the University of Kentucky. There, as chairman of the history department from 1943 to 1965, he developed a reputation as a professor that made learning enjoyable for all students. Combining facts with interesting and often humorous anecdotes, Clark helped his students gain a new knowledge and respect for the history of our wonderful Commonwealth.

Mr. President, Thomas Clark retired in 1968 from the University of Kentucky after a long and notable teaching career. He didn't begin to slow down upon his retirement, however. A frequent guest speaker at local historical societies, he travels throughout Kentucky, continuing to teach about the subject he loves so very much. In addition to speaking, Mr. Clark has written over 30 books and has plans to write two more dealing with the history of Clark county and the history of the old Louisville Courier-Journal. Mr. President, I have no doubt in my mind that Thomas Clark will complete these works and probably several other noteworthy volumes as well.

Thomas Clark is also a noted archivist and conservationist. He is the founder of the State's university press and is currently lobbying the Kentucky General Assembly for money to fund a new State history museum. If any of my colleagues have ever met Thomas Clark, they know well what an effective and influential lobbyist he can be. Most recently he has been in Washington working to get a monument erected for the great American revolutionary, Thomas Paine.

Thomas Clark is a walking encyclopedia who has made it his life's goal to share his knowledge and love for the subject of history with others. Mr. President, I ask my colleagues to join me in honoring this Kentucky treasure. In addition, I ask that an article from the May 2, 1994 Courier-Journal be included in the RECORD at this point.

The article follows:

KENTUCKY TREASURE—STATE HISTORIAN LAUREATE IS STILL LOOKING TO THE FUTURE

(By Richard Wilson)

SHELBYVILLE, KY.—Thomas D. Clark walked behind the lectern and soon held his audience spellbound. For nearly an hour, and using no notes, he outlined more than a century of Kentucky's development—its progress, setbacks and missed opportunities.

Effortlessly, he sprinkled his remarks with names, dates, events and observations.

The rapt attention of members of the Shelby County Historical Society and a few others Thursday night was broken only by periodic laughter in response to Clark's anecdotes.

Afterward, the white-haired state historian laureate mingled with the audience, making new acquaintances and reminiscing with former students who took his Kentucky history class at the University of Kentucky years ago.

"I wasn't the best attender, but I recall he'd always end his lectures with an anecdote," said Bill Evans, a retired educator who said he took Clark's class in 1954. "Frequently, time would run out and he wouldn't finish the anecdote, so you'd have to attend the next class to find out how it ended."

Winford Thomas, who took Clark's class in 1949, recalled one tidbit Clark shared; Twice as many Kentuckians fought for the Union as for the Confederacy during the Civil War, but the state has 72 Confederate monuments and only two Union ones.

Clark left UK in 1968 after a distinguished 37-year career, during which he won international acclaim as a teacher and scholar and built a widely regarded history department while serving as its chairman from 1943 to 1965.

But he and retirement have been strangers, and as he nears his 91st birthday, he shows no evidence of slowing down.

He seldom rejects invitations to speak to local historical or civic groups. Already the author, coauthor or editor of more than 30 books, he has at least two more planned. He is also a noted conservationist and a founder of the state's university press. A foundation bearing his name is raising money for the publication of Kentucky-related books.

He's also a forceful and persuasive lobbyist whose current cause is getting the General Assembly to provide money for a new state history museum.

The museum, as well as additional space for archival materials, Clark says, is crucial to preserving and maintaining the state's public and private historical documents and artifacts.

Clark is considered the father of Kentucky's current archives system and has lobbied for other history-related items for years.

"He's very low-key, very persistent and very knowledgeable about what he is visiting with you about," says Sen. Mike Moloney, D-Lexington, the Senate's budget chief.

Moloney says Clark is better prepared than most professional lobbyists "because he speaks from the heart."

Tributes to Clark, a Mississippi native who came to UK as a graduate student in 1928, are not hard to draw from acquaintances, admirers or ex-students, like Lexington lawyer and former Gov. Edward T. "Ned" Breathitt.

"Tom Clark is a Kentucky treasure. He probably has more credibility than any other Kentuckian in the field of history, public affairs and political reform," Breathitt says, "Plus, he constantly reminds us of our history, the history of the South, and I know of no one else in our state that fills that role."

State historian James Klotter agrees. Unlike many academic historians, Klotter says, Clark has not remained in the ivory tower. "He knows this state, its creeks and valleys, its people, probably better than anybody in the state."

Clark is also a realist, Klotter says. "He's not tied to any philosophy about how things should operate. He's very understanding about how things do operate."

Clark's "History of Kentucky," published in 1937, is still in print. Frequently revised and updated, it is considered one of the nation's best state histories.

During a recent interview Clark gave no indication that he plans to embrace inactivity any time soon.

"I'm well started (on a history of Clark County), I have four chapters written. There will be about 12 chapters," he said. Then he plans to revive his research on the old Louisville Journal, forerunner of today's Courier-Journal. He shelved that project some 25 years ago when he left UK to become a visiting professor at Indiana University, where he wrote a four-volume history of IU before returning to Lexington, in 1973.

Clark says if he "could call back 20 years" he would also like to explore the Civil War and 15 post-war years in Kentucky, and possibly tackle even a multivolume history of the state. But both projects, he suggests, must now be left to others.

Though Clark acknowledges that he had no plans for such an active post-retirement career, he also says he does not regret it.

"I think if you're honest with yourself, you get something out of that. In the first place, you get to see people and know something about what they are up to. You've got to keep yourself organized. And I think as a person gets older, that gets to be a pretty important fact.

"If you didn't remain disciplined, organized, you'd just simply drift off as a piece of chaff."

CLARK'S OBSERVATIONS ON KENTUCKY

Religion and education: "There's a kind of religious bigotry in this state, or a state of animosity that has been so disruptive. It disrupted Transylvania (College), came close to killing the University of Kentucky (in its still-formative years). It has many times interfered with public education, and it has the potential of killing Kentucky educational reform."

Education reform: "We can make one great mistake in assuming that the Kentucky Education Reform Act will achieve immediate revolution. This thing will spread over 10, 15 years. And we'll make a lot of blunders. . . . There's no such thing as a perfect educational process or institution."

State government: "If I could wave a wand and change this state, I would say 'let's sit down for one calm moment and design a modern state government that gets rid of all of this patchwork that we've put on our constitutional government. Let's design a modern government that will openly and earnestly confront the problems of this state, and let's get rid of this hypocrisy of swearing by constitutional government on the one hand and prostituting it on the other.'"

A penchant for place: "I don't think there are many places in this republic where people have such a dedicated sense of place as do Kentuckians. And they come home. This thing we call tourist business in Kentucky, a lot of its simply is some kind of Kentucky connection coming home."

The University of Kentucky: "In all my years of association (with UK) many times I've felt that the people of this state had a better university than they deserved, I've always felt that the university . . . was out a bit ahead of the people themselves, as it should be."•

ASSOCIATE JUSTICE JOHN E. SIMONETT

• Mr. DURENBERGER. Mr. President, I rise today to honor a longtime friend and associate justice of the Minnesota Supreme Court, John E. Simonett, who is retiring this year.

I have a very special reason for giving this honor. John is my cousin, related through my father, George Durenberger. Until recently, I had two cousins on the supreme court. The other, Lawrence Yetka, is related to me through my mother, Isabelle Cebulla. I have been honored to be their cousin.

The story of John Simonett is a classic Minnesota tale. Born in a small Minnesota town, educated at Saint John's University in Collegeville, law school at the University of Minnesota, graduate, practiced law in a small town.

John is the son of a schoolteacher and a farmer who also substituted as a rural mail carrier and sold monuments on the side. While his cousins spent afternoons playing cops and robbers, ball games or cowboys, John would excuse himself after about 10 minutes to read a book. He liked to express himself in such a dramatic way that his mother often said, "John—you'd make a wonderful lawyer some day."

John graduated from McKinley High School in Le Center with high honors, and enrolled at St. John's where he played football on my Dad's team in 1942. And he was a letter-winner his freshman year as well as earning the highest average in his class for the year.

John took halt of his education to serve his country from 1943 to 1946. But he was back at Saint John's in 1947, and went on to be elected president of the student council, membership in the International Relations Club, debate team. And he became valedictorian of his college graduating class.

After the University of Minnesota Law School, John joined the private law practice of Gordon Rosenmeier of Little Falls. Gordon, a classic lawyer's lawyer, served in the Minnesota Senate as perhaps the most visionary policymaker in Minnesota history.

John Simonett and his wife Doris loved living in a small town where everyone served their community. He was a member of the Lions Club for 30 years, served on the board of education for St. Mary's School, and held several local and State offices in the Knights of Columbus locally and in the State council.

Highly respected, sought-after, gifted, talented.

He accepted the invitation to join the International Society of Barristers. He is a Fellow of American College of Trial Lawyers, the American Board of Trial Advocates, and the American Law Institute. And he has served for a number of years as chair of the Minnesota News Council.

John and Doris are devoted to their wonderful children, Anne, John, Mary, Martha, Paul, and Luke.

For all of John's eloquence, Doris is spontaneity.

Highly respected, a sought-after speaker, gifted with the word, talented with the pen.

John and his wife Doris will give much to their family and community in his retirement from the Supreme Court. Splendid lives already—more rewarding than ever in life yet to come.•

NATIONAL NURSING WEEK, MAY 6 TO 12

• Mr. KOHL. Mr. President, I rise today in recognition of National Nursing Week. The more than two million nurses in America, who all make significant contributions to their communities, deserve our thanks and appreciation. Nurses have long supported our Nation's efforts to create a health care system that assures access, quality and affordable care. As caregivers in a diversity of settings, responsible for providing care and coordinating health services 24 hours a day, nurses clearly understand the implications of our health system's failings.

A restructured health care system that focuses on consumers and their health, with services to be delivered in familiar, convenient sites, such as schools, workplaces and homes, will call on nurses to play an even greater role. Nurses will help allow the medical profession to shift from the predominant focus on illness and cure to an orientation toward wellness and care. Health reform will bring many uninsured Americans into our regular health care system, raising the question of how we will be able to provide primary care for these folks. I think that we all know who will be a big part of the answer—America's nurses. They are prepared and willing to serve—and we salute them for it.

Mr. President, I ask my colleagues to join me in thanking the nurses of this country for their continuous hard work in providing health care to people from all walks of life in circumstances that

range from preventative to life threatening. We should always remember that nurses have long been placed at the front lines—in hospitals, nursing homes, schools, home health agencies, workplaces, community clinics and managed care programs.

Let us all join them in congratulating them for their hard work and our best wishes as we all celebrate National Nursing Week.●

HUMAN RIGHTS IN AZERBAIJAN

● Mr. DECONCINI. Mr. President, since 1988, the Nagorno-Karabakh conflict has resulted in thousands of casualties and hundreds of thousands of refugees on both sides. This war represents the worst-case confrontation between two Helsinki principles: the equal right of peoples to self-determination, on the one hand, and respect for territorial integrity and peaceful change of borders by agreement, on the other. Alas, in the postcommunist era, this collision of ideas has led to very bloody consequences on the ground.

But I want to address more traditional human rights, such as the right to assemble, the right to express one's opinion, and the right to be free of arbitrary and brutal treatment by the authorities. In these respects, the record of Azerbaijan's Government has been poor indeed.

Since returning to power after a June 1993 coup d'etat, Haidar Aliev has demonstrated the attitude toward human rights that might be expected from a former Communist Party and KGB boss. As President of Azerbaijan, despite his professed support for the rule of law, he has repressed the Azerbaijan Popular Front [APF] and other opposition groups. His policies led Freedom House last December to add Azerbaijan to its list of not free countries.

The ensuing months have brought no improvement. According to APF sources, there are currently over 40 political prisoners in Azerbaijan. The police ransacked APF headquarters in Baku last July, and seized video and computer equipment; in February 1994, the authorities sealed the building, charging the APF with planning an armed uprising. APF publications, especially Azadlyk, have been confiscated. Police routinely break up rallies and demonstrations by APF supporters, and often beat would-be participants. APF members are detained without just cause or due process. In late February and early March, some 100 members of the APF and the Mussavat Party were arrested. On March 29, in the lobby of parliament, an advisor to President Aliev beat into unconsciousness a Mussavat Party member of parliament.

Meanwhile, censorship—which the State Department's human rights report called "methodical and intensive"—has stifled the media. Last August, Azerbaijani journalists protested restrictions on freedom of expression; in February 1994, the main opposition parties again denounced limitations on freedom of the press. In March, the International Federation of Journalists condemned Azerbaijan Government attempts to close down the Turan News Agency.

The former Speaker of Azerbaijan's Parliament, Isa Gambar, was arrested last June. He was released in August after an initiative by Members of the U.S. Congress. But Azerbaijan's Government now wants to put him on trial, charging him with responsibility for the events that led to last year's coup d'etat.

Mr. President, Azerbaijan is at war, and must deal with an economic crisis and a huge refugee population. But that is no excuse for the crackdown on the political opposition and the flagrant assault on free speech President Aliev has sponsored or tolerated. His return to power has resolved none of Azerbaijan's many problems; his apparent determination to crush the opposition will only aggravate an already desperate situation.●

VOICES OF CABRINI

● Mr. SIMON. Mr. President, I rise today to bring your attention to the one year anniversary of "Voices of Cabrini," a newspaper written and operated by residents of the Cabrini Green public housing project in Chicago. Since April of last year, this newspaper has been granting voices to people who have been previously distinguished only by the weight of their problems.

As a former journalist, I understand the power of printed expression to give strength and confidence to traditionally powerless people. "Voices of Cabrini" has been doing this for a year now, against extremely difficult obstacles. "Voices" has been giving Cabrini residents the chance to empower themselves, to focus on what they see as most important and to themselves form solutions. They have taken hold of their own resources to give themselves representation for recounting and validating their own stories.

Along with this, the past year has also brought another inspiring project to Cabrini Green, the Sister Neighborhoods USA program, which has been bringing residents of Cabrini together with citizens of wealthier neighborhoods. This program has brought residents of Cabrini Green and the resource-rich city of Winnetka together to discuss their common and particular problems and to unite in improving their neighborhoods. This program has created a dialogue between these two drastically polarized communities. It has helped them learn about each other's situations, to explore the issues of what sets them apart and what can bring them together, and to ultimately remove the stigmas of irretrievable differences that have separated these two neighborhoods for years.

All these accomplishments have resulted greatly from the efforts of Involvement Advocacy and its founder and executive director, Peter Benkendorf. Peter has devoted himself to helping disadvantaged communities like Cabrini Green take responsibility for and improve their way of life through communication and self-empowerment. This group has worked tirelessly according to this mission, and I want to recognize and commend Mr. Benkendorf and Involvement Advocacy for all he's accomplished in the last year.

I would also like to praise Mark Pratt, editor of "Voices of Cabrini," along with the newspaper's staff, who have sustained the paper in extremely trying conditions. It will require such diligence and commitment to revive these communities. I strongly support this mission and encourage the continuation of these ground-breaking efforts in other communities in Illinois and across the Nation.●

VIETNAM HUMAN RIGHTS DAY

Mr. LEVIN. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 168, designating "Vietnam Human Rights Day," and that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read three times, passed, and the motion to reconsider laid upon the table; that the preamble be agreed to; and that any statements relating thereto appear in the RECORD at the appropriate place.

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

So the joint resolution (S.J. Res. 168) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 168

Whereas May 11, 1994, is the fourth anniversary of the issuance of the Manifesto of the Non-Violent Movement for Human Rights in Vietnam;

Whereas the Manifesto, which calls upon Hanoi to respect basic human rights, accept a multiparty system, and restore the right of the Vietnamese people to choose their own form of government through free and fair elections, reflects the will and aspirations of the people of Vietnam;

Whereas the author of the Manifesto, Dr. Nguyen Dan Que, and thousands of innocent Vietnamese, including religious leaders, are imprisoned by the Socialist Republic of Vietnam because of their nonviolent struggle for freedom and human rights;

Whereas the leaders of the Socialist Republic of Vietnam are seeking to expand diplomatic and trade relations with the rest of the world;

Whereas the United States, as the leader of the free world, has a special responsibility to safeguard freedom and promote the protection of human rights throughout the world; and

Whereas the Congress urges Hanoi to release immediately and unconditionally all political prisoners, including Dr. Nguyen Dan Que, with full restoration of their civil and human rights; guarantee equal protection under the law to all Vietnamese, regardless of religious belief, political philosophy, or previous associations; restore all basic human rights, such as freedom of speech, religion, movement, and association; abolish the single party system and permit the functioning of all political organizations without intimidation or harassment and announce a framework and timetable for free and fair election under the sponsorship of the United Nations that will allow the Vietnamese people to choose their own form of government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 11, 1994, is designated as "Vietnam Human Rights Day" in support of efforts by the Non-Violent Movement for Human Rights in Vietnam to achieve freedom and human right for the people of Vietnam, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such day with appropriate ceremonies and activities.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1994

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 418, S. 1927, a bill relating to veterans' compensation; that the committee amendment be agreed to; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

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

So the bill (S. 1927) was deemed read the third time and passed, as amended as follows:

S. 1927

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 "Veterans' Compensation Cost-of-Living Adjustment Act of 1994".

SEC. 2. DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1994, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations provided for in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code. The increase shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (2 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1994, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2)(A) as increased under this section.

Mr. ROCKEFELLER. Madam President, as the chairman of the Committee on Veterans' Affairs, I am delighted that the Senate is considering S. 1927, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 1994.

Effective December 1, 1994, this bill would increase the rates of compensation paid to veterans with service-connected disabilities, and the rates of dependency and indemnity compensation [DIC] paid to the survivors of certain service-disabled veterans, by the same percentage as the increase in Social Security and VA pension benefits effective the same date. Currently, the Congressional Budget Office estimates that the fiscal year 1995 cost-of-living adjustment [COLA] will be 3 percent. A 3-percent COLA increases the basic monthly compensation for a totally disabled veteran from $1,774 to $1,827 per month—a $53 increase. S. 1927 also would increase the payments for all qualified recipients of DIC by $23 per month.

There are 2.2 million service-disabled veterans and 345,000 survivors who depend on these compensation programs. These individuals have made enormous sacrifices on behalf of this Nation. As chairman of the Committee on Veterans' Affairs, I am committed to ensuring that these veterans and veterans' survivors receive the benefits they deserve. I believe strongly that we have a fundamental obligation to meet the needs of those who became disabled as the result of military service, as well as the needs of their families. This measure fulfills one of the most important aspects of that obligation.

Ever since I began my career in public service, I have worked closely with the veterans of my home State of West Virginia, and now, as chairman of the Committee on Veterans' Affairs, I have had the opportunity to work with veterans all across the country. Consequently, I am keenly aware of the fact that the compensation payments that would be increased by this bill have a profound effect on the everyday lives of the veterans and veterans' survivors who receive them. It is our responsibility to continue to provide cost-of-living adjustments—equally to all qualified recipients—in compensation and DIC benefits, in order to guarantee that the value of these essential, service-connected VA benefits is not eroded by inflation.

I am very proud that Congress consistently has fulfilled its obligation to make sure that the real value of these benefits is preserved by providing an annual COLA for compensation and DIC benefits every fiscal year since 1976. Most recently, on November 11, 1993, Veterans' Day, President Clinton signed Public Law 103-140 into law, providing a 2.6-percent increase in these benefits, effective December 1, 1993.

We cannot ever repay the debt we owe to the individuals who have sacrificed so much for our country. Service-disabled veterans and the survivors of those who died as the result of service-connected conditions are reminded daily of the price they have paid for the freedom we all enjoy. The very least we can do is protect the value of the benefits they have earned through their sacrifice.

I strongly urge all of my colleagues to support this vitally important measure.

CONGRATULATING THE PEOPLE AND LEADERS OF SOUTH AFRICA

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 210, a resolution submitted earlier today by Senators WOFFORD, SIMON, JEFFORDS, and others, congratulating the people and leaders of South Africa on their first democratic election; that the resolution and preamble be agreed to; that the motion to reconsider be laid on the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

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

So the resolution (S. Res. 210) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 210

Whereas the people of South Africa have demonstrated by their recent election a desire to move toward full democratic government;

Whereas, despite the efforts of extremists, those elections have moved South Africa toward a new era of multiracial cooperation and government;

Whereas President-elect Nelson Mandela, former President F.W. DeKlerk, Chief Mangosuthu Buthelezi, and many others have by their cooperation helped to achieve these good results; and

Whereas the people of South Africa now enter a new and important period in their history: Now, therefore, be it

Resolved, That the Senate, on behalf of the people of the United States, hereby extends its congratulations to the people of South Africa and their leaders on the results of their first democratic election, and expresses the strong hope of all Americans that South Africa and its citizens continue on the road to freedom and national unity.

Mr. WOFFORD. Madam President, a few years ago, in the moving South African theater piece "Sarafina," the schoolchildren of Soweto sang a joyous hymn to what seemed like a distant future called Freedom Is Coming Tomorrow. But now, that tomorrow has come. Freedom is here today.

Millions in South Africa and, indeed, around the world, have good reason to celebrate. The recently concluded election in South Africa was a resounding victory for human rights. It is a call for a renewed dedication in all of Africa to the cause of human freedom, racial tolerance, and nonviolent change.

I have spent a good deal of my life dealing with issues affecting the people of Africa. I and many others here in the United States and elsewhere have waited a long time to see this great day. Many people have dedicated themselves to making it happen.

But true credit must go to those South Africans who sacrificed so much—even their lives—to gain this new, great measure of democracy. Their common struggle can best be remembered by their uncompromising devotion to freedom and unremitting opposition to the brutality of apartheid. It is to them that the people of South Africa will always owe a debt of gratitude.

For millions more the work has not yet ended. For Nelson Mandela, whose faith in the future of South Africa was unshaken by 27 years of imprisonment, the real work has only just begun. As President, it will be his task to unify the country, to reconcile old animosities and to focus the attention of South Africans on building their future. For F.W. De Klerk, Chief Buthelezi, and other leaders, it will be their task to join with President Mandela in building the common ground on which the future of a new South Africa will rest.

When Nelson Mandela and F.W. De Klerk came to Philadelphia last year to receive the Liberty Medal on the steps of Independence Hall, few of us could miss the symbolism. There, in the very place where Americans crafted our founding documents of freedom and democratic self-government, these two historic adversaries were coming together to dedicate themselves to their own new birth of freedom. Since then, against all the forces of violence and opposition arrayed against them, they stuck to the path and arrived at their great destination: the ballot box. And this past week, millions of South Africans waited peacefully on lines to reach that same destination for themselves and their country.

I believe that there is a common bond between Americans and South Africans, a bond which was established by implacable opposition to apartheid in recognition of our own struggle for racial equality. I am sure that the American people share the hope of all South Africans that this election be only the first step on the road to national reconciliation. It is for these reasons that I have submitted this resolution to congratulate the South African people on their new day of freedom.

WELCOMING THE 150 ENSEMBLE SYMPHONY ORCHESTRA AND CHORUS

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 211 welcoming the 150 ensemble symphony orchestra and chorus submitted earlier today by Senator RIEGLE; that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid on the table; and that any statements appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 211) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 211

Whereas the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television, under the direction of Mikis Theodorakis, shall conduct a month-long goodwill tour of Canada and the United States during May 1994;

Whereas the proceeds from the concert tour of the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television will benefit a number of philanthropic organizations, including the Greek reforestation effort sponsored by the Plant Your Roots in Greece Foundation;

Whereas the leader of the concert tour, Mikis Theodorakis, returns to North America after an absence of nearly 2 decades, and shall lead the Ensemble and Chorus in performances of his own works;

Whereas the leader of the concert tour, Mikis Theodorakis, is an internationally renowned musical genius and is considered to be Greece's greatest living composer, and has composed more than 200 popular songs, 10 symphonies, 3 ballets, 2 oratorios, a folk opera, and the Olympic anthem (which was first performed at the 1992 Summer Olympic Games in Barcelona, Spain), and the film scores to "Z" and "Zorba the Greek";

Whereas the leader of the concert tour, Mikis Theodorakis, was born in 1925 on the Greek island of Khios, taught himself to write music from memory and without access to musical instruments, and studied at the Paris Conservatory;

Whereas the leader of the concert tour, Mikis Theodorakis, combines his exceptional artistic talent with a deep love of his country, and is dedicated to heightening international awareness of human rights and environmental issues, and ending child hunger in the world; and

Whereas the United States is fortunate to welcome the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television, under the direction of Mikis Theodorakis, for the series of concerts they will present during May 1994: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate welcomes the 150 Ensemble Symphony Orchestra and Chorus of Hellenic Radio and Television, under the direction of Mikis Theodorakis, to the United States and applauds their talent and enthusiasm for their work; and

(2) the Senate acknowledges the musical contributions of leader of the concert tour, Mikis Theodorakis, and supports and appreciates his efforts to promote human rights, raise awareness of environmental issues, and end child hunger.

Mr. RIEGLE. Madam President, I would like to thank my colleagues for their unanimous support of the resolution honoring the tour of the 150 ensemble symphony orchestra and chorus of Hellenic radio and television. It is my distinct pleasure to honor this group, which will be conducting a goodwill tour of Canada and the United States during the month of May. I welcome them to the United States and I applaud their outstanding musical achievements and commitment to philanthropic pursuits.

I would also like to take this opportunity to pay special tribute to the leader of the concert tour, the renowned Greek composer, Mikis Theodorakis. Mr. Theodorakis is widely considered to be Greece's greatest living composer, and is best known for his film scores for "Z" and "Zorba the Greek." He is returning to the United States after a 20-year absence, and I would like to extend a warm welcome on behalf of my colleagues in the Senate, and the Greek-Americans we represent nationwide.

Mr. Theodorakis' accomplishments are especially noteworthy due to his modest upbringing. As a child he developed an early love for music, but his family was unable to purchase many musical instruments. He overcame this difficulty by teaching himself to compose music by memory and without the benefit of musical equipment. Mr. Theodorakis developed this talent throughout his childhood, and in 1953 he entered the Paris Conservatory, which served as a starting point for his brilliant musical career.

In addition to his artistic talent, Mr. Theodorakis is known for his nationalism and pride in his country, and his dedication to international humanitarian issues. Despite his early Communist associations, his political ideology stems more from his intense patriotism rather than his affiliation to a particular political ideology. In fact, he abandoned his post with the Communist Party to accept a position with the conservative government, believing that Greece needed to modernize and that its many political parties needed

to work together. Today he extends his commitment to issues of international concern including human rights, environmental issues, and ending child hunger.

The people of Greece are fortunate to claim Mikis Theodorakis as a national figure. His exceptional musical talent, combined with a deep love of his country, is an inspiration to millions of Greeks worldwide. The United States is truly privileged to welcome Mr. Theodorakis along with the 150 ensemble symphony orchestra and chorus of Hellenic radio and television, and I am proud to pay this tribute to their upcoming tour.

AUTHORIZING THE PRINTING OF SENATOR ROBERT C. BYRD'S ADDRESSES TO THE SENATE ON THE HISTORY OF ROMAN CONSTITUTIONALISM

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 68, a concurrent resolution submitted earlier today by Senator REID, authorizing the printing of Senator ROBERT BYRD'S addresses to the Senate on the history of Roman constitutionalism; that the concurrent resolution be agreed to; that the motion to reconsider be laid on the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

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

So the concurrent resolution (S. Con. Res. 68) was agreed to, as follows:

S. CON RES. 68

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document "U.S. Senator Robert C. Byrd's Addresses to the United States Senate on the History of Roman Constitutionalism", delivered between May 5, 1993 and October 18, 1993.

SEC. 2. The document referred to in the first section shall be—

(1) published under the supervision of the Secretary of the Senate; and

(2) in such style, form, manner, and binding as directed by the Joint Committee on Printing, after consultation with the Secretary of the Senate.

The document shall include illustrations.

SEC. 3. In addition to the usual number of copies of the document, there shall be printed the lesser of—

(1) 5,000 copies for the use of the Secretary of Senate; or

(2) such number of copies as does not exceed a total production and printing cost of $47,864.

Mr. REID. Madam President, 1 year ago, on May 5, 1993, our esteemed colleague ROBERT C. BYRD initiated a series of 14 addresses on the subject of the line-item-veto. During the following 5½ months, he delivered each of these speeches—packed with names, dates, and complex narratives—entirely from memory and without recourse to notes or consultation with staff aides.

In effect, Senator BYRD had created a 14-week university seminar on the constitutional history of separated and shared powers as shaped in the republic and empire of ancient Rome. To prepare himself for this task, he read extensively in the history of England and ancient Rome. He began with the writings of Montesquieu, the 18th-century French philosopher who had also studied and thought deeply about the history of Rome and the operation of contemporary English governmental institutions. Montesquieu's political philosophy had profoundly influenced the thinking of those who framed the U.S. Constitution. To better understand what the framers had in mind when they created a governmental system of divided and shared powers, Senator BYRD carefully examined Montesquieu's 1734 essay, "Considerations on the Causes of the Greatness of the Romans and their Decline."

Senator BYRD reasoned that if,

> The history of the Roman people helped to influence Montesquieu's political theory concerning checks and balances and the separation of powers, and if Montesquieu's political theory influenced our American forbears in their writing of the United States Constitution, then why can it not be said that the history of Rome and the Romans, as well as the history of England and Englishmen, influenced [the Constitution's framers].

To test this premise, he examined the works of more than 20 celebrated historians of ancient Rome who wrote from the time of Polybius, in the second century before Christ, down through Julius Caesar, Plutarch, Tacitus, Suetonius, and concluding with Edward Gibbon, in the 18th century.

In these addresses, ROBERT C. BYRD describes the development of ancient Rome from its founding in 753 B.C. through its evolution to a republic with a strong and independent senate and then into its decline as the Roman Senate willingly yielded hard-won powers to a succession of emperors.

Senator BYRD sees ample parallels between the willingness of Roman Senators to hand over powers of the purse to usurping executives and the compliant attitude of United States Senators in responding to presidential urging for a similar grant of powers in a line-item veto constitutional amendment.

Taken together, this remarkable 14-part series displays vast learning, prodigious memory, and single-minded determination to preserve constitutional prerogatives forged over more than two millennia of human experience. In my judgment, this work merits the widest possible distribution among the students, scholars, and general citizenry of this Nation. Accordingly I have submitted a concurrent resolution authorizing printing, as a Senate Document, of Senator ROBERT C. BYRD'S "Addresses to the United States Senate on the History of Roman Constitutionalism."

ORDERS FOR THURSDAY, MAY 5, 1994

Mr. LEVIN. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, May 5; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified: Senator CAMPBELL for up to 20 minutes; Senators REID, DASCHLE and GRASSLEY for up to 10 minutes each; and that at 10 a.m., the Senate resume consideration of S. 1935, as provided for under a previous order.

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

RECESS UNTIL THURSDAY, MAY 5, 1994, AT 9 A.M.

Mr. LEVIN. Madam President, if there is no further business to come before the Senate today, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:56 p.m., recessed until Thursday, May 5, 1994, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 4, 1994:

SMALL BUSINESS ADMINISTRATION

JERE WALTON GLOVER, OF MARYLAND, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, May 4, 1994*

The House met at 2 p.m.

Rabbi Moshe Feller, director, Upper Midwest Merkos-Lubavitch, Twin Cities, MN, offered the following prayer:

Almighty God, the Members of this august body, the U.S. House of Representatives, convene here to fulfill one of the seven Biblical commandments which You issued to all mankind: that all societies must govern by just laws.

At the dawn of civilization, as related in Genesis and its sacred commentaries, You issued seven commandments which came to be known as the Seven Noahide Laws:

To worship You alone and not to serve idols,

Never to blaspheme Your Holy Name,

Not to murder,

Not to commit adultery,

Not to steal,

Not to be cruel to any living creature, and

That every society govern by just laws which are based in the recognition of You, O God, as the Sovereign Ruler of all men and nations.

Grant us, Almighty God, that those assembled here to enact the laws which govern this blessed country be cognizant of Your presence, and conduct their deliberations accordingly. Bless them with good health, wisdom, compassion, good cheer, and good fellowship. May they constantly realize that in laboring for the enactment of just laws they are doing Your will. Amen.

THE JOURNAL

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

Mr. BALLENGER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BALLENGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 257, nays 154, not voting 21, as follows:

[Roll No. 150]

YEAS—257

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—154

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Clay
Coble
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Gunderson
Hancock
Hansen
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Machtley
Manzullo
McCandless
McCollum
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—21

Brooks
Brown (CA)
Collins (GA)
Dellums
Doolittle
Fields (TX)
Grandy
Johnson (GA)
Kaptur
LaFalce
Long
McMillan
Moran
Myers
Rangel
Ridge
Stokes
Washington
Wheat
Whitten
Young (FL)

□ 1429

Mr. TAYLOR of Mississippi and Mr. BAKER of California changed their vote from "yea" to "nay."

Mr. CARR of Michigan and Mr. BARLOW changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. VOLKMER). Will the gentleman from California [Mr. ROHRABACHER] please come forward and lead the House in the Pledge of Allegiance?

Mr. ROHRABACHER 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 PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 4204. An act to designate the Federal building located at 711 Washington Street in Boston, Massachusetts, as the "Jean Mayer Human Nutrition Research Center on Aging."

H. Con. Res. 237. Concurrent resolution authorizing the use of the Capitol grounds for the 13th annual National Peace Officers' Memorial Service.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1305. An act to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2000) an act to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes, agrees to the conference asked by the House on the disagreeing votes of the two houses thereon, and appoints Mr. KENNEDY, Mr. DODD, Mr. METZENBAUM, Mr. PELL, Mrs. KASSEBAUM, Mr. JEFFORDS, and Mr. COATS, to be the conferees on the part of the Senate.

RABBI MOSHE FELLER

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

Mr. VENTO. Mr. Speaker, I rise today to welcome Rabbi Moshe Feller and to thank him for his thoughtful opening prayer for today's session. Rabbi Feller has been a leader in the Twin Cities Jewish Community for over 30 years. Accompanying the Rabbi today are 20 students from the Chabad [Habad] Academy located in St. Paul, MN.

Over the past 30 years, Rabbi Feller has been a strong voice for the Jewish community. He is the founder of the Chabad Academy. This school is located in St. Paul and educates students from preschool through junior high.

In addition, Rabbi Feller is the founder of the Bais Chana Women's Institute, the Shma Yisroel radio program and the Lubavitch Cheder Day School. The rabbi is one of the founders of the Adath Israel Synagogue.

Rabbi Feller has informed me that Rebbe Menachem Mendel Schneerson, the Lubavitcher Rebbe, remains critically ill. Many Members of Congress have cosponsored resolutions proclaiming the Rebbe's birthday as "Education Day—U.S.A." I know that my colleagues will want to join with me in prayer for the Rebbe's health and speedy recovery.

Mr. SABO. Mr. Speaker, if the gentleman will yield, I also would like to welcome Rabbi Feller to the House.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 218, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995

Mr. SABO submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 218) setting forth the congressional budget for the U.S. Government for fiscal years 1995, 1996, 1997, 1998, and 1999:

CONFERENCE REPORT (H. REPT. 103-490)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 218), setting forth the congressional budget for the United States Government for fiscal years 1995, 1996, 1997, 1998, and 1999, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1995, including the appropriate budgetary levels for fiscal years 1996, 1997, 1998, and 1999, as required by section 301 of the Congressional Budget Act of 1974.

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

Sec. 1. Concurrent resolution on the budget for fiscal year 1995.

TITLE I—LEVELS AND AMOUNTS

Sec. 2. Aggregates.
Sec. 3. Social security.
Sec. 4. Major functional categories.

TITLE II—BUDGETARY PROCEDURES

Sec. 21. Sale of government assets.
Sec. 22. Social security fire wall point of order in the Senate.
Sec. 23. Enforcing pay-as-you-go.
Sec. 24. Enforcing discretionary spending limits.
Sec. 25. Internal Revenue Service compliance initiative.
Sec. 26. Adjustments for health care reform in the House of Representatives.
Sec. 27. Deficit-neutral reserve fund in the Senate.
Sec. 28. Exercise of rulemaking powers.

TITLE III—SENSE OF CONGRESS PROVISIONS

Sec. 31. Controlling growth of entitlement or mandatory spending.
Sec. 32. Sense of the House regarding enactment of certain budget process legislation.
Sec. 33. Sense of the Senate on controlling nonsocial security mandatory spending.
Sec. 34. Sense of the Congress regarding the budgetary accounting of health care reform.
Sec. 35. Sense of the Congress on the costs of illegal immigration.
Sec. 36. Sense of the Congress regarding baselines.
Sec. 37. Sense of the Congress regarding unfunded Federal mandates.
Sec. 38. Closing of loopholes in foreign tax provisions.
Sec. 39. Sense of the Senate regarding tax expenditures.
Sec. 40. Sense of the Congress regarding health service delivery and water infrastructure in the Indian Health Service.
Sec. 41. Sense of the Senate regarding the National Aeronautics and Space Administration.
Sec. 42. Minimum allocation program.
Sec. 43. Policy in Eastern and Central Europe.
Sec. 44. Star Wars (Ballistic Missile Defense).

TITLE I—LEVELS AND AMOUNTS

SEC. 2. AGGREGATES.

The following budgetary levels are appropriate for fiscal years 1995, 1996, 1997, 1998, and 1999:

(1) FEDERAL REVENUES.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1995: $977,700,000,000.
Fiscal year 1996: $1,031,200,000,000.
Fiscal year 1997: $1,079,700,000,000.
Fiscal year 1998: $1,136,400,000,000.
Fiscal year 1999: $1,190,200,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1995: $0.
Fiscal year 1996: $0.
Fiscal year 1997: $0.
Fiscal year 1998: $0.
Fiscal year 1999: $0.

(iii) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1995: $100,300,000,000.
Fiscal year 1996: $106,300,000,000.
Fiscal year 1997: $111,900,000,000.
Fiscal year 1998: $117,800,000,000.
Fiscal year 1999: $123,700,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund)—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1995: $877,400,000,000.

Fiscal year 1996: $924,900,000,000.

Fiscal year 1997: $967,800,000,000.

Fiscal year 1998: $1,018,600,000,000.

Fiscal year 1999: $1,066,500,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1995: $0.

Fiscal year 1996: $0.

Fiscal year 1997: $0.

Fiscal year 1998: $0.

Fiscal year 1999: $0.

(2) NEW BUDGET AUTHORITY.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1995: $1,238,300,000,000.

Fiscal year 1996: $1,308,800,000,000.

Fiscal year 1997: $1,374,400,000,000.

Fiscal year 1998: $1,443,900,000,000.

Fiscal year 1999: $1,526,900,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1995: $1,144,900,000,000.

Fiscal year 1996: $1,207,500,000,000.

Fiscal year 1997: $1,262,700,000,000.

Fiscal year 1998: $1,321,000,000,000.

Fiscal year 1999: $1,389,700,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,217,200,000,000.

Fiscal year 1996: $1,284,400,000,000.

Fiscal year 1997: $1,356,600,000,000.

Fiscal year 1998: $1,418,300,000,000.

Fiscal year 1999: $1,490,900,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,124,900,000,000.

Fiscal year 1996: $1,184,400,000,000.

Fiscal year 1997: $1,246,200,000,000.

Fiscal year 1998: $1,297,000,000,000.

Fiscal year 1999: $1,355,600,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1995: $239,500,000,000.

Fiscal year 1996: $253,200,000,000.

Fiscal year 1997: $276,900,000,000.

Fiscal year 1998: $281,900,000,000.

Fiscal year 1999: $300,700,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1995: $247,500,000,000.

Fiscal year 1996: $259,500,000,000.

Fiscal year 1997: $278,400,000,000.

Fiscal year 1998: $278,400,000,000.

Fiscal year 1999: $289,100,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1995: $4,965,100,000,000.

Fiscal year 1996: $5,281,400,000,000.

Fiscal year 1997: $5,618,200,000,000.

Fiscal year 1998: $5,958,600,000,000.

Fiscal year 1999: $6,308,800,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1995: $26,700,000,000.

Fiscal year 1996: $32,100,000,000.

Fiscal year 1997: $33,800,000,000.

Fiscal year 1998: $35,700,000,000.

Fiscal year 1999: $37,800,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1995: $199,700,000,000.

Fiscal year 1996: $174,400,000,000.

Fiscal year 1997: $164,600,000,000.

Fiscal year 1998: $164,100,000,000.

Fiscal year 1999: $163,500,000,000.

SEC. 3. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $360,500,000,000.

Fiscal year 1996: $379,600,000,000.

Fiscal year 1997: $399,000,000,000.

Fiscal year 1998: $419,500,000,000.

Fiscal year 1999: $439,800,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $287,600,000,000.

Fiscal year 1996: $301,300,000,000.

Fiscal year 1997: $312,300,000,000.

Fiscal year 1998: $324,400,000,000.

Fiscal year 1999: $337,000,000,000.

SEC. 4. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1995 through 1999 for each major functional category are:

(1) National Defense (050):

Fiscal year 1995:

(A) New budget authority, $263,800,000,000.

(B) Outlays, $270,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $255,300,000,000.

(B) Outlays, $261,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $252,000,000,000.

(B) Outlays, $256,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $258,700,000,000.

(B) Outlays, $256,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $265,100,000,000.

(B) Outlays, $257,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1995:

(A) New budget authority, $19,300,000,000.

(B) Outlays, $18,100,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $18,000,000,000.

Fiscal year 1996:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1997:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1998:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $17,600,000,000.

(C) New direct loan obligations, $2,400,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1999:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $2,400,000,000.

(D) New primary loan guarantee commitments, $16,500,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1995:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $17,400,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $17,600,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1995:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,200,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $5,700,000,000.

(B) Outlays, $4,400,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1995:

(A) New budget authority, $21,700,000,000.

(B) Outlays, $21,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $21,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,000,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $21,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1995:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $12,200,000,000.

(C) New direct loan obligations, $10,100,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1996:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1997:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $12,700,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1998:

(A) New budget authority, $14,200,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $9,800,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1999:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $9,900,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1995:

(A) New budget authority, $7,700,000,000.

(B) Outlays, −$8,200,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $117,900,000,000.

Fiscal year 1996:

(A) New budget authority, $5,300,000,000.

(B) Outlays, −$10,800,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $103,200,000,000.

Fiscal year 1997:

(A) New budget authority, $5,100,000,000.

(B) Outlays, −$3,400,000,000.

(C) New direct loan obligations, $3,100,000,000.

(D) New primary loan guarantee commitments, $95,900,000,000.

Fiscal year 1998:

(A) New budget authority, $5,200,000,000.

(B) Outlays, −$2,900,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $96,600,000,000.

Fiscal year 1999:

(A) New budget authority, $6,200,000,000.

(B) Outlays, −$900,000,000.

(C) New direct loan obligations, $3,400,000,000.

(D) New primary loan guarantee commitments, $99,500,000,000.

(8) Transportation (400):

Fiscal year 1995:

(A) New budget authority, $41,900,000,000.

(B) Outlays, $38,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $41,800,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $43,200,000,000.

(B) Outlays, $40,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $44,000,000,000.

(B) Outlays, $40,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $44,600,000,000.

(B) Outlays, $40,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1995:

(A) New budget authority, $9,500,000,000.

(B) Outlays, $9,300,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1996:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1997:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,100,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1999:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1995:

(A) New budget authority, $57,700,000,000.

(B) Outlays, $53,700,000,000.

(C) New direct loan obligations, $5,500,000,000.

(D) New primary loan guarantee commitments, $19,000,000,000.

Fiscal year 1996:

(A) New budget authority, $58,200,000,000.

(B) Outlays, $55,600,000,000.

(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $14,000,000,000.

Fiscal year 1997:

(A) New budget authority, $59,900,000,000.

(B) Outlays, $58,100,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $13,200,000,000.

Fiscal year 1998:

(A) New budget authority, $61,700,000,000.

(B) Outlays, $60,600,000,000.

(C) New direct loan obligations, $15,100,000,000.

(D) New primary loan guarantee commitments, $12,300,000,000.

Fiscal year 1999:

(A) New budget authority, $63,200,000,000.

(B) Outlays, $62,200,000,000.

(C) New direct loan obligations, $16,800,000,000.

(D) New primary loan guarantee commitments, $11,200,000,000.

(11) Health (550):

Fiscal year 1995:

(A) New budget authority, $124,300,000,000.

(B) Outlays, $122,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $136,700,000,000.

(B) Outlays, $135,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1997:

(A) New budget authority, $151,000,000,000.

(B) Outlays, $149,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1998:

(A) New budget authority, $166,700,000,000.

(B) Outlays, $165,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1999:

(A) New budget authority, $184,200,000,000.

(B) Outlays, $182,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1995:

(A) New budget authority, $162,400,000,000.

(B) Outlays, $160,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $180,500,000,000.

(B) Outlays, $178,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $198,500,000,000.

(B) Outlays, $196,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $217,700,000,000.
(B) Outlays, $215,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $242,300,000,000.
(B) Outlays, $239,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:
Fiscal year 1995:
(A) New budget authority, $56,000,000,000.
(B) Outlays, $55,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $65,200,000,000.
(B) Outlays, $64,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $73,300,000,000.
(B) Outlays, $72,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $81,300,000,000.
(B) Outlays, $80,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $92,200,000,000.
(B) Outlays, $90,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(14) Income Security (600):
Fiscal year 1995:
(A) New budget authority, $220,800,000,000.
(B) Outlays, $221,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $235,000,000,000.
(B) Outlays, $229,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $249,300,000,000.
(B) Outlays, $242,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $261,200,000,000.
(B) Outlays, $253,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $273,600,000,000.
(B) Outlays, $264,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(15) Social Security (650):
Fiscal year 1995:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $9,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $9,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $9,000,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $9,800,000,000.
(B) Outlays, $13,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(16) Veterans Benefits and Services (700):
Fiscal year 1995:
(A) New budget authority, $37,200,000,000.
(B) Outlays, $36,600,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $32,900,000,000.
Fiscal year 1996:
(A) New budget authority, $37,600,000,000.
(B) Outlays, $36,600,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $27,400,000,000.
Fiscal year 1997:
(A) New budget authority, $38,500,000,000.
(B) Outlays, $38,300,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $25,800,000,000.
Fiscal year 1998:
(A) New budget authority, $38,600,000,000.
(B) Outlays, $38,500,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $25,600,000,000.
Fiscal year 1999:
(A) New budget authority, $39,700,000,000.
(B) Outlays, $39,600,000,000.
(C) New direct loan obligations, $1,500,000,000.
(D) New primary loan guarantee commitments, $25,300,000,000.
(17) Administration of Justice (750):
Fiscal year 1995:
(A) New budget authority, $18,800,000,000.
(B) Outlays, $17,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $21,300,000,000.
(B) Outlays, $19,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $22,200,000,000.
(B) Outlays, $21,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $23,200,000,000.
(B) Outlays, $22,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $24,500,000,000.
(B) Outlays, $23,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(18) General Government (800):
Fiscal year 1995:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $13,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $14,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $13,400,000,000.
(B) Outlays, $13,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $13,100,000,000.
(B) Outlays, $13,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $12,800,000,000.
(B) Outlays, $12,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1995:
(A) New budget authority, $247,100,000,000.
(B) Outlays, $247,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $267,200,000,000.
(B) Outlays, $267,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $282,700,000,000.
(B) Outlays, $282,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $298,500,000,000.
(B) Outlays, $298,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $315,600,000,000.
(B) Outlays, $315,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(20) For purposes of section 710 of the Social Security Act, Net Interest (900):
Fiscal year 1995:
(A) New budget authority, $257,600,000,000.
(B) Outlays, $257,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $278,000,000,000.
(B) Outlays, $278,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $293,500,000,000.
(B) Outlays, $293,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $309,100,000,000.

(B) Outlays, $309,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $325,500,000,000.
(B) Outlays, $325,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(21) The corresponding levels of gross interest on the public debt are as follows:
Fiscal year 1995: $311,800,000,000.
Fiscal year 1996: $331,200,000,000.
Fiscal year 1997: $347,600,000,000.
Fiscal year 1998: $365,100,000,000.
Fiscal year 1999: $384,100,000,000.
(22) Allowances (920):
Fiscal year 1995:
(A) New budget authority, −$6,600,000,000.
(B) Outlays, −$4,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, −$4,400,000,000.
(B) Outlays, −$3,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, −$4,500,000,000.
(B) Outlays, −$3,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, −$7,900,000,000.
(B) Outlays, −$7,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, −$8,700,000,000.
(B) Outlays, −$11,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(23) Undistributed Offsetting Receipts (950):
Fiscal year 1995:
(A) New budget authority, −$44,700,000,000.
(B) Outlays, −$44,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, −$30,500,000,000.
(B) Outlays, −$30,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, −$30,500,000,000.
(B) Outlays, −$30,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, −$31,300,000,000.
(B) Outlays, −$31,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, −$31,600,000,000.
(B) Outlays, −$31,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(24) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):
Fiscal year 1995:
(A) New budget authority, −$42,200,000,000.
(B) Outlays, −$42,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, −$27,300,000,000.
(B) Outlays, −$27,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, −$27,800,000,000.
(B) Outlays, −$27,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, −$28,400,000,000.
(B) Outlays, −$28,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, −$28,600,000,000.
(B) Outlays, −$28,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

TITLE II—BUDGETARY PROCEDURES

SEC. 21. SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) BUDGETARY TREATMENT.—For purposes of points of order under this concurrent resolution and the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from sales of assets (other than loan assets) shall not be scored with respect to the level of budget authority, outlays, or revenues.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the term shall not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales at levels consistent with agency operations in fiscal year 1986.

(d) SUNSET.—Subsections (a) through (c) of this section shall expire September 30, 1998.

(e) CONFORMING AMENDMENT.—Section 8 of House Concurrent Resolution 64 (103d Congress), section 8 of House Concurrent Resolution 287 (102d Congress), section 7 of House Concurrent Resolution 121 (102d Congress), section 5 of House Concurrent Resolution 310 (101st Congress), section 6 of House Concurrent Resolution 106 (101st Congress), section 4 of House Concurrent Resolution 268 (100th Congress), and sections 7 and 8 of House Concurrent Resolution 93 (100th Congress) are repealed.

SEC. 22. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

(a) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

(b) CONFORMING AMENDMENT.—Section 10(b) of House Concurrent Resolution 64 (103d Congress) and section 12(b) of House Concurrent Resolution 287 (102d Congress) are repealed.

SEC. 23. ENFORCING PAY-AS-YOU-GO.

(a) PURPOSE.—The Senate declares that it is essential to—

(1) ensure continued compliance with the deficit reduction embodied in the Omnibus Budget Reconciliation Act of 1993; and

(2) continue the pay-as-you-go enforcement system.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct-spending or receipts legislation (as defined in paragraph (3)) that would increase the deficit for any one of the three applicable time periods (as defined in paragraph (2)) as measured pursuant to paragraphs (4) and (5).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any one of the three following periods—

(A) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

(B) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

(C) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING OR RECEIPTS LEGISLATION.—For purposes of this subsection, the term "direct-spending or receipts legislation" shall—

(A) include any bill, joint resolution, amendment, motion, or conference report to which this subsection otherwise applies;

(B) exclude concurrent resolutions on the budget;

(C) exclude full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990;

(D) exclude emergency provisions so designated under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985;

(E) include the estimated amount of savings in direct-spending programs applicable to that fiscal year resulting from the prior year's sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year); and

(F) except as otherwise provided in this subsection, include all direct-spending legislation as that term is interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) BASELINE.—Estimates prepared pursuant to this section shall use the baseline used for the most recent concurrent resolution on the budget, and for years beyond those covered by that concurrent resolution, shall abide by the requirements of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, except that references to "outyears" in that section shall be deemed to apply to any year (other than the budget year) covered by any one of the time periods defined in paragraph (2) of this subsection.

(5) PRIOR SURPLUS AVAILABLE.—If direct-spending or receipts legislation increases the deficit when taken individually (as a bill, joint resolution, amendment, motion, or conference report, as the case may be), then it must also increase the deficit when taken together with all direct-spending and receipts legislation enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1993, in order to violate the prohibition of this subsection.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be

equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and receipts for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(f) CONFORMING AMENDMENT.—Section 12 of House Concurrent Resolution 64 (103d Congress) is repealed.

(g) TECHNICAL CORRECTION.—Notwithstanding section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by sections 13112(b) and 13208(b)(3) of the Budget Enforcement Act of 1990), the second sentence of section 904(c) of the Congressional Budget Act of 1974 (except insofar as it relates to section 313 of that Act) and the final sentence of section 904(d) of that Act (except insofar as it relates to section 313 of that Act) shall continue to have effect as rules of the Senate through (but no later than) September 30, 1998.

(h) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 1998.

SEC. 24. ENFORCING DISCRETIONARY SPENDING LIMITS.

(a) DISCRETIONARY SPENDING LIMITS.—

(1) DEFINITION.—For the purposes of enforcing this section in the Senate, the discretionary spending limits in section 601(a)(2)(F) of the Congressional Budget Act of 1974 (as adjusted) are reduced by the following amounts—

(A) with respect to fiscal year 1996, $4,000,000,000 in budget authority and $5,400,000,000 in outlays;

(B) with respect to fiscal year 1997, $10,700,000,000 in budget authority and $2,400,000,000 in outlays; and

(C) with respect to fiscal year 1998, $4,100,000,000 in budget authority and $500,000,000 in outlays.

(2) POINT OF ORDER IN THE SENATE.—(A) Except as provided in subparagraph (B), it shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal year 1996, 1997, or 1998 (or amendment or motion on such a resolution) that recommends discretionary spending levels for the first fiscal year covered by that resolution that would exceed the discretionary spending limits as reduced in this section.

(B) This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SEC. 25. INTERNAL REVENUE SERVICE COMPLIANCE INITIATIVE.

(a)(1) ADJUSTMENTS.—For purposes of points of order under the Congressional Budget and Impoundment Control Act of 1974 and concurrent resolutions on the budget—

(A) the discretionary spending limits under section 601(a)(2) of that Act (and those limits as cumulatively adjusted) for the current fiscal year and each outyear;

(B) the allocations to the Committees on Appropriations under sections 302(a) and 602(a) of that Act;

(C) the appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget; and

(D) the maximum deficit amount under section 601(a)(1) of that Act (and that amount as cumulatively adjusted) for the current fiscal year,

shall be adjusted to reflect the amounts of additional new budget authority or additional outlays (as defined in paragraph (2)) reported by the Committee on Appropriations in appropriations Acts (or by the committee of conference on such legislation) for the Internal Revenue Service compliance initiative activities in any fiscal year, but not to exceed in any fiscal year $405,000,000 in new budget authority and $405,000,000 in outlays.

(2) ADDITIONAL AMOUNTS.—As used in this section, the terms "additional new budget authority" or "additional outlays" shall mean, for any fiscal year, budget authority or outlays (as the case may be) in excess of the amounts requested for that fiscal year for the Internal Revenue Service in the President's Budget for fiscal year 1995.

(b) REVISED LIMITS, ALLOCATIONS, AND AGGREGATES.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate or the House of Representatives (as the case may be) shall submit to that Chairman's respective House appropriately revised—

(1) discretionary spending limits under section 601(a)(2) of the Congressional Budget Act of 1974 (and those limits as cumulatively adjusted) for the current fiscal year and each outyear;

(2) allocations to the Committees on Appropriations under sections 302(a) and 602(a) of that Act;

(3) appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget; and

(4) maximum deficit amount under section 601(a)(1) of that Act (and that amount as cumulatively adjusted) for the current fiscal year,

to carry out this subsection. These revised discretionary spending limits, allocations, and aggregates shall be considered for purposes of congressional enforcement under that Act as the discretionary spending limits, allocations, and aggregates.

(c) REPORTING REVISED SUBALLOCATIONS.—The Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 to carry out this section.

(d) CONTINGENCIES.—

(1) The Internal Revenue Service and the Treasury Department have certified that they are firmly committed to the principles of privacy, confidentiality, courtesy, and protection of taxpayer rights. To this end, the Internal Revenue Service and the Treasury Department have explicitly committed to initiate and implement educational programs for any new employees hired as a result of the compliance initiative made possible by this section.

(2) This section shall not apply to any additional new budget authority or additional outlays unless—

(A) in the Senate, the Chairman of the Budget Committee certifies, based upon information from the Congressional Budget Office, the General Accounting Office, and the Internal Revenue Service (as well as from any other sources he deems relevant), that such budget authority or outlays will not increase the total of the Federal budget deficits over the next five years; and

(B) any funds made available pursuant to such budget authority or outlays are available only for the purpose of carrying out Internal Revenue Service compliance initiative activities.

SEC. 26. ADJUSTMENTS FOR HEALTH CARE REFORM IN THE HOUSE OF REPRESENTATIVES.

(a) In the House of Representatives, if health care reform legislation is reported (including by a committee of conference), budget authority, outlays, and new entitlement authority shall be allocated to committees, and the total levels of budget authority, outlays, and revenues shall be adjusted, to reflect such legislation if the legislation in the form in which it will be considered would not increase the total deficit for the period of fiscal years 1995 through 1999.

(b) Upon reporting of legislation described in subsection (a) and again upon submission of a conference report on such legislation, the chairman of the Committee on the Budget of the House of Representatives shall publish in the Congressional Record revised allocations under section 602(a) of the Congressional Budget Act of 1974 and revised levels of total budget authority, outlays, and revenues to carry out this section. In the House of Representatives, such allocations and totals shall be considered as the allocations and aggregates under this resolution.

SEC. 27. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE.

(a)(1) BUDGET AUTHORITY AND OUTLAY ALLOCATIONS.—In the Senate, budget authority and outlays may be allocated (as provided under subsection (c)) to a committee (or committees) for direct-spending legislation that increases funding for any of the purposes described in subsection (b)(1) within that committee's jurisdiction, if, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) BUDGET AUTHORITY AND OUTLAY ALLOCATIONS AND REVENUE AGGREGATES.—In the Senate, budget authority and outlays may be allocated to a committee (or committees) and the revenue aggregates may be reduced (as provided under subsection (c)) for direct-spending or receipts legislation in furtherance of any of the purposes described in subsection (b)(2) within that committee's jurisdiction, if, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(3) OUTLAY-NEUTRAL BUDGET AUTHORITY ALLOCATIONS.—In the Senate, budget authority may be allocated (as provided under subsection (c)) to a committee (or committees) for any direct-spending legislation within that committee's jurisdiction, if, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously passed outlay reductions) the deficit or aggregate outlays in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(b)(1) PURPOSES UNDER SUBSECTION (a)(1).—Budget authority and outlay allocations may be revised under subsection (a)(1) for legislation—

(A) to provide comprehensive training or job search assistance (including reemployment or job training programs or dislocated worker programs), or to reform unemployment compensation, or to provide for other related programs;

(B) to preserve or rebuild the United States maritime industry;

(C) to reform the financing of Federal elections; or

(D) to reform the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(2) PURPOSES UNDER SUBSECTION (a)(2).—Budget authority and outlay allocations may be revised or the revenue floor reduced under subsection (a)(2) for—

(A) legislation to improve the well-being of families through welfare or other reforms (including promoting self-sufficiency through improvements in job training or employment programs), to provide for services to support or protect children (including assuring increased parental support for children through improvements in the child support enforcement program), or to improve the health, nutrition, or care of children;

(B) to make continuing improvements in ongoing health care programs, to provide for comprehensive health care reform, to control health care costs, or to accomplish other health care reforms;

(C) trade-related legislation (including legislation to implement the Uruguay Round of the General Agreement on Tariffs and Trade or to extend the Generalized System of Preferences);

(D) reforms relating to the Pension Benefit Guaranty Corporation (including legislation to improve the funding of government-insured pension plans, to protect plan participants, or to limit growth in exposure of the Pension Benefit Guaranty Corporation) or other employee benefit-related legislation;

(E) reforms relating to providing for simplified collection of employment taxes on domestic services;

(F) reforms to consolidate the supervision of depository institutions insured under the Federal Deposit Insurance Act; or

(G) initiatives to preserve United States energy security.

(c) REVISED ALLOCATIONS AND AGGREGATES.—

(1) UPON REPORTING.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on that legislation (if a conference report is submitted), the chairman of the Committee on the Budget of the Senate may submit to the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised aggregates to carry out this section.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the chairman of the Committee on the Budget submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (b)(2)(B), upon the offering of an amendment to that legislation that would necessitate such a submission, the chairman shall submit to the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised aggregates, if the enactment of that legislation (as proposed to be amended) will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(d) EFFECT OF REVISED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates submitted under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this concurrent resolution on the budget.

(e) REPORTING REVISED SUBDIVISIONS.—The appropriate committee may report appropriately revised subdivisions of allocations pursuant to sections 302(b)(2) and 602(b)(2) of the Congressional Budget Act of 1974 to carry out this section.

SEC. 28. EXERCISE OF RULEMAKING POWERS.

The Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

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

TITLE III—SENSE OF CONGRESS PROVISIONS

SEC. 31. CONTROLLING GROWTH OF ENTITLEMENT OR MANDATORY SPENDING.

It is the sense of the Congress that legislation should be enacted providing enforceable limits to control the growth of entitlement or mandatory spending.

SEC. 32. SENSE OF THE HOUSE REGARDING ENACTMENT OF CERTAIN BUDGET PROCESS LEGISLATION.

It is the sense of the House of Representatives that the following legislation should be enacted:

(1) Legislation providing enforceable limits to control the growth of entitlement or mandatory spending.

(2) Amendments to the Budget Enforcement Act of 1990 to establish a regular procedure to provide assistance for disasters and other emergencies without adding to the deficit.

(3) Legislation granting the President expedited rescission authority over appropriations measures, as provided by H.R. 1578, as passed the House.

SEC. 33. SENSE OF THE SENATE ON CONTROLLING NON-SOCIAL SECURITY MANDATORY SPENDING.

It is the sense of the Senate that the Congress should—

(1) after enacting health care reform legislation, enact annual caps to control the growth of entitlement or mandatory spending;

(2) include within these caps all mandatory spending programs except Social Security, deposit insurance, and net interest;

(3) provide that these caps shall be set so that programs providing benefits to individuals may grow for inflation, changes in the numbers of beneficiaries, and an additional growth allowance;

(4) provide that these caps shall be adjusted annually in the President's budget for changes in inflation and the number of beneficiaries since Congress enacted the caps (excluding any changes due to legislation);

(5) provide an enforcement mechanism in the event that total mandatory spending exceeds the caps; and

(6) enact caps on tax expenditures similar to those for mandatory spending so as to ensure that reductions in Federal spending for mandatory programs are not achieved by shifting spending to tax expenditures.

SEC. 34. SENSE OF THE CONGRESS REGARDING THE BUDGETARY ACCOUNTING OF HEALTH CARE REFORM.

It is the sense of the Congress that—

(1) the Congress should measure the costs and benefits of all health care reform legislation against a uniform set of economic and technical assumptions;

(2) before enacting major changes in the health care system, the Congress should have available to it reliable estimates of the costs of competing plans prepared in a comparable manner; and

(3) the Congress should account for all financial transactions associated with Federal health care reform legislation.

SEC. 35. SENSE OF THE CONGRESS ON THE COSTS OF ILLEGAL IMMIGRATION.

(a) FINDINGS.—The Congress finds that—

(1) the Federal Government is solely responsible for setting and enforcing national immigration policy;

(2) the Federal Government has not adequately enforced immigration laws;

(3) this weak enforcement has imposed financial costs on State and local governments;

(4) the Federal Government has failed to investigate and prosecute Federal wage and hour violations, thus creating incentives to hire persons illegally in the United States and exacerbating the problem of illegal immigration;

(5) States must incur costs for incarcerating undocumented persons convicted of State and local crimes, educating undocumented children, providing emergency medical services to undocumented persons, and providing services incidental to admission of refugees under the Refugee Admissions and Resettlement Program; and

(6) the Federal Government has an obligation to reimburse State and local governments for costs resulting from the costs described in this subsection.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that, in setting forth the budget authority and outlay amounts in this resolution, the Congress intends that funding should be provided to reimburse State and local governments for the costs associated with—

(1) elementary and secondary education for undocumented children;

(2) emergency medical assistance to undocumented persons;

(3) incarceration and parole of criminal aliens; and

(4) services incidental to admission of refugees under the Refugee Admissions and Resettlement Program.

SEC. 36. SENSE OF THE CONGRESS REGARDING BASELINES.

(a) FINDINGS.—The Congress finds that—

(1) the baseline budget shows the likely course of Federal revenues and spending if policies remain unchanged;

(2) baseline budgeting has given rise to the practice of calculating policy changes from an inflated spending level; and

(3) the baseline concept has been misused to portray policies that would simply slow down the increase in spending as spending reductions.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the President should submit a budget that compares proposed spending levels for the budget year with the current year; and

(2) the starting point for deliberations on a budget resolution should be the current year.

SEC. 37. SENSE OF THE CONGRESS REGARDING UNFUNDED FEDERAL MANDATES.

It is the sense of the Congress that—

(1) the Federal Government should not shift the costs of administering Federal programs to State and local governments;

(2) the Federal Government's share of entitlement programs should not be capped or otherwise decreased without providing States authority to amend their financial or programmatic responsibilities to continue meeting the mandated service; and

(3) Congress should develop a mechanism to ensure that costs of mandates are considered during agencies' development of regulations and congressional deliberations on legislation.

SEC. 38. CLOSING OF LOOPHOLES IN FOREIGN TAX PROVISIONS.

(a) FINDINGS.—The Senate finds that—

(1) there is evidence suggesting that foreign-controlled corporations doing business in the United States do not pay their fair share of taxes;

(2) over 70 percent of foreign-controlled corporations doing business in the United States pay no Federal income tax;

(3) the United States Department of the Treasury has limited its ability to protect the revenue base in the case of cross-border transactions, to the detriment of taxpayers engaged solely in domestic transactions;

(4) the Department of the Treasury has been using antiquated accounting concepts to deal with sophisticated multinational corporations;

(5) substantial Federal revenues are lost annually due to the inability of the Internal Revenue Service to enforce the "arm's length" transaction rule, along with substantial amounts spent on administration and litigation; and

(6) the Federal income tax laws provide a financial incentive for domestic taxpayers to operate abroad by granting them deferral of United States taxes on income earned abroad.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that deficit reduction should be achieved, in part, by ending loopholes and enforcement breakdowns that now foster the underpayment of taxes on income from cross-border transactions and that subsidize the flight of domestic businesses and jobs out of the United States, by means including—

(1) the adoption of a more streamlined and efficient method of enforcing Federal tax laws involving multinational corporations, especially those based abroad, and in particular, the use by the Treasury Department of a formulaic approach in cases in which the current "arm's length" transaction rules do not work; and

(2) a repeal of tax subsidies for domestic businesses that operate abroad in tax havens and then ship their products back into the United States.

SEC. 39. SENSE OF THE SENATE REGARDING TAX EXPENDITURES.

(a) FINDINGS.—The Senate finds that tax expenditures—

(1) are growing significantly;

(2) may have the same effect as direct Federal spending; and

(3) should be subject to the same level of budgetary review as direct spending.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Congress should consider targets for the growth in tax expenditures similar to the targets for the growth of mandatory spending;

(2) any reconciliation instructions included in a budget resolution should specify these targets; and

(3) such targets should be enforceable separately from any revenue targets included in the reconciliation instructions.

SEC. 40. SENSE OF THE CONGRESS REGARDING HEALTH SERVICE DELIVERY AND WATER INFRASTRUCTURE IN THE INDIAN HEALTH SERVICE.

It is the sense of the Congress that—

(1) sufficient funding should be provided to the Indian Health Service to ensure that Indian Health Service hospitals and outpatient facilities in existence on the date of enactment of this resolution, and Indian Health Service hospitals and outpatient facilities scheduled to open during fiscal years 1994, 1995, and 1996, are fully staffed with the appropriate number of health care professionals needed to meet the health and medical needs of the American Indians and Alaska Natives who depend on the Indian Health Service for health care; and

(2) sufficient funding should be provided to the Indian Health Service to ensure that the Indian Health Service is capable of meeting basic public health and safety and sanitation requirements on Indian lands through timely and proper water infrastructure construction and upgrades.

SEC. 41. SENSE OF THE SENATE REGARDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

It is the sense of the Senate that the budget authority and outlay figures for function 250 in this resolution do not assume any amounts for the National Aeronautics and Space Administration for any fiscal year from 1995 through 1999 in excess of the amounts proposed by the President for such fiscal year.

SEC. 42. MINIMUM ALLOCATION PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) the minimum allocation program was established in 1982 to address inequities in the funding formula for Federal-aid highways;

(2) the minimum allocation program was designed to provide the greatest degree of flexibility practicable to States that receive funding under the formula referred to in paragraph (1) and includes an exemption of the apportionments from the obligation ceiling;

(3) the minimum allocation program provides additional flexibility by allowing a State a 4-year period during which amounts apportioned to the State may be obligated;

(4) the budget of the United States Government for fiscal year 1995 submitted by the President to Congress proposes to include minimum allocation apportionments under the obligation ceiling and also proposes to limit the authority of States to obligate apportionments under the minimum allocation program to 67 percent of the amount of the apportionments; and

(5) States have planned transportation programs on the basis of the provisions of the Intermodal Surface Transportation Efficiency Act of 1991, and the amendments made by the Act, relating to minimum allocation that confirmed core commitments to exemption and flexibility.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the minimum allocation program should remain exempt from the obligation ceiling; and

(2) the flexibility of the minimum allocation program should be an enduring and critical component of the provision of Federal assistance to States for Federal-aid highways.

(c) DEFINITIONS.—As used in this section:

(1) FEDERAL-AID HIGHWAYS.—The term "Federal-aid highways" has the meaning provided the term in section 101 of title 23, United States Code.

(2) MINIMUM ALLOCATION PROGRAM.—The term "minimum allocation program" means the program of allocation of funding to States under section 157 of title 23, United States Code.

(3) OBLIGATION CEILING.—The term "obligation ceiling" means the obligation ceiling under section 1002 of the Intermodal Surface Transportation Efficiency Act of 1991.

SEC. 43. POLICY IN EASTERN AND CENTRAL EUROPE.

It is the sense of the Congress that levels of spending set forth in this resolution regarding the International Affairs (150) budget category include an assumption that the United States will oppose, consistent with provisions contained in the Freedom Support Act and the Foreign Assistance Appropriations Act of 1994, attempts by the Russian Federation to intimidate, use military force or engage in economic coercion to establish a sphere of influence over the former republics of the Soviet Union, the Baltics, or Central and Eastern European nations.

SEC. 44. STAR WARS (BALLISTIC MISSILE DEFENSE).

It is the sense of the Senate that given the Federal budget deficit, the real reductions in discretionary spending in this resolution, and the existence of many more worthy programs competing for this funding, spending for the Star Wars (Ballistic Missile Defense) must not exceed the fiscal year 1994 appropriated level.

And the Senate agree to the same.

MARTIN OLAV SABO,
DICK GEPHARDT,
DALE E. KILDEE,
ANTHONY BEILENSON,
HOWARD L. BERMAN,
BOB WISE,
JOHN BRYANT,
CHARLIE STENHOLM,
BARNEY FRANK,
LOUISE M. SLAUGHTER,
Managers on the Part of the House.

JIM SASSER,
FRITZ HOLLINGS,
J. BENNETT JOHNSTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (House Concurrent Resolution 218) setting forth the congressional budget for the United States Government for the fiscal years 1995, 1996, 1997, 1998, and 1999, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House resolution after the resolving clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House resolution and the Senate amendment.

EXPLANATION OF CONFERENCE AGREEMENT

The following tables show the functional allocations and budget aggregates included in the conference agreement and the House-passed and Senate-passed versions of the resolution. In addition to on-budget figures, these tables include off-budget and total budget figures, which are shown for informational purposes only. Another table displays credit amounts by function. The conference agreement credit amounts are identical to those in both the House resolution and the Senate amendment.

CONFERENCE AGREEMENT

[In billions of dollars]

	Fiscal years—				
	1995	1996	1997	1998	1999
050 National defense:					
Budget Authority	263.8	255.3	252.0	258.7	265.1
Outlays	270.7	261.0	256.4	256.6	257.5
150 International affairs:					
Budget Authority	19.3	17.2	17.0	16.8	17.0
Outlays	18.1	17.3	17.3	17.6	17.5
250 Science, Space and Technology:					
Budget Authority	17.3	17.2	17.3	17.4	17.6
Outlays	17.2	17.2	17.3	17.3	17.5
270 Energy:					
Budget Authority	6.3	5.9	5.9	6.1	5.7
Outlays	5.0	5.2	5.0	4.7	4.4
300 Natural Resources:					
Budget Authority	21.7	22.2	22.1	22.0	21.6
Outlays	21.3	21.5	21.6	21.5	21.4
350 Agriculture:					
Budget Authority	13.0	13.5	14.0	14.2	14.7
Outlays	12.2	12.4	12.7	13.0	13.5
370 Commerce and housing credit:					
Budget Authority	9.7	6.5	6.2	7.2	7.7
Outlays	−7.7	−11.7	−3.4	−2.4	−1.2
On-budget:					
Budget Authority	7.7	5.3	5.1	5.2	6.2
Outlays	−8.2	−10.8	−3.4	−2.9	−0.9
Off-budget:					
Budget Authority	2.0	1.2	1.1	2.0	1.5
Outlays	0.5	−0.9	0.0	0.5	−0.3
400 Transportation:					
Budget Authority	41.9	41.8	43.2	44.0	44.6
Outlays	38.8	39.6	40.1	40.3	40.4
450 Community development:					
Budget Authority	9.5	9.0	9.0	9.0	9.0
Outlays	9.3	8.9	9.0	9.1	9.0
500 Education, training, employment, and social services:					
Budget Authority	57.7	58.2	59.9	61.7	63.2
Outlays	53.7	55.6	58.1	60.6	62.2
500 Health:					
Budget Authority	124.3	136.7	151.0	166.7	184.2
Outlays	122.8	135.8	149.9	165.4	182.6
570 Medicare:					
Budget Authority	162.4	180.5	198.5	217.7	242.3
Outlays	160.5	178.2	196.1	215.1	239.1
600 Income security:					
Budget Authority	220.8	235.0	249.3	261.2	273.6
Outlays	221.2	229.6	242.9	253.2	264.6
650 Social Security:					
Budget Authority	339.2	355.5	374.6	393.3	413.1
Outlays	337.3	355.2	373.1	391.7	411.4
On-budget:					
Budget Authority	6.8	6.3	8.3	9.0	9.8
Outlays	9.4	9.4	11.5	12.3	13.2
Off-budget:					
Budget Authority	332.4	349.2	366.3	384.3	403.3
Outlays	327.9	345.8	361.6	379.4	398.2
700 Veterans benefits and services:					
Budget Authority	37.2	37.6	38.5	38.6	39.7
Outlays	36.6	36.6	38.3	38.5	39.6
750 Administration of justice:					
Budget Authority	18.8	21.3	22.2	23.2	24.5
Outlays	17.2	19.4	21.0	22.5	23.5
800 General government:					
Budget Authority	14.0	13.5	13.4	13.1	12.8
Outlays	13.7	14.7	13.9	13.4	12.8
900 Net interest:					
Budget Authority	213.6	229.8	240.9	251.7	263.3
Outlays	213.6	229.8	240.9	251.7	263.3
On-budget:					
Budget Authority	247.1	267.2	282.7	298.5	315.6
Outlays	247.1	267.2	282.7	298.5	315.6
Off-budget:					
Budget Authority	−33.5	−37.4	−41.8	−46.8	−52.3
Outlays	−33.5	−37.4	−41.8	−46.8	−52.3
920 Allowances:					
Budget Authority	−6.6	−4.4	−4.5	−7.9	−8.7
Outlays	−4.7	−3.9	−3.3	−7.1	−11.0
On-budget:					
Budget Authority	−6.6	−4.4	−4.5	−7.9	−8.7
Outlays	−4.7	−3.9	−3.3	−7.1	−11.0
Off-budget:					
Budget Authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
950 Undistributed offsetting receipts:					
Budget Authority	−43.2	−37.7	−38.1	−39.6	−40.5
Outlays	−43.2	−37.7	−38.1	−39.6	−40.5
On-budget:					
Budget Authority	−44.7	−30.5	−30.5	−31.3	−31.6
Outlays	−44.7	−30.5	−30.5	−31.3	−31.6
Off-budget:					
Budget Authority	1.5	−7.2	−7.6	−8.3	−8.9
Outlays	1.5	−7.2	−7.6	−8.3	−8.9
Total spending:					
Budget Authority	1,540.7	1,614.6	1,692.4	1,755.1	1,870.5
Outlays	1,513.6	1,584.7	1,668.8	1,743.1	1,827.9
On-budget:					
Budget Authority	1,238.3	1,308.8	1,374.4	1,443.9	1,526.9
Outlays	1,217.2	1,284.4	1,356.6	1,418.3	1,490.9
Off-budget:					
Budget Authority	302.4	305.8	318.0	331.2	343.6
Outlays	296.4	300.3	312.2	324.8	336.7
Revenues	1,338.2	1,410.8	1,478.7	1,555.9	1,630.0
On-budget	977.7	1,031.2	1,079.7	1,136.4	1,190.2
Off-budget	360.5	379.6	399.0	419.5	439.8
Deficit	175.4	173.9	190.1	187.2	197.6

CONFERENCE AGREEMENT—Continued

[In billions of dollars]

	Fiscal years—				
	1995	1996	1997	1998	1999
On-budget deficit	239.5	253.2	276.9	281.9	300.7
Off-budget surplus	64.1	79.3	86.8	94.7	103.1
Public debt	4,965.1	5,281.4	5,618.2	5,958.6	6,308.8

HOUSE-PASSED BUDGET RESOLUTION—MARCH 11, 1994

[In billions of dollars]

	Fiscal years—				
	1995	1996	1997	1998	1999
050 National defense:					
Budget authority	263.3	255.3	252.0	258.7	258.7
Outlays	270.5	261.2	256.6	256.7	256.7
150 International affairs:					
Budget authority	19.2	17.2	17.0	16.8	17.0
Outlays	18.1	17.3	17.3	17.7	17.7
250 Science, Space and Technology:					
Budget authority	17.2	17.2	17.3	17.4	17.4
Outlays	17.1	17.2	17.3	17.4	17.4
270 Energy:					
Budget authority	6.0	5.9	5.9	6.1	5.4
Outlays	5.0	5.1	4.9	4.7	4.2
300 Natural Resources:					
Budget authority	21.4	22.2	22.1	22.0	21.6
Outlays	21.2	21.7	21.7	21.6	21.2
350 Agriculture:					
Budget authority	12.6	13.2	13.7	13.9	14.2
Outlays	11.9	12.1	12.4	12.7	13.1
370 Commerce and housing credit:					
Budget authority	9.3	6.5	6.2	7.2	6.7
Outlays	−8.0	−11.8	−3.5	−2.4	−2.2
On-budget:					
Budget authority	7.3	5.3	5.1	5.2	5.2
Outlays	−8.5	−10.9	−3.5	−2.9	−1.9
Off-budget:					
Budget authority	2.0	1.2	1.1	2.0	1.5
Outlays	0.5	−0.9	0.0	0.5	−0.3
400 Transportation:					
Budget authority	41.8	41.8	43.1	43.9	44.7
Outlays	38.8	39.6	40.1	40.3	40.3
450 Community development:					
Budget authority	9.5	9.0	9.0	9.0	9.0
Outlays	9.3	8.9	9.0	9.1	9.1
500 Education, training, employment, and social services:					
Budget authority	57.0	58.2	59.9	61.7	61.8
Outlays	53.4	55.2	58.0	60.6	60.8
550 Health:					
Budget authority	123.4	136.6	150.9	166.6	182.9
Outlays	122.3	135.4	149.8	165.4	181.7
570 Medicare:					
Budget authority	162.4	180.5	198.5	217.7	242.2
Outlays	160.5	178.2	196.1	215.1	239.0
600 Income security:					
Budget authority	219.8	234.5	249.1	261.0	272.2
Outlays	220.4	229.1	242.6	253.1	264.1
650 Social Security:					
Budget authority	339.2	355.5	374.6	393.3	413.1
Outlays	337.3	355.2	373.1	391.7	411.3
On-budget:					
Budget authority	6.8	6.3	8.3	9.0	9.8
Outlays	9.4	9.4	11.5	12.3	13.1
Off-budget:					
Budget authority	332.4	349.2	366.3	384.3	403.3
Outlays	327.9	345.8	361.6	379.4	398.2
700 Veterans benefits and services:					
Budget authority	37.2	37.6	38.5	38.6	39.7
Outlays	36.6	36.6	38.3	38.5	39.7
750 Administration of justice:					
Budget authority	18.0	20.8	21.7	22.7	22.8
Outlays	16.8	19.1	20.6	22.1	22.1
800 General Government:					
Budget authority	13.7	13.5	13.4	13.1	13.2
Outlays	13.5	14.7	13.9	13.4	13.4
900 Net interest:					
Budget authority	213.6	229.8	241.0	251.7	263.5
Outlays	213.6	229.8	241.0	251.7	263.5
On-budget:					
Budget authority	247.1	267.2	282.8	298.5	315.8
Outlays	247.1	267.2	282.8	298.5	315.8
Off-budget:					
Budget authority	−33.5	−37.4	−41.8	−46.8	−52.3
Outlays	−33.5	−37.4	−41.8	−46.8	−52.3
920 Allowances:					
Budget authority	−0.8	−3.6	−3.6	−2.9	9.4
Outlays	−1.8	−2.1	−2.6	−6.1	−0.9
On-budget:					
Budget authority	−0.8	−3.6	−3.6	−2.9	9.4
Outlays	−1.8	−2.1	−2.6	−6.1	−0.9
Off-budget:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
950 Undistributed offsetting receipts:					
Budget authority	−42.9	−37.5	−37.9	−39.5	−40.5
Outlays	−42.9	−37.5	−37.9	−39.5	−40.5
On-budget:					
Budget authority	−36.1	−30.3	−30.3	−31.2	−31.6
Outlays	−36.1	−30.3	−30.3	−31.2	−31.6
Off-budget:					
Budget authority	−6.8	−7.2	−7.6	−8.3	−8.9
Outlays	−6.8	−7.2	−7.6	−8.3	−8.9

HOUSE-PASSED BUDGET RESOLUTION—MARCH 11, 1994—Continued

[In billions of dollars]

	Fiscal years—				
	1995	1996	1997	1998	1999
Total spending:					
Budget authority	1,540.9	1,614.2	1,692.4	1,779.0	1,875.0
Outlays	1,513.6	1,585.0	1,668.7	1,743.8	1,831.7
On-budget:					
Budget authority	1,246.8	1,308.4	1,374.4	1,447.8	1,531.4
Outlays	1,225.5	1,284.7	1,356.6	1,419.0	1,495.0
Off-budget:					
Budget authority	294.1	305.8	318.0	331.2	343.6
Outlays	288.1	300.3	312.2	324.8	336.7
Revenues	1,338.3	1,410.8	1,478.7	1,555.9	1,630.0
On-budget	977.8	1,031.2	1,079.7	1,136.4	1,190.2
Off-budget	360.5	379.6	399.0	419.5	439.8
Deficit	175.3	174.2	190.0	187.9	201.7
On-budget deficit	247.7	253.5	276.8	282.6	304.8
Off-budget surplus	72.4	79.3	86.8	94.7	103.1
Public Debt	4,968.3	5,293.8	5,640.1	5,996.2	6,367.3

SENATE-PASSED BUDGET RESOLUTION—MARCH 25, 1994

[In billions of dollars]

	Fiscal Years—				
	1995	1996	1997	1998	1999
050 National Defense:					
Budget Authority	262.8	225.3	252.0	258.7	265.1
Outlays	270.7	261.0	256.4	256.6	257.6
150 International Affairs:					
Budget Authority	19.3	17.2	17.0	16.8	17.0
Outlays	18.1	17.3	17.3	17.6	17.5
250 Science, Space & Technology:					
Budget Authority	17.3	17.2	17.3	17.4	17.6
Outlays	17.2	17.2	17.3	17.3	17.5
270 Energy:					
Budget Authority	6.3	5.9	5.9	6.1	5.7
Outlays	5.0	5.2	5.0	4.7	4.4
300 Natural Resources:					
Budget Authority	21.7	22.2	22.1	22.0	21.6
Outlays	21.3	21.5	21.6	21.5	21.4
350 Agriculture:					
Budget Authority	12.5	12.5	13.0	13.2	13.7
Outlays	11.8	11.4	11.7	12.0	12.5
370 Commerce and housing credit:					
Budget Authority	9.7	6.5	6.2	7.2	7.7
Outlays	−7.8	−11.7	−3.4	−2.4	−1.2
On-budget:					
Budget Authority	7.7	5.3	5.1	5.2	6.2
Outlays	−8.3	−10.3	−3.4	−2.9	−0.9
Off-budget:					
Budget Authority	2.0	1.2	1.1	2.0	1.5
Outlays	0.5	0.9	0.0	0.5	0.3
400 Transportation:					
Budget Authority	42.9	41.8	43.2	44.0	44.6
Outlays	38.8	39.6	40.1	40.3	40.5
450 Community development:					
Budget Authority	9.5	9.0	9.0	9.0	9.0
Outlays	9.3	8.9	9.0	9.1	9.0
500 Education, training, employment and social services:					
Budget Authority	57.9	58.2	59.9	61.7	63.2
Outlays	53.6	55.7	58.2	60.6	62.2
550 Health:					
Budget Authority	124.3	136.7	151.0	166.7	184.2
Outlays	122.7	135.7	149.9	165.5	182.6
570 Medicare:					
Budget Authority	162.4	180.5	198.5	217.7	242.3
Outlays	160.5	178.2	196.1	215.1	239.1
600 Income security:					
Budget Authority	220.2	234.7	249.3	261.2	272.9
Outlays	220.7	229.3	242.8	253.2	264.4
650 Social Security:					
Budget Authority	339.2	355.5	374.6	393.3	413.1
Outlays	337.3	355.2	373.1	391.7	411.4
On-Budget:					
Budget Authority	6.8	6.3	8.3	9.0	9.8
Outlays	9.4	9.4	11.5	12.3	13.2
Off-budget:					
Budget Authority	332.4	349.2	366.3	384.3	403.3
Outlays	327.9	345.8	361.6	379.4	398.2
700 Veterans benefits and services:					
Budget Authority	37.2	37.6	38.5	38.6	39.7
Outlays	36.6	36.6	38.3	38.5	39.6
750 Administration of justice:					
Budget Authority	18.8	21.3	22.1	23.2	24.5
Outlays	17.3	19.4	21.1	22.5	23.5
800 General government:					
Budget Authority	14.0	13.5	13.4	13.1	13.5
Outlays	13.7	14.7	13.9	13.4	13.5
900 Net interest:					
Budget Authority	213.6	229.7	240.7	251.1	262.4
Outlays	213.6	229.7	240.7	251.1	262.4
On-Budget:					
Budget Authority	247.1	267.1	282.5	297.9	314.7
Outlays	247.1	267.1	282.5	297.9	314.7
Off-budget:					
Budget Authority	−33.5	−37.4	−41.8	−46.8	−52.3
Outlays	−33.5	−37.4	−41.8	−46.8	−52.3
920 Allowances:					
Budget Authority	−11.3	−8.6	−9.3	−12.5	−24.1
Outlays	−5.8	−3.9	−6.5	−12.0	−15.6
On-Budget:					
Budget Authority	−11.3	−8.6	−9.3	−12.5	−24.1
Outlays	−13.1	−3.9	−6.5	−12.0	−15.6

SENATE-PASSED BUDGET RESOLUTION—MARCH 25, 1994—Continued

[In billions of dollars]

	Fiscal Years—				
	1995	1996	1997	1998	1999
Off-budget:					
Budget Authority	0.0	0.0	0.0	0.0	0.0
Outlays	7.3	0.0	0.0	0.0	0.0
950 Undistributed offsetting receipts:					
Budget Authority	−42.9	−37.5	−37.9	−39.5	−40.5
Outlays	−42.9	−37.5	−37.9	−39.5	−40.5
On-Budget:					
Budget Authority	−36.1	−30.3	−30.3	−31.2	−31.6
Outlays	−36.1	−30.3	−30.3	−31.2	−31.6
Off-budget:					
Budget Authority	−6.8	−7.2	−7.6	−8.3	−8.9
Outlays	−6.8	−7.2	−7.6	−8.3	−8.9
Total spending:					
Budget Authority	1,536.5	1,609.3	1,686.6	1,769.1	1,853.2
Outlays	1,511.7	1,583.5	1,664.7	1,736.8	1,821.8
On-Budget:					
Budget Authority	1,242.4	1,303.5	1,368.6	1,437.9	1,509.6
Outlays	1,216.3	1,283.2	1,352.5	1,412.0	1,485.1
Off-budget:					
Budget Authority	294.1	305.8	318.0	331.2	343.6
Outlays	295.4	300.3	312.2	324.8	336.7
Revenues	1,338.2	1,410.8	1,478.7	1,555.9	1,630.0
Budget Authority	977.7	1,031.2	1,079.7	1,136.4	1,190.2
Outlays	360.5	379.6	399.0	419.5	439.8
Deficit	173.5	172.7	186.0	180.9	191.8
Budget Authority	238.6	252.0	272.8	275.6	294.9
Outlays	65.1	79.3	86.8	94.7	103.1
Public debt	4,963.6	5,278.8	5,611.2	5,945.4	6,289.7

CONFERENCE AGREEMENT CREDIT LEVELS

[In billions of dollars]

	Fiscal years—				
	1995	1996	1997	1998	1999
Direct loans	26.7	32.1	33.8	35.7	37.8
Loan guarantees	199.7	174.4	164.6	164.1	163.5
050 National defense:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0
150 International affairs:					
Direct loans	3.2	2.8	2.6	2.4	2.4
Loan guarantees	18.0	18.5	18.5	18.5	16.5
250 General science, space and technology:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0
270 Energy:					
Direct loans	1.4	1.5	1.5	1.5	1.5
Loan guarantees	0.0	0.0	0.0	0.0	0.0
300 Natural resources and environment:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0
350 Agriculture:					
Direct loans	10.1	9.7	9.7	9.8	9.9
Loan guarantees	7.4	7.4	7.4	7.4	7.4
370 Commerce and housing credit:					
Direct loans	2.8	3.0	3.1	3.2	3.4
Loan guarantees	117.9	103.2	95.9	96.6	99.5
400 Transportation:					
Direct loans	0.1	0.1	0.1	0.1	0.1
Loan guarantees	0.5	0.0	0.0	0.0	0.0
450 Community and regional development:					
Direct loans	2.2	2.2	2.2	2.2	2.2
Loan guarantees	3.6	3.6	3.6	3.6	3.6
500 Education, training, employment and social services:					
Direct loans	5.5	11.5	13.2	15.1	16.8
Loan guarantees	19.0	14.0	13.2	12.3	11.2
550 Health:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.4	0.3	0.2	0.1	0.0
570 Medicare:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0
600 Income security:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0
650 Social Security:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0
700 Veterans benefits and services:					
Direct loans	1.4	1.3	1.4	1.4	1.5
Loan guarantees	32.9	27.4	25.8	25.6	25.3
750 Administration of justice:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0
800 General government:					
Direct loans	0.0	0.0	0.0	0.0	0.0
Loan guarantees	0.0	0.0	0.0	0.0	0.0

ALLOCATIONS AMONG COMMITTEES

Sections 302(a) and 602(a) of the Congressional Budget Act of 1974 require the joint explanatory statement accompanying the conference report on a concurrent resolution on the budget to include an allocation, based upon that concurrent resolution as recommended in the conference report, of the appropriate levels of total outlays, new budget authority, entitlement authority (for the House only), and Social Security outlays (for the Senate only) among each committee of the Senate and the House of Representatives that has jurisdiction over legislation providing those amounts. Section 602 further requires these allocations to include an allocation for the fiscal year covered by the resolution, as well as for the total for all 5

years covered by the resolution. These allocations provide the basis for congressional enforcement of the resolution through points of order under the Congressional Budget Act. These allocations follow:

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1995

[In millions of dollars]

Appropriations Committee	Budget authority	Outlays	Entitlement authority
Current level (Enacted law):			
050 National defense	198	198	0
150 International affairs	174	174	0
300 Natural resources and environment	2,088	1,932	0
350 Agriculture	8,902	546	0
370 Commerce and housing credit	938	1,238	0
400 Transportation	571	574	0
500 Education, training, employment, and social services	12,280	12,059	0
550 Health	100,823	100,790	0
570 Medicare	42,896	42,896	0
600 Income security	77,792	78,012	0
650 Social Security	25	25	0
700 Veterans benefits and services	18,599	18,119	0
750 Administration of justice	398	394	0
800 General government	7,743	7,735	0
900 Net interest	57	57	0
Subtotal	273,484	264,750	0
Discretionary appropriations action (assumed legislation):			
050 National defense	264,321	271,102	0
150 International affairs	20,936	20,954	0
250 General science, space, and technology	17,300	17,153	0
270 Energy	6,475	6,488	0
300 Natural resources and environment	21,358	21,238	0
350 Agriculture	4,421	4,500	0
370 Commerce and housing credit	3,714	3,488	0
400 Transportation	15,211	38,348	0
450 Community and regional development	9,165	9,129	0
500 Education, training, employment, and social services	44,321	40,425	0
550 Health	23,119	22,237	0
570 Medicare	2,975	2,974	0
600 Income security	34,850	37,533	0
650 Social Security	0	2,590	0
700 Veterans benefits and services	17,926	17,742	0
750 Administration of justice	18,465	16,849	0
800 General government	12,801	12,546	0
920 Allowances	−6,604	−4,722	0
Subtotal	510,754	540,574	0
Discretionary action by other committees (assumed entitlement legislation):			
600 Income security	361	309	0
700 Veterans benefits and services	340	340	0
Subtotal	701	649	0
Committee total	784,938	805,972	0
AGRICULTURE COMMITTEE			
Current level (Enacted law):			
150 International affairs	−534	−534	0
270 Energy	13	−459	0
300 Natural resources and environment	514	519	0
350 Agriculture	8,416	7,308	7,924
400 Transportation	61	61	0
450 Community and regional development	324	280	0
600 Income security	0	0	1,142
800 General government	270	273	0
900 Net interest	0	0	57
Committee total	9,063	7,448	9,123
ARMED SERVICES COMMITTEE			
Current level (Enacted law):			
050 National defense	12,788	12,925	0
500 Education, training, employment, and social services	4	3	0
600 Income security	27,583	27,461	27,461
700 Veterans benefits and services	191	179	179
Committee total	40,566	40,568	27,640
BANKING, FINANCE AND URBAN AFFAIRS COMMITTEE			
Current level (Enacted law):			
150 International affairs	−479	−1,355	0
370 Commerce and housing credit	2,935	−12,934	0
450 Community and regional development	2	−17	0
500 Education, training, employment, and social services	0	1	0
600 Income security	50	166	0
800 General government	−28	−22	0
900 Net interest	3,108	3,108	0
Committee total	5,587	−11,054	0
DISTRICT OF COLUMBIA COMMITTEE			
Current level (Enacted law):			
750 Administrator of justice	44	44	44
Committee total	44	44	44
EDUCATION AND LABOR COMMITTEE			
Current level (Enacted law):			
500 Education, training, employment, and social services	905	1,010	4,095
600 Income security	122	1,130	9,437
Subtotal	1,026	1,130	13,532

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1995—Continued

[In millions of dollars]

Appropriations Committee	Budget authority	Outlays	Entitlement authority
Discretionary action (assumed legislation):			
600 Income security	0	0	309
Subtotal	0	0	309
Committee totals	1,026	1,130	13,841
ENERGY AND COMMERCE COMMITTEE			
Current level (Enacted law):			
300 Natural resources and environment	0	−7	0
400 Transportation	11	9	0
550 Health	433	435	96,484
600 Income security	14,778	14,407	11,196
800 General government	8	8	0
Committee total	15,231	14,851	107,680
FOREIGN AFFAIRS COMMITTEE			
Current level (Enacted law):			
150 International affairs	14,464	14,082	0
400 Transportation	7	18	0
600 Income security	479	479	468
800 General government	4	4	0
Committee total	14,954	14,582	468
GOVERNMENT OPERATIONS COMMITTEE			
Current level (Enacted law):			
800 General government	20	20	0
900 Net interest	87	87	0
Committee total	107	107	0
HOUSE ADMINISTRATION COMMITTEE			
Current level (Enacted law):			
500 Education, training, employment, and social services	19	17	0
700 Veterans benefits and services	2	2	0
800 General government	83	26	116
Committee total	104	45	116
JUDICIARY COMMITTEE			
Current level (Enacted law):			
370 Commerce and housing credit	152	152	0
500 Education, training, employment, and social services	243	244	0
600 Income security	60	19	19
750 Administration of justice	1,328	1,360	173
800 General government	488	488	0
Committee total	2,270	2,262	191
MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level (Enacted law):			
300 Natural resources and environment	571	506	0
370 Commerce and housing credit	66	66	0
400 Transportation	14	−16	546
600 Income security	16	6	0
800 General government	7	7	0
Committee total	674	569	546
NATURAL RESOURCES COMMITTEE			
Current level (Enacted law):			
270 Energy	167	−62	0
300 Natural resources and environment	158	99	0
450 Community and regional development	444	441	339
550 Health	5	5	0
800 General government	812	822	171
Committee total	1,585	1,304	510
POST OFFICE AND CIVIL SERVICE COMMITTEE			
Current level (Enacted law):			
550 Health	0	−653	3,658
600 Income security	37,999	36,802	36,802
800 General government	13,308	13,308	0
Committee total	51,307	49,457	40,461
PUBLIC WORKS AND TRANSPORTATION COMMITTEE			
Current level (Enacted law):			
270 Energy	1,356	760	0
300 Natural resources and environment	225	188	0
400 Transportation	24,093	0	0
450 Community and regional development	5	168	0
800 General government	16	16	0
Subtotal	25,695	1,131	0
Discretionary action (assumed legislation):			
400 Transportation	2,161	0	0
Subtotal	2,161	0	0
Committee total	27,856	1,131	0
SCIENCE, SPACE AND TECHNOLOGY COMMITTEE			
Current level (Enacted law):			
250 General science, space, and technology	30	30	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1995—Continued

[In millions of dollars]

Appropriations Committee	Budget authority	Outlays	Entitlement authority
500 Education, training, employment, and social services	1	1	0
Committee total	31	31	0
SMALL BUSINESS COMMITTEE			
Current level (Enacted law):			
370 Commerce and housing credit	6	−104	0
450 Community and regional development	0	−279	0
Committee total	6	−383	0
VETERANS' AFFAIRS COMMITTEE			
Current level (Enacted law):			
700 Veterans benefits and services	1,531	1,596	19,498
Subtotal	1,531	1,596	19,498
Discretionary action (assumed legislation):			
700 Veterans benefits and services	0	0	340
Subtotal	0	0	340
Committee total	1,531	1,596	19,837
WAYS AND MEANS COMMITTEE			
Current level (Enacted law):			
500 Education, training, employment, and social services	0	0	7,535
570 Medicare	183,258	181,302	177,368
600 Income security	39,966	39,095	80,609
650 Social Security	6,815	6,815	0
750 Administration of justice	450	450	0
800 General government	354	354	0
900 Net interest	314,285	314,285	314,285
Committee total	545,129	542,301	579,797
UNASSIGNED TO COMMITTEES			
Current level (Enacted law):			
050 National defense	−13,508	−13,524	0
150 International affairs	−15,261	−15,221	0
250 General science, space, and technology	−30	17	0
270 Energy	−1,711	−1,726	0
300 Natural resources and environment	−3,214	−3,175	0
350 Agriculture	−8,738	−154	0
370 Commerce and housing credit	−111	−105	0
400 Transportation	−229	−193	0
450 Community and regional development	−440	−422	0
500 Education, training, employment, and social services	−73	−60	0
550 Health	−79	−14	0
570 Medicare	−66,729	−66,672	0
600 Income security	−13,256	−13,210	0
650 Social Security	−40	−30	0
700 Veterans benefits and services	−1,389	−1,377	0
750 Administration of justice	−1,884	−1,896	0
800 General government	−21,885	−21,885	0
900 Net interest	−70,438	−70,438	−55,752
920 Allowances	4	22	0
950 Undistributed offsetting receipts	−44,700	−44,700	0
Committee total	−263,710	−254,762	−55,752
Total—current level	724,684	675,978	743,854
Total—discretionary action	513,616	541,222	649
Grand total	1,238,300	1,217,200	744,502

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 602(a) OF THE CONGRESSIONAL BUDGET ACT

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	1995–99
APPROPRIATIONS COMMITTEE						
Current level:						
Budget authority	273,484	270,468	302,357	328,114	359,693	1,534,116
Outlays	264,750	261,786	293,031	319,587	350,593	1,489,747
Discretionary action:						
Budget authority	510,754	514,616	516,891	525,992	537,775	2,606,028
Outlays	540,574	542,642	544,855	546,689	548,226	2,722,986
Discretionary action by other committees:						
Budget authority	701	27,668	29,239	33,503	35,395	126,506
Outlays	649	27,019	29,177	32,850	35,213	124,908
Committee total:.						
Budget authority	784,938	812,752	848,487	887,609	932,864	4,266,650
Outlays	805,972	831,447	867,063	899,126	934,032	4,337,640
AGRICULTURE COMMITTEE						
Current level (Enacted law):						
Budget authority	9,063	9,733	10,052	10,205	10,517	49,570
Outlays	7,448	7,569	7,660	7,791	8,067	38,535
New entitlement authority	0	1,150	1,204	1,237	1,270	4,861
ARMED SERVICES COMMITTEE						
Current level (Enacted law):						
Budget authority	40,566	42,771	45,038	47,484	50,760	226,619
Outlays	40,568	42,627	44,893	47,337	50,596	226,021

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 602(a) OF THE CONGRESSIONAL BUDGET ACT—Continued

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	1995–99
BANKING, FINANCE AND URBAN AFFAIRS COMMITTEE						
Current level (Enacted law):						
Budget authority	5,587	3,981	3,609	3,447	3,310	19,934
Outlays	−11,054	−13,068	−5,800	−5,677	−4,789	−40,388
DISTRICT OF COLUMBIA COMMITTEE						
Current level (Enacted law):						
Budget authority	44	47	50	53	56	250
Outlays	44	47	50	53	56	250
EDUCATION AND LABOR COMMITTEE						
Current level (Enacted law):						
Budget authority	1,026	532	351	176	97	2,182
Outlays	1,130	−733	−44	172	77	602
New entitlement authority	309	389	420	2,162	2,663	5,943
ENERGY AND COMMERCE COMMITTEE						
Current level (Enacted law):						
Budget authority	15,231	15,552	15,873	16,141	16,349	79,146
Outlays	14,851	15,152	15,284	15,540	15,547	76,374
FOREIGN AFFAIRS COMMITTEE						
Current level (Enacted law):						
Budget authority	14,954	12,507	11,584	10,489	9,683	59,217
Outlays	14,582	13,798	12,980	12,122	11,276	64,758
GOVERNMENT OPERATIONS COMMITTEE						
Current level (Enacted law):						
Budget authority	107	113	113	113	113	559
Outlays	107	113	113	113	113	559
HOUSE ADMINISTRATION COMMITTEE						
Current level (Enacted law):						
Budget authority	104	103	102	103	104	516
Outlays	45	203	23	20	49	340
JUDICIARY COMMITTEE						
Current level (Enacted law):						
Budget authority	2,270	2,180	2,284	2,404	2,528	11,666
Outlays	2,262	2,140	2,224	2,343	2,467	11,436
MERCHANT MARINE AND FISHERIES COMMITTEE						
Current level (Enacted law):						
Budget authority	674	695	706	733	753	3,561
Outlays	569	632	642	673	705	3,221
NATIONAL RESOURCES COMMITTEE						
Current level (Enacted law):						
Budget authority	1,585	1,624	1,532	1,442	1,442	7,625
Outlays	1,304	1,510	1,527	1,444	1,371	7,156
POST OFFICE AND CIVIL SERVICE COMMITTEE						
Current level (Enacted law):						
Budget authority	51,307	52,509	54,292	56,183	58,233	272,524
Outlays	49,457	50,532	52,263	54,080	56,058	262,390
PUBLIC WORKS AND TRANSPORTATION COMMITTEE						
Current level (Enacted law):						
Budget authority	25,695	25,198	27,278	1,488	767	80,426
Outlays	1,131	930	926	911	572	4,470
Discretionary action:						
Budget authority	2,161	2,161	2,161	28,750	29,508	64,741
Outlays	0	0	0	0	0	0
Committee total:						
Budget authority	27,856	27,359	29,439	30,237	30,275	145,166
Outlays	1,131	930	926	911	572	4,470
SCIENCE, SPACE AND TECHNOLOGY COMMITTEE						
Current level (Enacted law):						
Budget authority	31	31	31	31	31	155
Outlays	31	31	31	31	31	155
SMALL BUSINESS COMMITTEE						
Current level (Enacted law):						
Budget authority	6	3	4	3	3	19
Outlays	−383	−313	−249	−185	−154	−1,284
VETERANS' AFFAIRS COMMITTEE						
Current level (Enacted law):						
Budget authority	1,531	1,470	1,445	1,344	1,272	7,062
Outlays	1,596	1,446	1,449	1,464	1,464	7,419
New entitlement authority	340	674	1,133	1,573	2,023	5,743
WAYS AND MEANS COMMITTEE						
Current level (Enacted law):						
Budget authority	545,129	588,303	628,675	671,199	719,529	3,152,835
Outlays	542,301	585,182	625,435	667,765	715,576	2,136,259
New entitlement authority	0	0	0	0	214	214
UNASSIGNED TO COMMITTEE						
Current level (Enacted law):						
Budget authority	−263,710	−263,466	−279,269	−295,496	−311,017	−1,412,958
Outlays	−254,762	−254,848	−269,872	−286,822	−302,214	−1,368,518
Total current level:						
Budget authority	724,684	764,355	826,109	855,655	924,221	4,095,024
Outlays	675,978	714,738	782,568	838,761	907,461	3,919,506
Total discretionary action:						
Budget authority	513,616	544,445	548,291	588,245	602,679	2,797,276
Outlays	541,222	569,661	574,032	579,539	583,439	2,847,893

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 602(a) OF THE CONGRESSIONAL BUDGET ACT—Continued

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	1995–99
Grand total:						
Budget authority	1,238,300	1,308,800	1,374,400	1,443,900	1,526,900	6,892,300
Outlays	1,217,200	1,284,400	1,356,600	1,418,300	1,490,900	6,767,400
Total new entitlement authority	649	2,214	2,757	4,972	6,170	16,762

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL: 1995

[Dollars in millions]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	784,939	805,972	---	---
Agriculture, Nutrition, and Forestry	8,888	7,257	15,967	7,544
Armed Services	40,588	40,574	---	---
Banking, Housing, and Urban Affairs	7,256	(10,994)	---	---
Commerce, Science, and Transportation	2,620	126	548	546
Energy and Natural Resources	1,751	1,489	43	36
Environment and Public Works	24,191	1,597	---	---
Finance	556,629	553,601	145,846	145,829
Foreign Relations	15,003	14,619	---	---
Governmental Affairs	51,458	49,609	---	---
Judiciary	2,270	2,262	173	173
Labor and Human Resources	4,330	4,265	4,337	4,162
Rules and Administration	102	43	---	---
Veterans Affairs	1,531	1,482	18,875	18,394
Select Indian Affairs	448	445	---	---
Small Business	6	(383)	---	---
Not allocated to committees	(263,710)	(254,764)	---	---
Total	1,238,300	1,217,200	185,789	176,684

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT FIVE YEAR TOTAL: 1995–99

[Dollars in millions]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	48,608	37,562	86,282	42,653
Armed Services	226,692	226,055	.....	.....
Banking, Housing, and Urban Affairs	32,143	(40,441)	.....	.....
Commerce, Science, and Transportation	13,152	569	3,066	3,051
Energy and Natural Resources	8,552	8,136	204	199
Environment and Public Works	123,341	7,165	.....	.....
Finance	3,213,173	3,194,730	888,895	889,099
Foreign Relations	59,238	64,761	.....	.....
Governmental Affairs	273,334	263,202	.....	.....

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT FIVE YEAR TOTAL: 1995–99—Continued

[Dollars in millions]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Judiciary	11,666	11,436	948	946
Labor and Human Resources	18,851	16,413	19,965	19,187
Rules and Administration	509	332	.....	.....
Veterans Affairs	7,062	7,417	96,908	93,944
Select Indian Affairs	2,268	2,227	.....	.....
Small Business	19	(1,284)	.....	.....

SENATE COMMITTEE REVENUE AND OUTLAY ALLOCATIONS FOR SOCIAL SECURITY PURSUANT TO SECTION 301(a) OF THE CONGRESSIONAL BUDGET ACT

[Dollars in millions]

	1995	Five-year 1995–99
Outlays:		
Finance Committee	334,761	1,853,217
Unassigned to Committee	(47,112)	(290,624)
Subtotal, outlays	287,649	1,562,593
Revenues	360,456	1,998,386

REPORT LANGUAGE

The conferees intend that, to the extent that this conference report does not modify it, language in the reports of the House and Senate Committees on the Budget on the concurrent resolution on the budget (H.R. Rep. No. 428, 103d Cong., 2d Sess. (1994); S. Rep. No. 238, 103d Cong., 2d Sess. (1994)) remains as a source of legislative history on the drafters' intent on the concurrent resolution.

FUNCTION 750: ADMINISTRATION OF JUSTICE

The conferees recognize the judiciary's essential role in providing justice to all citizens and the ever-increasing workload and additional responsibilities thrust upon the judiciary. The conferees understand that the judiciary has no control over the number of cases that are filed in the courts, that it must handle each case filed, and that it has no flexibility in how quickly it must handle many of these cases.

The conferees recommend that the Appropriations Committee consider full funding for the judiciary even though the allocation for function 750 may not accommodate all of the requests in this area.

Finally, the conferees support adding three activities of the Federal judiciary to the list of Budget Enforcement Act mandatory accounts if any budget process changes are made this year: (1) Salaries of Court of Federal Claims and magistrate judges; (2) Fees paid to jurors; and (3) Compensation paid to court-appointed counsel for defendants financially unable to retain their own counsel. Under current legislative requirements, the judiciary has no discretion whether to perform these activities if the constitutional rights of individuals are to be assured.

FUNCTION 920: ALLOWANCES

The conferees are concerned that proposed reductions in the fiscal year 1995 pay adjustments may further undermine the goal of achieving pay comparability within the timeframe established by the Federal Employees Pay Comparability Act of 1990. The conferees will work with the appropriate authorizing and appropriating committees to find acceptable alternative methods to fully fund the pay adjustments, such as a reduction in agency spending on service contracts.

The conferees believe that indirect cost reimbursements are an important, legitimate and necessary cost of conducting research, and the conference agreement does not include the proposed "pause." The conferees recommend that prior to taking any action on indirect costs, the Congress should await the joint report of the Office of Science and Technology Policy, the Office of Management and Budget, and the Council of Economic Advisors.

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires the joint explanatory statement accompanying a conference report on a budget resolution to set forth the common economic assumptions upon which the joint statement and conference report are based. The conference agreement is based on the economic forecast and projections prepared by the Congressional Budget Office shown in the table below:

ECONOMIC ASSUMPTIONS

[Calendar years]

	Actual 1993	Projected					
		1994	1995	1996	1997	1998	1999
Annual averages:							
Gross domestic product (billion dollars)	6,378	6,730	7,099	7,483	7,880	8,287	8,700
Percent change	5.6	5.5	5.5	5.4	5.3	5.2	5.0
Real GDP (percent change)	3.0	2.7	2.7	2.7	2.7	2.6	2.5
Inflation:							
GDP deflator (percent change)	2.6	2.8	2.7	2.6	2.5	2.5	2.5
Consumer price index (percent change)	3.0	2.7	3.0	3.1	3.1	3.1	3.1
Unemployment rate (percent)[1]	6.8	6.4	6.1	5.9	5.8	5.7	5.7
Interest rates:							
Three-month Treasury bill (percent)	3.0	3.5	4.3	4.6	4.6	4.7	4.7
Ten-year Treasury note (percent)	5.9	5.8	6.0	6.1	6.2	6.2	6.2

[1] Pre-1994 basis. Due to a change in methodology, published rates are likely to be higher. The year-to-year change should not be affected.

DISPLAY OF LEVELS AND AMOUNTS

Following the form of the resolution for fiscal years 1993 and 1994, the Senate amendment sets forth a number of alternative displays. Section 5 of the Senate amendment displays, for enforcement purposes in the Senate, the levels of Social Security revenues and outlays. Section 6(21) of the Senate amendment shows the levels of gross interest consistent with the levels of net interest shown in major functional category 900, which appear in section 6(19) and 6(20) of the Senate amendment. As well, the Senate amendment follows the pattern of the budget resolution for fiscal years 1993 and 1994 in terms of demonstrating its compliance with the maximum deficit amount and its display of the Medicare Hospital Insurance Trust Fund. The House resolution contains none of these additional displays. In these regards, the conference agreement follows the form of the resolution for fiscal years 1993 and 1994 for the reasons set forth in the conference report accompanying the 1993 budget resolution. See H.R. Conf. Rep. No. 529, 102d Cong., 2d Sess. 58-60 (1992); see also S. Rep. No. 238, 103d Cong., 2d Sess. 46-48 (1994). With respect to other alternative displays in sections 3 and 4 of the Senate amendment, the Senate recedes to the House.

Following the form of resolutions for years prior to fiscal year 1994, the House resolution contains levels and amounts for secondary loan guarantee commitments. Following the form of the resolution for fiscal year 1994, the Senate amendment failed to set forth these levels and amounts. On this matter, the House recedes to the Senate.

BUDGETARY PROCEDURES

Title II of the resolution sets forth budgetary procedures under the general authority of section 301(b)(4) of the Congressional Budget Act of 1974.

At the end of title II, section 26 of the Senate amendment explicitly states that the Congress adopts the provisions of title II as an exercise of the Constitutional rule-making power. The language of section 26 follows closely that of similar provisions in other rule-making budget process legislation, such as section 904(a) of the Congressional Budget Act, section 271(d) of Gramm-Rudman-Hollings, section 13305 of the Budget Enforcement Act of 1990, and section 14004 of the Omnibus Budget Reconciliation Act of 1993.

Section 26(1) spells out that the provisions of title II have equal weight with those of the other rule-making budget process legislation. They are all rules of the Congress, or of the House of Congress to which they specifically apply.

Section 26(2) makes clear that either the Senate or the House of Representatives may change the provisions of title II that relate to that House, just as either may change the provisions of the other rule-making budget process legislation cited above that relate to that House, through a simple resolution passed by only that one House. Alternatively, Congress could choose to change these provisions using another concurrent resolution or a statute.

The House resolution contains no such provision.

Section 28 of the conference agreement contains the Senate language.

SALE OF GOVERNMENT ASSETS

Section 21 of the Senate amendment sets out a provision on asset sales that is very similar to those in every budget resolution since that for fiscal year 1988.

This section is intended to prevent spending the proceeds from asset sales by prohibiting the counting of asset sales for all purposes of the Congressional Budget Act and this resolution. This provision is consistent with section 257(e) of Gramm-Rudman-Hollings, which prohibits the counting of asset sales for the purposes of determining whether that Act calls for across-the-board cuts. This section does not preclude asset sales; it merely prevents counting such transactions. The provision does not determine whether an action constitutes an asset sale; rather it adopts the definition of that term that exists in current law. (See Gramm-Rudman-Hollings §§250(c)(21) & 257(e).)

The House resolution has no such provision.

The conference agreement adopts the Senate language, except that the conference agreement drops as surplusage subsection (b) of the Senate amendment, which sets forth a finding regarding the history of similar provisions.

The operative provision, subsection (c) of the Senate amendment and subsection (b) of the conference agreement, follows the language from last year's budget resolution in that it extends the prohibition of counting asset sales to all sections of the Congressional Budget Act, as well as to the points of order created by this resolution. The conferees thus intend the rule on asset sales to be uniform for the consideration of all legislation.

This section supersedes any previously adopted scorekeeping rules of the Senate or the House (for example, the Congressional Budget Act definition of "outlays") to the extent that they were inconsistent.

Section 21(e) of the Senate amendment, now section 21(d) of the conference agreement, sunsets all prior subsections of section 21 on September 30, 1998, the date on which most operative sections of Gramm-Rudman-Hollings will expire under current law. The conferees thus intend that the asset-sales rule established in the resolution have the same longevity as the parallel rule in section 257(e) of Gramm-Rudman-Hollings.

Section 21(f) of the Senate amendment, now section 21(e) of the conference agreement, repeals sections of prior budget resolutions dealing with the same subject matter. Some of these provisions differ from those of section 21 in small ways, and thus repealing the older provisions will eliminate any ambiguity in interpreting section 21.

SOCIAL SECURITY "FIRE WALL" POINT OF ORDER

Section 22 of the Senate amendment repeats a provision from the last two budget resolutions that reinforces the Social Security "fire wall" point of order in the Senate to ensure that 60-vote hurdles impede legislation that would worsen the Social Security Trust Fund balances.

The House resolution contains no such provision.

The conference agreement includes the provision for the reasons stated in the Senate report. See S. Rep. No. 238, 103d Cong., 2d Sess. 51-53 (1994). The conference agreement drops as surplusage subsection (a) of the Senate amendment, which sets forth a finding regarding the history of similar provisions.

ENFORCING PAY-AS-YOU-GO

Section 12(c) of last year's budget resolution contained a new 60-vote point of order in the Senate prohibiting legislation that would increase the deficit through fiscal year 2003. The Senate amendment proposes that Congress again this year adopt a point of order in the Senate enforcing deficit neutrality for the next 10 years. Section 23 of the Senate amendment establishes that point of order.

The Senate amendment thus proposes to extend the point of order longer than under existing law. The point of order in last year's resolution went through fiscal year 2003. Section 23 of the Senate amendment covers 10 years out, and will cover 10 years out next year, the year after that, and the year after that.

The Congressional Budget Office and the Joint Committee on Taxation have both informed the Committees on the Budget that they are incapable of making year-by-year estimates for the 6th through 10th years out. The solution to this dilemma proposed by the Senate amendment is to require deficit neutrality over the 5-year period of the 6th through 10th years out.

Section 23(c)(1) of the Senate amendment provides the operative enforcement language. As the report of the Senate Budget Committee makes clear (see S. Rep. No. 238, 103d Cong., 2d Sess. 54-55 (1994)), section 23(c)(1) of the Senate amendment makes it out of order in the Senate to consider any direct-spending or receipts legislation that would increase the deficit in any of three specified periods both when taken individually and when taken together with all direct-spending and receipts legislation enacted after enactment of the Omnibus Budget Reconciliation Act of 1993 (Enacted August 10, 1993). If the individual piece of legislation would not increase the deficit in one of the relevant time periods, then it would not violate section 23(c)(1) of the Senate amendment. This practice of holding harmless a piece of legislation that does not harm the deficit parallels the treatment extended to legislation of that character under current law under sections 302(f)(2) and 311(a) of the Congressional Budget Act.

As well, if the piece of legislation would not increase the deficit in any of the three relevant periods when taken together with all direct-spending and receipts legislation enacted after enactment of the Omnibus Budget Reconciliation Act of 1993, then it would not violate section 23(c)(1) of the Senate amendment. This practice of allowing one piece of legislation to use the surplus created by other legislation of the same type also parallels the treatment under sections 302(f)(2) and 311(a) of the Congressional Budget Act, as well as accounting under the pay-as-you-go procedures of section 252 of Gramm-Rudman-Hollings.

The three time periods covered by section 23 of the Senate amendment are the first fiscal year covered by the most-recently-adopted concurrent resolution on the budget, the period of the 5 fiscal years covered by the most-recently-adopted concurrent resolution on the budget, and the period of the 5 fiscal years following the first 5 years covered by the most-recently-adopted concurrent resolution on the budget. Increasing the deficit in any of these three time periods is sufficient to trigger the point of order.

Section 23(c)(2) of the Senate amendment defines direct-spending and receipts legislation consistently with the treatment of that legislation under section 252(b) of Gramm-Rudman-Hollings. Section 23(c)(3)(D) of the Senate amendment explicitly links direct spending to the definition of that term in section 250(c)(8) of Gramm-Rudman-Hollings. Consequently, because section 13301 of the Budget Enforcement Act of 1990 explicitly excludes Social Security from Gramm-Rudman-Hollings, Social Security is also excluded from the point of order under section 23.

Section 23(f) of the Senate amendment restates the normal budget law scorekeeping

convention that Congress turns to its Budget Committees to assess the costs of legislation. *See* Congressional Budget Act §§201(g), 302(g), 310(d)(4), 311(c), 313(e), 601(b)(3) & Gramm-Rudman-Hollings §258B(h)(4).

The House resolution contains no such provision.

The conference agreement proposes as section 23 language similar to that of section 23 of the Senate amendment.

The conference agreement drops as surplusage subsection (b) of the Senate amendment, which sets forth a finding regarding the history of similar provisions.

The conference agreement revises the operative language of subsection (c) of the Senate amendment as subsection (b) of the conference agreement. Some observers believed that the language of the Senate amendment could be clearer regarding the availability of any surplus that had been created by prior legislation since the enactment of the 1993 reconciliation law. *Cf.* 140 CONGRESSIONAL RECORD S3843 (daily ed. Mar. 25, 1994) (statements of Sens. Moynihan & Sasser clarifying that the surplus is available). The conference agreement rewrites this subsection to make plain that such surplus funds are available. This merely restates the explicit intent of the Senate amendment. *See* S. Rep. No. 238, 103d Cong., 2d Sess. 54-55 (1994).

The conference agreement also rewrites subsection (c)(2)(D) of the Senate amendment as subsection (b)(3)(F) of the conference agreement to make clear that (except as otherwise provided in subsection (b)) the term "direct spending" means the same thing as that term means as applied for purposes of the Gramm-Rudman-Hollings law. The conferees thus wish to refer not only to section 250(c)(8) of that law as such (as the Senate amendment did), but also to the gloss put on that section by scorekeeping guideline 3 (H.R. Conf. Rep. No. 964, 101st Cong., 2d Sess. 1173 (1990), reprinted in 1990 U.S.C.C.A.N. 2374, 2878) and other, related scorekeeping practices.

Section 23(b)(4) of the conference agreement also spells out that in preparing estimates under this section, the estimators shall use the same baseline as Congress used for the most recent budget resolution. Recognizing that this resolution probably will cover only 5 years, subsection (b)(4) then extends this baseline out for years beyond those covered by the budget resolution, using the requirements of section 257 of Gramm-Rudman-Hollings, which defines the baseline for that law. Subsection (b)(4) makes clear that references to "outyears" in section 257 of Gramm-Rudman-Hollings should be read for purposes of subsection (b)(4) to include the second through tenth years out, not just the second through fifth years out.

ENFORCING DISCRETIONARY SPENDING LIMITS

Section 25 of the Senate amendment effectively reduces the amount of money that the budget resolutions for fiscal year 1996, 1997, and 1998 may allocate to the Appropriations Committees. It does this by reducing the discretionary spending limits under section 601(a)(2)(F) of the Congressional Budget Act as amended by section 14002(a)(2) of the Omnibus Budget Reconciliation Act of 1993, as those limits are adjusted, for purposes of a new point of order that applies only in the Senate. Section 25(a)(2) of the Senate amendment creates this point of order. Section 25(b) establishes a requirement for the affirmative vote of 60 Senators to waive this new point of order.

Section 25 of the Senate amendment parallels section 12(b), (d), (e), and (f) of last year's budget resolution, which extended the appropriations caps through fiscal years 1996, 1997, and 1998. The drafters of section 12 of last year's budget resolution in turn patterned that section on several sections of the Congressional Budget Act. Consequently, section 25(a)(2)(A) of the Senate amendment is in turn patterned on section 601(b)(1) of the Congressional Budget Act as amended by section 14002(b) of the Omnibus Budget Reconciliation Act of 1993. Section 25(a)(2)(B) of the Senate amendment is in turn patterned on section 601(b)(4) of the Congressional Budget Act. Sections 25(b) and 25(c) of the Senate amendment are in turn patterned on sections 904(c) and 904(d) of the Congressional Budget Act, respectively. Section 25(d) of the Senate amendment restates the normal budget law scorekeeping convention that Congress turns to its Budget Committees to assess the costs of legislation, and is thus patterned on Congressional Budget Act sections 201(g), 302(g), 310(d)(4), 311(c), 313(e), and 601(b)(3), and Gramm-Rudman-Hollings section 258B(h)(4).

The House resolution contains no such provision.

The conference agreement includes as section 24 a revision of the language in section 25 of the Senate amendment.

The conference agreement revises the reductions in the discretionary spending limits as follows:

REDUCTIONS IN DISCRETIONARY SPENDING LIMITS

[In billions of dollars]

	Fiscal year—		
	1996	1997	1998
Conference agreement:			
Budget authority	4.0	10.7	4.1
Outlays	5.4	2.4	0.5

Among other changes, the conference agreement revises references in subsections (a) and (d) that might have been read to apply the section to the House of Representatives.

INTERNAL REVENUE SERVICE COMPLIANCE INITIATIVE

Section 54 of the Senate amendment allows for additional appropriations for an Internal Revenue Service compliance initiative. If the Congress appropriates the base amounts requested for the Internal Revenue Service in the President's Budget for fiscal year 1995 and a variety of other conditions are met, then Congress can also appropriate additional amounts for a compliance initiative without triggering points of order that might otherwise lie against such legislation.

Under sections 54(a) and 54(b) of the Senate amendment, upon the reporting of an appropriation bill funding the compliance initiative and the satisfaction of the conditions listed, the Chairman of the appropriate Budget Committee must file revised appropriations caps, allocations to the Appropriations Committee, functional levels, and aggregates to clear the way for the incremental spending for the initiative. This procedure parallels that used in reserve funds (discussed below), which allow deficit-neutral legislation to proceed without points of order even if that legislation pays for direct spending with revenues. Similarly, section 54 of the Senate amendment allows appropriations legislation to proceed without points of order if it is demonstrated that the revenues raised by those appropriations would offset the costs of the appropriations.

The first parenthetical language in the matter after subsection (a)(3) establishes the first condition precedent, that the Congress appropriate the base amounts requested for the Internal Revenue Service in the President's Budget for fiscal year 1995. Subsection (d) lists the other conditions: enactment of a Taxpayer Bill of Rights 2, initiation of an Internal Revenue Service educational program as mandated by the Taxpayer Bill of Rights 1 and 2, a finding by the Congressional Budget Office that by virtue of revenues raised, the appropriations will not increase the deficit, and a restriction of funds made available pursuant to this authority to carrying out Internal Revenue Service compliance initiative activities.

The House resolution contains no such provision.

The conference agreement contains as section 25 a provision similar to that in section 54 of the Senate amendment. In particular, section 25(a)(2) of the conference agreement more explicitly spells out the condition precedent that Congress first appropriate the base amounts requested for the Internal Revenue Service in the President's Budget for fiscal year 1995 before the provisions of this section apply. Similarly, the conference agreement revises subsection (d), which sets forth the other conditions precedent.

DEFICIT-NEUTRAL RESERVE FUNDS

Section 4 of the House resolution provides for adjustment of the aggregates and committee allocations to accommodate health care reform legislation, when reported, if the legislation would be deficit neutral over 5 years. Section 24 of the Senate amendment provides similar language, called a "reserve fund," allowing consideration of legislation in the Senate addressed to several specified priority areas, if the legislation would be deficit neutral over 1 and 5 years. In the Senate, reserve funds may pave the way for tax-cutting legislation paid for with spending cuts, new spending legislation paid for with taxes, or spending legislation paid for with cuts in another committee's jurisdiction. See S. Rep. No. 238, 103d Cong., 2d Sess. 34-36 (1994)).

Section 26 of the conference agreement contains reserve fund language for the House similar to that in the House resolution and section 27 of the conference agreement contains reserve fund language for the Senate similar to that in the Senate amendment.

The Senate reserve fund language in the conference agreement collapses without substantive change several subsections into a smaller number of paragraphs, eliminating the repetition of language. With three minor exceptions, the conferees intend that the conference agreement language shall have identical effect to the Senate-passed language.

In addition to the provisions covered by the Senate amendment, the conference agreement adds a general provision to allow adjustments of budget authority in the Senate where legislation would result in absolutely no increase in outlays over the applicable periods. Such provisions necessarily do not worsen the deficit. An example of such legislation in the past is the Intermodal Surface Transportation Efficiency Act of 1991, for which the Chairman of the Budget Committee filed two budget authority adjustments. See 137 Cong. Rec. S18,663 (daily ed. Nov. 27, 1991); id. at S7511-12 (daily ed. June 11, 1991).

Like the Senate amendment, the Senate reserve fund language in the conference agreement requires the Chairman of the Budget Committee to submit revised allocations and aggregates to accommodate amendments relating to health care reform, if the Chairman has already submitted re-

vised allocations and aggregates to accommodate a committee-reported bill. The conference agreement makes clear that the Chairman is required to make such submissions only when the amendment necessitates such a submission. In other words, if the amendment would not violate the revised allocations and aggregates already submitted, the Chairman need not submit new ones. If, however, an amendment deals with the appropriate subject matter and is deficit neutral over the appropriate time periods, but would nonetheless cause a breach of a revised allocation or aggregate, the Chairman must submit further revised allocations and aggregates to accommodate that amendment.

Finally, the conference agreement changes the treatment of the reserve fund for health care (described in subsection (b)(2)(B) of the conference agreement) to make clear that the language allows tax-cutting legislation paid for with spending cuts (as well as spending legislation paid for with new taxes, or spending legislation paid for with cuts in another committee's jurisdiction, or any combination). The conference agreement thus lists that purpose in subsection (b)(2), among purposes for which spending cuts may pay for tax cuts, rather than in subsection (b)(1), which lists purposes for which spending cuts may not pay for tax cuts.

Because the provisions of these Senate reserve funds are part of the congressional budget, they apply only to budget authority, outlays, and receipts to which a budget resolution may permissibly apply. Consequently, these reserve funds do not apply to Social Security outlays or Social Security revenues, which section 13301(a)(2) of the Budget Enforcement Act of 1990 explicitly excludes from the congressional budget.

SENSE OF THE CONGRESS AND SIMILAR PROVISIONS

The House resolution contains four sense of the Congress provisions, on budget process legislation (section 5), a reserve for emergencies (section 8), unfunded mandates (section 9), and baselines (section 10). The House resolution also contains two sense of the Budget Committee provisions, on scoring health reform (section 6) and immigration (section 7).

The Senate amendment contains 11 sense of the Congress provisions, on the budgetary accounting of health care reform (section 31), the costs of illegal immigration (section 32), baselines (section 33), economic assumptions (section 34), unfunded Federal mandates (section 35), the Indian Health Service (section 38), the minimum allocation program (section 41), Federal law enforcement personnel (section 45), minerals management (section 48), Star Wars (section 51), and shifting the allocation of anti-drug funds from international anti-drug programs to drug treatment and prevention programs (section 53). The Senate amendment also contains 13 sense of the Senate provisions, on foreign tax provisions (section 36), tax expenditures (section 37), the National Aeronautics and Space Administration (section 39), the Spending Reduction Commission (section 40), payments to United Nations of United States arrearages in contributions for peacekeeping activities (section 42), Eastern and Central Europe (section 43), Federal courthouse construction (section 44), that taxes not be increased because taxpayers are married (section 46), Department of Energy reductions-in-force (section 47), diesel fuel dyeing regulations (section 49), equitable distribution of reductions in defense and non-defense discretionary spending (section 50), growth of entitlement or mandatory spending (section 52), and controlling non-Social Security mandatory spending (section 55).

The conference agreement contains seven sense of the Congress provisions on: controlling entitlement spending (section 31), budgetary accounting of health care reform (section 34), the costs of illegal immigration (section 35), baselines (section 36), unfunded federal mandates (section 37), health service delivery and water infrastructure in the Indian Health Service (section 40), and policy in Eastern and Central Europe (section 43).

The conference agreement also contains six sense of the Senate provisions on: controlling non-Social Security mandatory spending (section 33), closing loopholes in foreign tax provisions (section 38), tax expenditures (section 39), the National Aeronautics and Space Administration (section 41), the minimum allocation program (section 42), and Star Wars (section 44).

The conference agreement contains one sense of the House of Representatives provisions on the enactment of budget process legislation (section 32).

PUBLIC DEBT LIMIT IN THE HOUSE

Rule XLIX of the Rules of the House of Representatives establishes a procedure for changing the statutory limit on the level of the public debt.

This budget resolution sets forth the appropriate level of the statutory limit for the coming fiscal year, 1995, as well as the outyears. Under House Rule XLIX, upon adoption by both Houses of Congress of a conference report on a budget resolution containing a debt level for the next fiscal year, the public debt limit for that year is incorporated into the text of a joint resolution. Pursuant to the rule, that joint resolution would amend section 3101(b) of title 31, United States Code, by striking out the dollar limitation contained in such subsection and replacing it with the figure of $4,965,100,000,000.

Under the rule, that joint resolution is then deemed passed by the House and sent to the Senate for its consideration. If the Senate approves the joint resolution without amendment, the joint resolution is sent to the President for his signature. (If the Senate were to amend the joint resolution, the measure would be returned to the House for further action.)

Legislative jurisdiction over the public debt remains in the Committee on Ways and Means. The rule does not preclude that committee from originating public debt legislation.

MARTIN OLAV SABO,
DICK GEPHARDT,
DALE E. KILDEE,
ANTHONY BEILENSON,
HOWARD L. BERMAN,
BOB WISE,
JOHN BRYANT,
CHARLIE STENHOLM,
BARNEY FRANK,
LOUISE M. SLAUGHTER,
Managers on the Part of the House.

JIM SASSER,
FRITZ HOLLINGS,
J. BENNETT JOHNSTON,
Managers on the Part of the Senate.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3222

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3222.

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

There was no objection.

SMALL BUSINESS AND HEALTH CARE

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

Mr. DERRICK. Mr. Speaker, why do we need health care reform?

Besides the 35 to 40 million Americans with no health care plan at all, there is health care's stratospheric cost on the Government and economy.

Health care costs already anchor our national debt. If we do not take action, they will hobble the small businesses that drive our economy.

On average, small businesses pay 35 percent more for health plans that large employers. Health care costs have risen 20 to 50 percent for small businesses, and the burden of worker's compensation is increasing at 1½ times the rate of health care costs.

Health care reform will ease this pressure. Small, low wage businesses will receive discounts of between 25–85 percent on health care costs, allowing the smallest employers to provide affordable, effective health care insurance.

Nine out of ten Americans get their private health insurance at work. America's small businesses are the place to begin real health care reform.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 140

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 140.

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

There was no objection.

THE A TO Z CIRCUS: WILL YOU BE BUYING A TICKET?

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

Mr. BALLENGER. Mr. Speaker, I rise in support of the A to Z spending cuts plan and urge all of my colleagues who take deficit reduction seriously to sign the discharge petition which allows this legislation to reach the floor for a vote.

A to Z is untraditional, but we have all seen where the traditional budget process has taken us—right into debt. By allowing Members to propose, debate, and then vote on specific program cuts in nonpackage form, A to Z forces every Member to go on record as to what programs he or she is willing to

cut for the sake of America's economic future. Simply put, the folks throughout America will see exactly who is serious about reducing wasteful Government spending by looking at the names on the A to Z discharge petition.

I have heard the A to Z plan compared to a three-ring circus. I just might agree. In ring 1, if the legislation reaches the floor, we will be stressing Government spending in terms of responsibility. In ring 2, we have accountability. And, in ring 3, we will introduce an aspect of Government spending rarely seen—affordability. A circus of fiscal responsibility. Pitch the big-top tent, because Americans have been waiting for years to see this.

I urge all of my colleagues to sign the discharge petition for A to Z. Talking about reducing Government spending does nothing but allow Members to hide under a blanket of false deficit reduction commitment. Strong, innovative legislative action like A to Z is the only way to honestly address our Government's financial problems. Three-ring circus? I'll be buying a ticket and I urge my colleagues to do the same.

A TO Z IS PHONY REFORM

(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, the A to Z bill is being touted as reform legislation, but it is nothing of the kind. A to Z is phony reform. It is a bill that would limit congressional debate and thwart the public will.

The 56-hour debate limit of A to Z would mean that amendments could be voted on without serious debate or considered review. The result would be disastrous for this institution and this country.

By circumventing the committee system, A to Z would mean Congress would be forced to vote on legislation without the benefit of any public hearings. The committee process is designed to give citizens a voice in public policy debate. A government of, by and for the people cannot function if it ignores the people—that is what A to Z does.

Last year, this Congress passed the largest deficit reduction package in history—500 billion dollars' worth. This year, the most important action this Congress can take to put our fiscal house in order is to reform our health care system. If A to Z backers want to work for real reform then they should roll up their sleeves and do the tough work on health care reform, not take the easy way out. Real reform, not phony reform.

SIGN THE A TO Z DISCHARGE PETITION

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

Mr. ZELIFF. Mr. Speaker, the failed budget provisions of the past have given us a $4.5 trillion debt. It is time for change.

The A to Z spending cut plan places every program on the table for review. It allows us to cut entitlements, it allows us to make decisions to cut authorizations, it reduces spending caps, so that the spending cuts are real.

We must remove the budget gag rules that prohibit us from attacking the national debt.

Today is Congressional Accountability Day.

Many Members who ran for Congress pledged to cutting wasteful Government spending.

Others pledged to balance the budget.

A lot of us pledged to cut the $4.5 trillion debt.

Many of us pledged to reform Congress.

We promised to fight for change.

Most of us have talked the talk. Today is the day to walk the walk.

Today is the day to sign the A to Z spending cut discharge petition as almost 100 of our colleagues have done. Today we are accountable. Will it be business as usual? Or will we take a new road. Do we have the courage to stand up for real change? Today, by our actions, each of us will be accountable to the people of America.

□ 1440

CHILDREN AND POVERTY

(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, I received some truly frightening news this week, news that threatens the very core of America's future.

In my home State of North Carolina, it was revealed that the lives of our children have grown more and more treacherous over the last 5 years.

Today in North Carolina, it is dangerous to be a child. Listen, as I sound out the disgraceful statistics.

Each day in North Carolina, 3 babies die, 88 children are abused or neglected, 43 teenagers become pregnant, and 40 young people drop out of school.

In the four measures of social welfare—health, education, safety, and security—we have failed our children miserably.

In the last year alone, poverty among children increased 16 percent, the dropout rate rose 10 percent; crime rates are up and so are arrests among juvenile offenders.

Mr. Speaker, this disgraceful situation is not limited to my State of North Carolina, it is a national tragedy. We cannot afford to lose this, our most valuable resource.

Let us commit ourselves today, to public policies that will rescue our children from these mean circumstances.

SUPPORT A TO Z SPENDING CUTS PLAN

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

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today in support of the A to Z spending cuts plan sponsored by my colleagues ROB ANDREWS and BILL ZELIFF. The taxpayers of America have asked us to cut wasteful Federal spending, and the A to Z plan offers us a unique opportunity to get the job done.

The idea is simple. Give Members a chance to offer up spending cuts and be guaranteed an up-or-down roll call vote. No part of the budget is off-limits. Every program is fair game. Pork projects can not be hidden deep is essential spending bills but will be measured on their merit before the entire country. It is kind of a congressional line item veto.

It is easy to understand why there have been a few vocal opponents of the A to Z plan. The issue here is power: Who gets to decide how the people's money is spent and how much is spent. The defenders of the status quo want to keep that power centralized. The A to Z plan will return spending decisions to the people and their duly elected Representatives.

To me this is not a hard choice. I side with the people of our country who are paying the bills and who are tired of wasteful spending. I urge my colleagues to sign the discharge petition to the A to Z spending cuts plan.

WHICH CONSTITUTION WILL WE UPHOLD TODAY?

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

Mr. TRAFICANT. Mr. Speaker, which Constitution will be uphold today in the U.S. Congress: the Constitution that said Jeffrey Dahmer, Richard Speck, Charles Manson are innocent until proven guilty; or today do we uphold the IRS constitution that says the PTA president, the teacher, the engineer, the truck driver, the housewife, mom and dad are guilty, considered guilty for tax fraud and tax evasion and they have to prove themselves innocent?

Shame, Congress, shame; there is only one Constitution. If it is good enough for the Son of Sam, it should be good enough for mom and dad. H.R. 3261, the Constitution says you are innocent until proven guilty. Congress, do your job.

PHONY SPENDING CUTS? A TO Z PLAN MAKES HONEST-TO-GOODNESS CUTS

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

Mr. LINDER. Mr. Speaker, it was fascinating to hear the lady from Connecticut stand up and talk about the A to Z spending plan being phony spending cuts. When you really get serious in Congress and make honest-to-goodness cuts from last year's spending, it is called phony? It has a kind of "Alice-in-Wonderland" quality about the words.

As Humpty Dumpty said, "When I use words, it means exactly what I want them to mean."

Over the last decade or so, we have had four different budgets in which serious reductions in spending were promised: 1982, immediate tax increases with spending cuts down the road; Gramm-Rudman, immediate tax increases with spending cuts in the out years; 1990, immediate tax increases with spending cuts in the out years; and the last out year occurred last year when we had the largest tax increase in history with no net spending cuts until the out year.

The A to Z plan currently before us, for which we are signing the discharge petition, gives the United States people and this Congress the opportunity to see that we are willing to make enough choices, to make real spending cuts.

No wonder it scares the devil out of the left.

ASSAULT WEAPONS MAKE NO SENSE

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

Ms. SCHENK. Mr. Speaker, I recently heard a spokesman for guns argue that assault weapons ban makes no sense because guns that will be banned are no different than many others that will not be. I am not a weapons expert, and I do not know that fine difference between an Uzi and a street sweeper, but what I do know is that the 19 weapons banned by this legislation now make up 85 percent of all assault weapons traced to crime.

I also know that in San Diego, my community, a few weeks ago this type of weapon was used to injure a police officer during an 11-hour standoff with the SWAT team at an apartment complex.

Last October, at another apartment complex not far away, a similar assault weapon was used to kill a woman and a 9-year-old child. Both of these would be banned if this bill passes.

For those who say that "guns don't kill people, people kill people," let me paraphrase from the last campaign: "It is the guns, stupid."

ASSAULT WEAPONS BAN

(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, well, it is the people that kill and not the guns. I think it is time in America we start holding the people responsible. Banning guns, any kind of guns, will not do anything to curb crime. What it will do is promote a bigger black market for weapons. Most crimes committed with guns are committed with illegal guns, anyway. So, in effect, this law that we are talking about will not do anything; it is just another Band-Aid from Washington, DC, to try to fake out the Nation and take the spotlight right off the criminal. I tell you, guns are not doing the shooting. Let us an the real cause, and that is the criminals.

Government ought to concentrate on locking up the criminal, not imposing criminal penalties on law-abiding citizens. Gun bans have a long history of failure. They do not reduce crime; crime deterrence lies not in gun control but in the enforcement of laws that are already on the books. I know there is a crime problem in America, everyone of us does. We will not, any of us, say there is not a real problem. Until we hold the criminal, not society or guns, responsible, the crime rate is going to continue to go up. Until we pass a real anticrime bill, we have not gotten to the crux of the problem.

ANTIHYPOCRISY DEFICIT REDUCTION ACT OF 1994

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

Mr. OBEY. Mr. Speaker, I will be introducing tomorrow an alternative to the so-called A to Z bill, which I call the Anti-Hypocrisy Deficit Reduction Act of 1994. Under my proposal, my bill will provide for the same 56 hours of consideration for proposals to cut spending as is provided by the A to Z bill, with two critical differences: No. 1, we will require at least 1 working week's notice of the amendment so there will be some opportunity to analyze proposals which will be offered. And, second, I would require the Speaker to recognize Members who will offer amendments reducing or eliminating projects within their own district. That is why I call it the Anti-Hypocrisy Deficit Reduction Act of 1994.

Instead of Members piously posing for political holy pictures by roundly denouncing spending in somebody else's district, I think they ought to be required to start in their own neighborhoods.

ASSAULT WEAPONS BAN

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

Mr. STEARNS. Mr. Speaker, tomorrow the House will consider H.R. 4296 which seeks to further restrict the right to own a firearm.

The effect this bill will be on is the law abiding citizen who is being told that while the criminal is the problem, the Federal government's solution is to restrict the rights of American citizens.

A few years ago the Federal Government told the American people that it only wanted to restrict the importation of assault weapons. Now, the Government wants to restrict the weapons made in the United States. Let me read to you a portion of a letter from Treasury Secretary Bentsen referencing the list of firearms which appear to meet the definition of semiautomatic assault weapons. He writes, "The list was compiled from currently advertised firearms and should not be considered to be all inclusive."

I submit this body could do more good for the country if it focused its attention on those whose behavior breaks the law, rather then restricting the legitimate rights of those who abide by them.

□ 1450

CRIME PREVENTION MONTH

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

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise today to support the efforts of over 27 million people across the country who are working to prevent crime in their neighborhoods and communities. Today, I am introducing legislation to commemorate their work by designating October 1994 as National Crime Prevention Month; more than 150 of my colleagues have already joined me in this endeavor.

Americans refuse to accept complacency. From education to neighborhood watch groups, they are committed to fighting back. To help these people in their efforts, we need to inform residents and make them aware of the difference individuals can make.

I am working with the National Crime Prevention Council to bring crime prevention to every household.

This effort to support the millions of Americans who have joined the battle against crime is a cost-free way to make a difference. These Americans have demonstrated that by working together, we can reduce crime, drug abuse and fear of crime.

This is a fight we can and must win for the sake of our families and our children.

SUPPORT THE A-Z SPENDING CUT BILL

Mrs. FOWLER, Mr. Speaker, I rise today in support of the A to Z spending cuts plan, and House Resolution 300, the rule which would allow open debate on spending cut amendments in H.R. 3266.

As an advocate of congressional reform, I have worked with my colleagues on both sides of the aisle to achieve significant change, and I have found a bipartisan approach to be very effective. I believe that sensible spending cuts must also be enacted in a bipartisan fashion.

The A to Z bill would open up the budget process to the entire Congress by allowing Members to propose specific spending cuts, debate those cuts and vote on them, up or down; this legislation could be a real vehicle for spending reform.

I have signed the discharge petition, and I urge my colleagues to do the same.

SMALL BUSINESS SPEAKS WITH A VOICE OF REASON ON HEALTH CARE REFORM

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

Mr. GEPHARDT. Mr. Speaker, yesterday, more than 340,000 small businesses came together to tell the truth about health care reform.

They formed a new small business coalition for health care reform—on behalf of more than 3 million hard-working Americans—builders and farmers, store-owners and salesmen, designers, and druggists. Because they believe it is time to move past all the rhetoric, all the posturing and press releases that have twisted this issue beyond recognition.

The simple fact is that health care reform is good business for small business. It will save money. It will make a real difference in people's lives. They know it, and we know it.

It is good for the small businesses that offer health coverage, but have to pick up the tab for their competitors who do not.

It is good for the small businesses that can't afford to cover their employees, but will finally be able to do so—thanks to the big discounts they will get when reform becomes reality.

And health care reform is good for the small businesses that believe decent, affordable health care is not just a line on a spreadsheet—it is our obligation as a society.

The fact is, today's soaring health care costs—today's discriminatory insurance practices—are strangling millions of small businesses. They need a voice in this process. And frankly, the small business lobbyists do not speak for most of them.

That is why they came out in support of health care reform. They know that if they do not stand up and speak for themselves, their voice will be lost in the chorus of hype and hyperbole that is trying to defeat real reform.

But do not take it from me, listen to the small business people who are crying out for guaranteed health care. Listen to the farmer from Kansas who said: "I cannot afford to pay increasingly higher premiums to cover the ones who have no insurance and no ability to pay for their health care."

Listen to the head of a small manufacturing company in Massachusetts, who said that under today's system, if one of her workers was struck by serious illness, "our group rates would soar, and I would have to make the decision of closing my business of letting employees play Russian roulette with their families and savings."

There are not voices of political friction—they are voices of reason.

So let us stand up for small business. Let us do what they need and not what the special interests want.

And let us pass the guaranteed, affordable health care that our economy deserves, and our small businesses demand.

A-Z, A CHANCE TO SHOW AMERICA WE MEAN BUSINESS ABOUT CUTTING

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

Mr. HORN. Mr. Speaker, if we legislators have learned one thing since the 1992 elections, it is that deficit reduction is the top priority for the American people. Hundreds of letters and telephone calls from constituents tell us one thing:

Americans know that our Nation's survival rests upon cutting excess Federal spending. But for too long the American people have not seen much paring down of these Federal costs. They have heard a lot of talk about it, and it has been discussed at length in these Chambers. But the American people are still waiting for something to be done.

Now, Mr. Speaker, with the A-Z spending cuts plan Congress has a chance to show America that we finally mean business about cutting. There are many of us in this House who really mean it when we say we want to cut the deficit. The A-Z plan gives us a chance to put our names on the line, and for those who have hidden so long behind the secrecy of House committees, they will be forced to come out in the open and be held accountable for their deeds.

The American people deserve no less than forthright guarantees from us that, when it comes to decisions about cutting the deficit, we will act with the deficit and sound common sense in mind. All Americans deserve to know who is loyal to them and who is loyal to the powerful committee chairmen.

So, Mr. Speaker, I urge passage of H.R. 3266, the A-Z spending cuts plan, and I urge my colleagues to sign the discharge petition that will bring it before us.

WAL-MART—A DISCOUNT STORE MARKING UP OUR HEALTH INSURANCE

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

Mr. WISE. Mr. Speaker, when you and I go into Wal-Mart, we are looking for markdowns. But I ask, "How would you feel knowing, when you walk in, you're getting a markup of 30 percent on our health insurance because of the way that a company like Wal-Mart does business?"

Mr. Speaker, this is one of our largest private employers, but yet, out of its half-million employees, leaves almost 250,000 without health insurance. What that means, according to one group, is that $480 million of Wal-Mart's health care costs get shifted to the rest of us who are able to have health insurance.

And how does that affect us? It is because 30 percent of every insurance premium in this country which my colleagues and I pay goes to pay for those who do not have health care. The 85 percent who are uninsured in this country are working at institutions like Wal-Mart. For those who are insured at Wal-Mart there is a high out-of-pocket cost which is hard for those making $6 and $7 an hour, and yet Wal-Mart disavows the Clinton health plan that would lower Wal-Mart's health care costs and its employees' health care costs while providing comprehensive guaranteed private insurance for all.

So, Mr. Speaker, I challenge Wal-Mart to help Wal-Mart workers and Wal-Mart consumers for a health plan, to support a health plan, that has lower costs, that does not shift the costs to us consumers, and that is the best way to truly have a discount store offer discounts without marking up our health insurance.

WHAT WE SHOULD DO ABOUT HAITI

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

Mr. BEREUTER. Mr. Speaker, it is with the utmost gravity that I must sound a warning to my colleagues: The Clinton administration is actively considering the unilateral invasion of Haiti.

Certainly it is true that the administration's Haitian policy has been a total failure and has, predictably, brought great additional suffering to the Haitian people. We were told last December when the United Nations imposed an oil embargo on Haiti, sought by the United States, that the de facto regime in Haiti would be bought to their knees by the middle of January. Four months later the regime and the Haitian military are not worse off than they were last January. In fact, they are profiteering from the sale of gasoline at $10 per gallon. The new proposals for a stepped—up embargo will not work any better than the current ones because the border between Haiti and the Dominican Republic is a sieve; oil and goods continue to flow unimpeded from the Dominican Republic to Haiti. The suffering of the Haitian people and the level of violence that is inflicted upon them have only been increased by the embargo and by failures in United States foreign policy.

These failures and, speaking frankly, domestic pressure and the concern about advancing a congressional agenda, now are strengthening the hand of invasion advocates within the administration. They argue for a unilateral invasion and the restoration of President Aristide to power, to take place after the inevitable failure of the increased sanctions now being proposed.

Mr. Speaker, invading Haiti would be a terrible mistake. The administration reportedly is considering a plan that will commit American troops, but does not have a clearly defined military mission for them or a plan for extricating them. The protection duties and civil strife cause by returning Aristide, and resentment against American policy, would keep American troops there for years—and cost us tens of billions of dollars. We should all remember that the last time American troops invaded Haiti, the marines stayed there for 19 years. Yes, 19 years, and the end result was the Duvalier regime. President Clinton and the Congress must weigh the cost of American lives and resources if the United States, by unilateral invasion, assumes the responsibility for restoring peace, governance, and economic stability to Haiti.

What should the administration do? It should seek out the pragmatic individuals who do exist in Haiti in a serious effort to find a consensus for solutions to the current political crisis in Haiti. This search for solutions must not be hampered by a stubborn insistence that President Aristide be returned to office. That stance is a recipe for disaster.

Again, Mr. Speaker, I wish to emphasize that before the United States seriously considers an invasion of Haiti, by whatever means or whatever name, we must examine all the options and insure that we have legitimate geopolitical and strategic interests at stake that justify the use of unilateral force and possible loss of American lives. Those interests and an extrication plan have not been clearly defined by the administration; nor has it exhausted all nonviolent options at its disposal. Mr. Speaker, an invasion would be a serious mistake which risks American lives, resources, and leadership prestige, at a time when the reputation of American foreign policy leadership could scarcely be lower.

VOTE FOR THE ASSAULT WEAPONS BAN ACT WITH A CLEAR CONSCIENCE

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

Mr. MENENDEZ. Mr. Speaker, for all the talk about the second amendment, you would think people would talk about the whole amendment. There are people who say it is wrong to take assault weapons out of the hands of the gangs and the druglords because "the right of the people to keep and bear arms shall not be infringed." But they forget that the amendment protects the right because "A well regulated Militia" is "necessary to the security of a free State. * * *"

Show me the well regulated militia carrying street sweepers. Show me the well regulated militia carrying AK–47'S and TEC 9's. There are none.

When we speak of assault weapons, let us not forget who these guns are assaulting. When we talk about street sweepers, we are not talking about people who clean up the litter on our streets, but rater about a gun designed to litter the streets with bodies.

Where are these guns? They are on the streets of our cities, murdering our children. Street thugs are not my idea of a well regulated militia, Mr. Speaker, and it is not yours either, you can vote for this bill with a clear conscience.

IT'S TAX FREEDOM DAY, BUT OUR CITIZENS ARE STILL PAYING FOR GOVERNMENT

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

Mr. BARTLETT of Maryland. Mr. Speaker, today is Tax Freedom Day, and all the days since January 1 until now Americans have been working just to pay Federal, State and local taxes. But if our citizens think that they can start working for themselves tomorrow, they can forget it because between now and July 13, which is Government Freedom Day, our citizens will be working to pay for the cost of Government regulations and unfunded Federal mandates.

In 1913 Tax Freedom Day was January 30.

□ 1500

Mr. Speaker, our citizens all across the country are demanding that we begin a march back to those halcyon days, and we will start that process today with the A-to-Z proposal. I encourage my colleagues on both sides of the aisle to sign the discharge petition so we can debate this issue. I am sure that all Americans will applaud us for it.

NATIONAL TOURISM WEEK

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

Mr. CLYBURN. Mr. Speaker, from the Lowcountry to the Upstate, from the Midlands to the Pee Dee, South Carolina is a State abundant in natural beauty and historical significance.

It is no wonder, then, that thousands of tourists each year consider South Carolina the ideal destination for vacation, for recreation and for historical education.

Tourists visiting the State of South Carolina spend billions of dollars each year, which in turn generate millions of dollars in tax revenue and create thousands of jobs.

In fact, according to the most recent data available, travel and tourism was the second largest industry in South Carolina in 1991.

In that same year, tourists spent over $13 million a day in the State, and South Carolina was ranked 23d in the United States in terms of total tax revenue generated by travel and tourism.

Mr. Speaker, as we commemorate National Tourism Week, and as we go about our legislative affairs, let us keep in mind the impact our decisions could have on the travel and tourism industry nationwide, and in States like South Carolina, that have come to increasingly rely on the tourism industry in the face of changing State economies.

TAX FREEDOM DAY

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

Mr. ALLARD. Mr. Speaker, with April 15 safely behind us, most Americans have no interest in discussing taxes. But this week, we will all get one more reminder of how stiff the tax burden is.

This Thursday, May 5, is Tax Freedom Day. Tax Freedom Day is the day to which the average American must now work to pay the combined Federal, State, and local tax bill.

Tax Freedom Day is now later in the year than it has ever been. Last year it was May 3, but due in large measure to the Clinton tax hike, it has moved to May 5.

This means the average American works the first 125 days of the year for Uncle Sam. Only on May 6, do America's families begin working for themselves.

All of this is one more reason to cut back the size of Government. We should start with the A-to-Z spending cut plan.

MEMBERS ENCOURAGED TO SUPPORT ASSAULT WEAPONS BAN

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

Mrs. SCHROEDER. Mr. Speaker, the average American does not own an assault weapon, and yet every American can be a victim of assault weapons. Think about the innocent diners in the cafeteria not long ago where the gentleman walked in and rubbed out so many of them. And when you look at what they hide behind as their right to own an assault weapon, it is an amendment saying they have a right to bear arms, and they would then say that means grenades, rocket launchers, or anything they want. We all know that is really going very far to the extreme.

Very soon this body is going to take up a bill that starts to get some control over this. No other democratic nation allows these types of things. These are military weapons with only one purpose—to wipe out as many people as possible and as fast as possible, and they have no sporting purpose. You cannot possibly think of any animal you could hit with these weapons and have anything of the animal left. So I think it is time for all of us as Americans to join hands and speak up as we get ready to vote on this and make sure we have the votes to finally ban assault weapons.

Mr. Speaker, this hunt for votes is getting very serious. The vote is very tight, and we need every single Member joining us.

EXCESSIVE BONUS PAYMENTS TO SOCIAL SECURITY PERSONNEL UNFAIR TO TAXPAYERS, SENIOR CITIZENS

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

Mr. ROTH. Mr. Speaker, as chairman of the Social Security Task Force, which was set up to watch over Social Security and protect our senior citizens, I want to tell the Members how outraged I am that the Social Security Administration paid $32 million in bonuses last year, with one bonus of $9,256 to a person who was on the job only 2½ months. He got more in bonuses than most Social Security recipients receive in a year.

Last year Social Security asked for and received from this Congress an additional $200 million to pay for benefits to Social Security recipients. We now know that millions of these dollars went right into bonuses. This is not fair to our senior citizens. This is not fair to the taxpayers. The Social Security agency is the same entity that seniors tell me does not even answer their tollfree hot line.

Mr. Speaker, when it comes to Social Security, I say that Social Security money must be used for Social Security purposes only. And no more bonuses, especially as long as we have these lingering problems in the Social Security agency.

SUPPORT FOR CLINTON HEALTH PLAN FOUND WANTING

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

Mr. CUNNINGHAM. Mr. Speaker, the majority leader just spoke and said that small business wants health care and that it does not have to be expensive. He is exactly right on that issue.

But, Mr. Speaker, the Clinton health plan in the Committee on Ways and Means received zero votes from any Republican or Democrat. And why? First of all, Republicans and Democrats realize that we do not need giant health care alliances that give the Democratic Party power over our lives and increases the size of the Federal Government.

Second, we know that 80 percent of the American public likes their health care plans, but they also realize that the key words are that there needs to be some changes, but not doing away with the system itself. We do not need alliances that control our lives, we do not need employer mandates, and those small business people who came to see me after seeing the President still have a lot of concerns about jobs being lost, with higher taxes, alliances and mandates.

And, by the way, Mr. Speaker, let me point out that there are no assault weapons in this assault weapons ban. They are not assault weapons. They have never been used by any military except for the M–1 gran. You can take a stock for my shotgun and put a corner on it, and it will become an assault weapon.

THE A-TO-Z PLAN PROMISES CONGRESSIONAL ACCOUNTABILITY

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

Mr. KNOLLENBERG. Mr. Speaker, the time has come for accountability in Congress.

The A-to-Z spending cut program will hold Members of Congress accountable for specific cuts in the budget, cuts that are needed to bring our deficit down and eliminate all the bureaucratic redtape that is clogging our Government.

My colleagues, the gentleman from New Hampshire [Mr. ZELIFF] and the gentleman from New Jersey [Mr. ANDREWS], are right on track. The A-to-Z program will allow Members to have a plain-and-simple vote, up or down, on real cuts.

There will be no more excuses like "We'll make those cuts the next time," or "We have to wait to do health care."

As my colleague, the gentleman from Ohio [Mr. KASICH], pointed out during the budget resolution debate, first the administration wants more specific cuts, then it complains that the cuts are not specific enough.

Mr. Speaker, we cannot be any more specific than with the A-to-Z plan. I call on all my colleagues to bring responsibility back to this House and sign the discharge petition for A-to-Z.

MILITARY ACTION IN HAITI SEEN AS UNWISE

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

Mr. COX. Mr. Speaker, President Clinton is moving the United States perilously close to military intervention in Haiti. Yesterday the Washington Post reported that President Clinton is considering a plan to send armed military trainers to Haiti. Yet the end result of military intervention in Haiti is unclear.

Will we invade and supplant the current control group with military force? Whom will we install? Aristide? He has proven totally unable to facilitate his own return. He has been unwilling to compromise, and his recent attacks on the United States have vilified the very people who are trying their best to help Haiti.

If President Clinton plans to invade Haiti, he will make an enormous mistake in the United States military force posture, and if he does not do so in the end, his current promises will hold out false hopes for the long-suffering people of that island nation.

□ 1510

DISTRICT OF COLUMBIA GOVERNMENT'S 1995 BUDGET REQUEST—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. WISE) 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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's 1995 budget request and 1994 revised budget request.

The District of Columbia Government has submitted a 1995 budget request for $3,409 million in 1995 that includes a Federal payment of $674 million, the amount authorized and requested by the Mayor and the City Council. The 1995 Federal payment level proposed in my fiscal year 1995 budget of $670 million is also included in the District's 1995 budget as an alternative level. My transmittal of the District's budget, as required by law, does not represent an endorsement of its contents.

I look forward to working with the Congress throughout the 1995 appropriations process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 4, 1994.*

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1994

The SPEAKER pro tempore (Mrs. MEEK). Pursuant to House Resolution 414 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3254.

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 further consideration of the bill (H.R. 3254) to authorize appropriations for the National Science Foundation, and for other purposes, with Mr. WISE, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, May 3, 1994, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by titles as an original bill for the purpose of amendment and each title is considered as read.

The clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Science Foundation Authorization Act of 1994".

The CHAIRMAN pro tempore. The clerk will designate section 2.

Mr. BOUCHER. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "debt-for-science exchange" means an agreement whereby a portion of a nation's commercial external debt burden is exchanged by the holder for a contribution of local currencies or other assets to support scientific and technological research;

(2) the term "Director" means the Director of the Foundation;

(3) the term "Foundation" means the National Science Foundation;

(4) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(5) the term "national research facility" means a research facility funded by the Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States;

(6) the term "science-technology center" has the meaning given such term in section 231(f) of the Excellence in Mathematics, Science, and Engineering Education Act of 1990, and shall include both newly organized and established science-technology centers; and

(7) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

TITLE I—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FINDING.—Congress finds that the programs of the Foundation are important for the Nation to strengthen basic research and develop human resources in science and engineering, and that those programs should be funded at an adequate level.

(b) FISCAL YEAR 1995.—(1) There are authorized to be appropriated to the Foundation $3,200,000,000 for fiscal year 1995, which shall be available for the following categories:

(A) Research and Related Activities, $2,275,500,000, which shall be available for the following subcategories:

(i) Biological Sciences, $301,800,000.

(ii) Computer and Information Science and Engineering, $262,200,000.

(iii) Engineering, $313,400,000, of which $2,000,000 shall be expended for primary materials processing research.

(iv) Geosciences, $425,000,000.

(v) Mathematical and Physical Sciences, $641,200,000.

(vi) Social, Behavioral, and Economic Sciences, $106,500,000.

(vii) United States Polar Research Programs, $160,800,000.

(viii) United States Antarctic Logistical Activities, $62,600,000.

(ix) Critical Technologies Institute, $2,000,000.

(B) Education and Human Resources, $569,600,000.

(C) Academic Research Facilities Modernization Program, $150,000,000.

(D) Major Research Equipment, $70,000,000.

(E) Salaries and Expenses, $125,500,000.

(F) Office of Inspector General, $4,200,000.

(G) Headquarters Relocation, $5,200,000.

(2) Of the amounts authorized under paragraph (1)(A) and (B)—

(A) $35,000,000 are authorized for activities authorized by the Scientific and Advanced-Technology Act of 1992;

(B) $30,000,000 are authorized for activities authorized by section 305 of the High-Performance Computing Act of 1991;

(C) $45,000,000 are authorized for activities authorized by section 307 of the High-Performance Computing Act of 1991; and

(D) $16,000,000 are authorized for activities authorized by section 309 of the High-Performance Computing Act of 1991.

(c) FISCAL YEAR 1996.—(1) There are authorized to be appropriated to the Foundation $3,392,000,000 for fiscal year 1996, which shall be available for the following categories:

(A) Research and Related Activities, $2,397,500,000, which shall be available for the following subcategories:

(i) Biological Sciences, $316,800,000.

(ii) Computer and Information Science and Engineering, $285,000,000.

(iii) Engineering, $338,000,000, of which $2,500,000 shall be expended for primary materials processing research.

(iv) Geosciences, $444,000,000.

(v) Mathematical and Physical Sciences, $668,800,000.

(vi) Social, Behavioral, and Economic Sciences, $116,100,000.

(vii) United States Polar Research Programs, $164,800,000.

(viii) United States Antarctic Logistical Activities, $64,000,000.

(B) Education and Human Resources, $586,000,000.

(C) Academic Research Facilities Modernization Program, $200,000,000.

(D) Major Research Equipment, $67,000,000.

(E) Salaries and Expenses, $132,000,000.

(F) Office of Inspector General, $4,300,000.

(G) Headquarters Relocation, $5,200,000.

(2) Of the amounts authorized under paragraph (1)(A) and (B)—

(A) $35,000,000 are authorized for activities authorized by the Scientific Advanced-Technology Act of 1992;

(B) $50,000,000 are authorized for activities authorized by section 305 of the High-Performance Computing Act of 1991;

(C) $60,000,000 are authorized for activities authorized by section 307 of the High-Performance Computing Act of 1991; and

(D) $22,000,000 are authorized for activities authorized by section 309 of the High-Performance Computing Act of 1991.

(3) No funds shall be expended for fiscal year 1996 for the Critical Technologies Institute.

(d) MEETING FUNDING GOALS.—In allocating funds authorized under subsections (b)(1)(A) and (c)(1)(A), the Foundation shall give priority to meeting the funding goals established for the Foundation for Presidential research initiatives by the Federal Coordinating Council for Science, Engineering, and Technology, or any successor entity which assumes its responsibilities.

(e) EDUCATION SUPPORT FOR UNDER-REPRESENTED GROUPS.—In allocating funds authorized under subsections (b)(1)(B) and (c)(1)(B), the Foundation shall support education activities to encourage the participation of women, minorities who are underrepresented in science, engineering, and mathematics, and persons with disabilities, and shall coordinate such activities with related efforts of other Federal agencies.

SEC. 102. PROPORTIONAL REDUCTION OF RESEARCH AND RELATED ACTIVITIES AMOUNTS.

If the amount appropriated pursuant to section 101(b)(1)(A) or (c)(1)(A) is less than the amount authorized under that subparagraph, the amount authorized for each subcategory under that subparagraph shall be reduced by the same proportion.

SEC. 103. CONSULTATION AND REPRESENTATION EXPENSES.

From appropriations made under authorizations provided in this Act, not more than $10,000 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses at the discretion of the Director. The

determination of the Director shall be final and conclusive upon the accounting officers of the Government.

SEC. 104. TRANSFER OF FUNDS.

For any given fiscal year, the Director may propose transfers to or from any category described in section 101 up to a maximum of 10 percent of the amount authorized for that category. An explanation of any such proposed transfer must be transmitted in writing to the Committee on Science, Space, and Technology of the House of Representatives, and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate. The proposed transfer may be made only after 30 calendar days have passed after transmission of such written explanation.

TITLE II—GENERAL PROVISIONS

SEC. 201. ANNUAL REPORT.

Section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by striking subsection (f) and inserting in lieu thereof the following new subsection:

"(f) The Foundation shall provide an annual report to the President which shall be submitted by the Director to the Congress at the time of the President's annual budget submission. The report shall—

"(1) contain a strategic plan which—

"(A) defines for a three-year period the overall goals for the Foundation and specific goals for each major activity of the Foundation, including each scientific directorate, the education directorate, and the polar programs office; and

"(B) describes how the identified goals relate to national needs and will exploit new opportunities in science and technology;

"(2) identify the criteria and describe the procedures which the Foundation will use to assess progress toward achieving the goals identified in accordance with paragraph (1);

"(3) review the activities of the Foundation during the preceding year which have contributed toward achievement of goals identified in accordance with paragraph (1) and summarize planned activities for the coming three years in the context of the identified goals, with particular emphasis on the Foundation's planned contributions to major multi-agency research and education initiatives;

"(4) contain such recommendations as the Foundation considers appropriate; and

"(5) include information on the acquisition and disposition by the Foundation of any patents and patent rights.".

SEC. 202. NATIONAL RESEARCH FACILITIES.

(a) FACILITIES PLAN.—The Director shall provide to Congress annually, at the time of the President's budget submission, a plan for construction of, and repair and upgrades to, national research facilities. The plan shall include estimates of the cost for such construction, repairs, and upgrades, and estimates of the cost for the operation and maintenance of existing and proposed new facilities. For proposed new construction and for major upgrades to existing facilities, the plan shall include funding profiles by fiscal year and milestones for major phases of the construction. The plan shall include cost estimates in the categories of construction, repair, and upgrades for the year in which the plan is submitted to Congress and for not fewer than the succeeding 4 years.

(b) LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.—No funds appropriated for any project which involves construction of new national research facilities or construction necessary for upgrading the capabilities of existing national research facilities shall be obligated unless the funds are specifically authorized for such purpose by this Act or any other Act which is not an appropriations Act, or unless the total estimated cost to the Foundation of the construction project is less than $50,000,000. This subsection shall not apply to construction projects approved by the National Science Board prior to June 30, 1993.

SEC. 203. ELIGIBILITY FOR RESEARCH FACILITY AWARDS.

Section 203(b) of the Academic Research Facilities Modernization Act of 1988 is amended by striking the final sentence of paragraph (3) and inserting in lieu thereof the following: "The Director shall give priority to institutions or consortia that have not received such funds in the preceding 5 years, except that this sentence shall not apply to previous funding received for the same multiyear project. The Director shall exclude from consideration for awards to be made under the Program after fiscal year 1995 any institutions or consortia which received funds, appropriated for a fiscal year after fiscal year 1994, for the repair, renovation, construction, or replacement of academic facilities, from any Federal funding source for projects that were not subjected to a competitive, merit-based award process.".

SEC. 204. ELIGIBILITY FOR PARTICIPATION IN INFORMAL SCIENCE EDUCATION ACTIVITIES.

No science-technology center shall be disqualified from competing for funding support under the informal science education programs included within the Education and Human Resources activities of the Foundation on the basis of the geographic location of the center, the size of the population served by the center, or the date on which the center commences operation.

SEC. 205. SCIENCE AND ENGINEERING EQUAL OPPORTUNITIES ACT AMENDMENTS.

The Science and Engineering Equal Opportunities Act (42 U.S.C. 1885 et seq.) is amended—

(1) by amending section 32 to read as follows:

"FINDINGS AND POLICY

"SEC. 32. The national security and economic competitiveness of the United States demand the full development and use of the engineering, mathematical, and scientific talents and skills of all its citizens. Past discrimination, cultural barriers, unequal educational opportunities, and other factors discourage women, minorities, and persons with disabilities from studying and working in engineering, mathematics, and science. The Congress declares it is the policy of the United States to encourage the participation in engineering, mathematics, and science of members of the groups that are underrepresented.";

(2) in section 33—

(A) by amending the section head to read as follows:

"EQUAL OPPORTUNITIES IN SCIENCE AND ENGINEERING";

(B) in paragraph (1)(A), by striking "women" and inserting in lieu thereof "women, minorities who are underrepresented in science, engineering, and mathematics, and persons with disabilities (collectively referred to in this section as 'members of underrepresented groups')";

(C) in paragraph (2), by striking "female students and to increase female student awareness" and inserting in lieu thereof "students who are members of underrepresented groups and to make those students aware";

(D) in paragraph (4), by striking "research";

(E) by amending paragraph (5) to read as follows:

"(5) support programs under which scientists and engineers who are members of underrepresented groups interact with elementary, secondary, and undergraduate students;";

(F) in paragraph (8), by striking ", to be known as the National Research Opportunity Grants, to women scientists and engineers" and inserting in lieu thereof "to scientists and engineers who are members of underrepresented groups";

(G) in paragraph (9), by striking "such women" and inserting in lieu thereof "such persons";

(H) by striking "and" at the end of paragraph (10);

(I) by striking the period at the end of paragraph (11) and inserting in lieu thereof "; and";

(J) by adding at the end the following:

"(12) support efforts to initiate and expand research opportunities at institutions serving members of underrepresented groups.

"(b) In carrying out activities under this section, the Foundation may conduct or support activities in which participation is limited to members of one or more underrepresented groups.";

(K) by inserting "(a)" after "SEC. 33."; and

(L) except as otherwise provided in this paragraph, by striking "women" each place it appears and inserting in lieu thereof "members of underrepresented groups";

(3) by striking section 34;

(4) in section 36(a), by inserting ", persons with disabilities" after "minorities";

(5) in section 36(b), by striking the second sentence and inserting in lieu the following: "The Chairpersons of relevant committees or subcommittees of the National Science Board, as designated by the Chairperson of the Board, shall be ex officio members of the Committee.";

(6) in section 36 by striking subsections (c) and (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(7) in section 36 by inserting after subsection (b) the following new subsection:

"(c) The Committee shall be responsible for reviewing and evaluating all Foundation matters relating to participation in, opportunities for, and advancement in education, training, and research in science and engineering of members of underrepresented groups."; and

(8) in section 36(d), as redesignated by paragraph (6) of this section, by striking "additional".

SEC. 206. ROLE OF THE FOUNDATION IN ECONOMIC COMPETITIVENESS.

The Foundation's efforts to improve the economic competitiveness of the United States shall be in accord with the functions of the Foundation as specified by section 3 of the National Science Foundation Act of 1950. The primary mission of the Foundation continues to be the support of basic scientific research and science education and the support of research fundamental to the engineering process and engineering education.

SEC. 207. ADMINISTRATIVE AMENDMENTS.

(a) NATIONAL SCIENCE FOUNDATION ACT OF 1950 AMENDMENTS.—The National Science Foundation Act of 1950 is amended—

(1) in section 4(e) (42 U.S.C. 1863(e)) by striking the second and third sentences and inserting in lieu thereof the following: "The Board shall adopt procedures governing the conduct of its meetings, including definition of a quorum and delivery of notice of meetings to members of the Board.";

(2) in section 5(e) (42 U.S.C. 1864(e)) by amending paragraph (2) to read as follows:

"(2) Any delegation of authority or imposition of conditions under paragraph (1) shall be promptly published in the Federal Register and reported to the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.";

(3) in section 14 (42 U.S.C. 1873) by striking subsection (j); and

(4) in section 15(a) (42 U.S.C. 1874(a)) by striking "Atomic Energy Commission" and inserting in lieu thereof "Secretary of Energy".

(b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1988 AMENDMENTS.—Section

117(a)(1)(B)(v) of the National Science Foundation Authorization Act of 1988 is amended to read as follows:

"(v) from schools established outside the several States and the District of Columbia by any agency of the Federal Government for dependents of its employees.".

(c) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT, 1977 AMENDMENT.—Section 8 of the National Science Foundation Authorization Act, 1977, is repealed.

SEC. 208. RESEARCH INSTRUMENTATION AND FACILITIES.

The Foundation shall incorporate the guidelines set forth in Important Notice No. 91, dated March 11, 1983 (48 Fed. Reg. 15754, April 12, 1983) relating to the use and operation of Foundation-supported research instrumentation and facilities, in its notice of Grant General Conditions, and shall examine more closely the adherence of grantee organizations to such guidelines.

SEC. 209. ENVIRONMENTALLY ADVANCED EDUCATION.

(a) FINDINGS.—The Congress finds the following:

(1) Improving the general understanding of the relationships between economic and technical activities and the environment, and the opportunities for improvements in such relations, is essential for the effective realization of sustainable economic development.

(2) In post-secondary education, with the exception of environmental specialists, environmental considerations are typically not integrated into the required coursework for technical, engineering, science, and related professions.

(3) The integration of environmental considerations into all technical, engineering, science, and related professions in a timely fashion is essential to better achieving sustainable economic development.

(b) IN GENERAL.—The Director shall establish a program to promote the development and distribution of curriculum and materials—

(1) at the primary and secondary levels that will improve the understanding of the relationships between economic and technical activities and the environment and the opportunities for improving those relationships; and

(2) at the post-secondary level that will incorporate the principles and practices of environmental soundness and total cost accounting into all technical, engineering, design, scientific, and related disciplines.

(c) TECHNICAL PROGRAMS.—(1) The Director shall ensure that the special needs of technical programs of institutions described in paragraph (2) are addressed in executing this section, including disseminating information about practices that exemplify environmentally sound practices.

(2)(A) Except as provided in subparagraph (B), institutions referred to in paragraph (1) are institutions of higher education (as determined under section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) that offer a 2-year associate-degree program, 2-year certificate program, or other shorter program described in such section 1201(a).

(B) Notwithstanding section 1201(a)(4) of the Higher Education Act of 1965, institutions referred to in paragraph (1) may include proprietary institutions.

(d) COORDINATION.—The Director shall consult with the heads of other agencies of the Federal Government, State and local governments, educational institutions, and appropriate private sector organizations, including accreditation boards for engineering, technology, and design educational institutions in executing this section.

SEC. 210. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of this Act, no funds are authorized to be appropriated for any fiscal year after fiscal year 1996 for carrying out the programs and activities for which funds are authorized by this Act, or the amendments made by this Act.

SEC. 211. INDIRECT COST REIMBURSEMENT.

(a) LIMITATION.—None of the funds authorized under section 101(b) may be awarded to any grantee who reported Federal research grant outlays in excess of $10,000,000 in fiscal year 1994, unless such grantee—

(1) agrees to notify the Foundation of the amount of any increased indirect expense; and

(2) agrees to the permanent cancellation, in an amount that equals the increased indirect expense, of its claims for the portion of unliquidated obligations from prior year research grants that comprise the indirect expense allocated to the Foundation.

(b) DEFINITION.—For purposes of this section, the term "increased indirect expense" means the amount by which the grantee's claim for indirect expense allocated to the Foundation for research grants for fiscal year 1995 exceeds the amount of such claim for fiscal year 1994.

SEC. 212. AWARD OF GRANTS AND CONTRACTS: REQUIREMENT OF COMPETITION.

(a) The Director may not make a grant or award a contract to any institutions or consortia for the performance of research and development, or for the construction of any research or other facility, unless such grant or award is made using a competitive, merit-based evaluation process.

(b)(1) A provision of law may not be construed as modifying or superseding the provisions of subsection (a), or as requiring funds to be made available by the Director to a particular institution or consortium by grant or contract, unless that provision of law—

(A) specifically refers to this section;

(B) specifically states that such provision of law modifies or supersedes the provisions of this section; and

(C) specifically identifies the particular institution or consortium involved and states that the grant to be made or the contract to be awarded, as the case may be, pursuant to such provision of law, is being made or awarded in contravention to subsection (a).

(2) A grant may not be made, or a contract awarded, pursuant to a provision of law that authorizes or requires the making of the grant, or the awarding of the contract, in a manner that is inconsistent with subsection (a) until—

(A) the Director submits to Congress a notice in writing of the intent to make the grant or award the contract; and

(B) a period of 180 days has elapsed after the date on which the notice is received by Congress.

TITLE III—ACADEMIC RESEARCH FACILITIES MODERNIZATION

SEC. 301. FINDINGS.

The Congress finds that—

(1) the deficiencies in the condition of buildings and equipment used for the conduct of fundamental research and related education programs at many universities and colleges which are cited in section 202 of the Academic Research Facilities Modernization Act of 1988 are substantially unchanged;

(2) a national effort, involving the participation of Federal and State governments and the private sector, is required to make progress in improving the state of academic research facilities; and

(3) because of the scale of the problem, the Federal effort to upgrade academic research facilities must involve a coordinated program among all Federal agencies which sponsor research at academic institutions.

SEC. 302. FACILITIES MODERNIZATION PLAN.

The Director of the Office of Science and Technology Policy, through the Federal Coordinating Council for Science, Engineering, and Technology, or any successor entity which assumes its responsibilities, shall develop a plan for a multiagency Federal program to provide financial support to institutions of higher education for the repair, renovation, or replacement of obsolete science and engineering facilities primarily devoted to research. The plan shall—

(1) include participation by all Federal departments and agencies which provide substantial Federal support for research and development activities at institutions of higher education;

(2) provide estimates of the level of funding required, by department and agency, and period for which funding should be provided to relieve substantially the backlog of research facilities needs and to ensure that, at the conclusion of the period proposed, the facilities available will be satisfactory to support national research needs;

(3) take into consideration, for determining the requirements of paragraph (2), ongoing efforts by Federal departments and agencies, State governments, and the private sector to upgrade research facilities;

(4) be designed to address the needs of the categories of institutions eligible for awards under the Academic Research Facilities Modernization Act of 1988;

(5) detail administrative procedures and guidelines for the implementation of the modernization program; and

(6) state procedures and data collection steps which have been implemented to assess the state of academic research facilities and to measure the rate of progress in improving the condition of the facilities.

Within 18 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit to the Congress the plan developed under this section.

SEC. 303. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

No funds appropriated to the Foundation for construction of new facilities or construction necessary for upgrading the capabilities of existing facilities at institutions eligible for awards under the Academic Research Facilities Modernization Act of 1988 shall be obligated unless the funds are awarded in accordance with the requirements of the Academic Research Facilities Modernization Act of 1988 or are specifically authorized for such purpose by this Act or any other Act which is not an appropriations Act.

TITLE IV—INTERNATIONAL SCIENTIFIC COOPERATION

SEC. 401. FINDINGS.

The Congress finds the following:

(1) Debt-for-science exchanges can provide an innovative means to enhance scientific cooperation with countries whose external debt burden prevents them from allocating sufficient resources to their scientific and technological infrastructures.

(2) Debt-for-science exchanges have been demonstrated to improve the state of scientific research and education in several countries, including Bolivia, Costa Rica, Ecuador, Chile, and Mexico.

SEC. 402. DEBT-FOR-SCIENCE EXCHANGES.

(a) DEBT-FOR-SCIENCE EXCHANGE GRANTS.—The Director is authorized to make grants to organizations within the United States, including colleges and universities, for the purpose of debt-for-science exchanges. Before making any grant under this section, the Director shall ascertain that—

(1) funds resulting from the debt-for-science exchange will be expended only for purposes of international cooperative scientific research and development projects;

(2) the debt-for-science exchange will make funds available for such projects which otherwise would not be available;

(3) the amount of local currency provided as a result of the debt-for-science exchange will be substantially greater than the United States dollar purchase price of the debt;

(4) the grantee certifies that the debtor government has accepted the terms of the exchange and that an agreement has been reached to cancel the commercial debt; and

(5) Federal grants made under this section will be equally matched by non-Federal contributions to purchase debt.

(b) INVESTMENT OF GOVERNMENT ASSISTANCE.—Grantees or subgrantees of funds provided under this section may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-science exchange pending disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes.

(c) COORDINATION.—In carrying out subsection (a) the Director shall coordinate with Federal agencies, such as the Agency for International Development, that have expertise in debt exchanges.

SEC. 403. NATIONAL SCIENCE FOUNDATION PARTICIPATION IN BINATIONAL AND MULTINATIONAL ENDOWED SCIENCE FOUNDATIONS.

The Director, in consultation with appropriate officials of the United States and foreign countries, may encourage and facilitate the establishment of binational and multinational endowed science foundations, and may participate in the operation and governance of such foundations, including serving as a member of or designating members to the Boards of Governors, if such foundations—

(1) have Boards of Governors whose members are chosen to represent participating countries and possess expertise in international scientific cooperation;

(2) have a structure and operational characteristics determined exclusively by their Boards of Governors, consistent with paragraph (3); and

(3) are established and governed in accordance with charters which include provisions—

(A) to ensure that the funding of the endowment is shared equitably among the participating nations, appropriate to their economic resources;

(B) to protect the endowment's principal from loss of value due to inflation;

(C) to define the range of scientific and educational activities to be funded;

(D) to define criteria for application, merit review, and awarding of funds which encompass, at a minimum, consideration of scientific merit, strength of collaborative arrangements, and potential benefit to participants;

(E) to limit administrative costs to those that are prudent and necessary; and

(F) to engage an independent auditor to perform an annual organization-wide audit of such foundations, in accordance with generally accepted auditing standards, and to make the results of the audit immediately available to the Director and the Board of Governors.

SEC. 404. REPORT.

Within one year after the date of enactment of this Act, the Director shall submit to the Congress a strategic plan for international scientific cooperation activities undertaken by the Foundation which—

(1) describes and evaluates all activities involving international scientific cooperation currently carried out by the Foundation;

(2) describes how these activities relate to ongoing and prospective Foundation research and educational activities;

(3) details research activities and geographic areas where international scientific cooperation has been most effective and where it has been least effective;

(4) describes plans for future cooperative international scientific projects; and

(5) assesses the research activities and geographic areas where future international scientific cooperation would be most effective.

TITLE V—UNDERGRADUATE EDUCATION

SEC. 501. REQUIREMENT FOR FUNDING.

Each educational institution that receives a research grant from the Foundation in fiscal year 1995 shall, as a condition of receiving such grant, provide to the Foundation the following information on its undergraduate mathematics, science, and engineering activities:

(1) A description of teacher training programs mandated by the institution for teaching assistants, including the number of training hours required.

(2) The institution's policy regarding the relative importance of teaching and research duties in decisions on promotion, tenure, and salary for faculty, including any written policy with specific criteria.

(3) Any policy allowing faculty to replace university salary with funds from outside sources, along with any policy allowing faculty to replace all or part of the teaching load with increased research.

(4) The number of faculty released from some or all of their teaching responsibilities pursuant to a policy described in paragraph (3), with the number replacing all or some of their salary with Federal funds reported separately.

(5) The number and percentage of faculty, not including those on regular sabbatical leave, teaching no undergraduate courses.

(6) The number and percentage of faculty supported by active Federal research grants teaching freshman or sophomore lecture courses.

(7) The number and percentage of lecture sources taught by individuals other than faculty.

(8) The number of students per course in each introductory course.

Information shall be provided for the most recent academic year for which it is available. For purposes of this section, the term "educational institution" means an institution of higher education that is ranked among the top 100 of the institutions receiving Federal research and development funding, as documented in the latest annual report of the Foundation entitled "Federal Support to Universities, Colleges, and Selected Non-Profit Institutions". The term "faculty" means tenured or tenure-track employees not serving in full-time administrative positions. The Foundation shall compile this information and submit it to the Congress no later than December 31, 1995.

SEC. 502. RECOMMENDATIONS.

The Director shall transmit to the Congress, at the time of the President's budget request for fiscal year 1997, recommendations as to how Foundation research funds could be used to increase the focus on undergraduate education at institutions of higher education.

The CHAIRMAN pro tempore. Are there any amendments to the committee amendment in the nature of a substitute?

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT:

Page 3, line 15 through page 7, line 8, amend subsections (b) and (c) to read as follows:

(b) FISCAL YEAR 1995.—(1) There are authorized to be appropriated to the Foundation $3,150,000,000 for fiscal year 1995, which shall be available for the following categories:

(A) Research and Related Activities, $2,254,800,000, which shall be available for the following categories.

(i) Biological Sciences, $298,800,000.

(ii) Computer and Information Science and Engineering, $260,600,000.

(iii) Engineering, $311,500,000, of which $2,000,000 shall be expended for primary materials processing research.

(iv) Geosciences, $421,300,000.

(v) Mathematical and Physical Sciences, $636,300,000.

(vi) Social, Behavioral, and Economic Science, $104,800,000.

(vii) United States Polar Research Programs, $158,800,000.

(viii) United States Antarctic Logistical Activities $62,600,000.

(B) Education and Human Resources, $586,000,000.

(C) Academic Research Facilities Modernization Program $110,000,000.

(D) Major Research Equipment, $70,000,000.

(E) Salaries and Expenses, $120,000,000.

(F) Office of Inspector General, $4,000,000.

(G) Headquarters Relocation, $5,200,000.

(2) Of the amount authorized under paragraph (1)(A) and (B)—

(A) $35,000,000 are authorized for activities authorized by the Scientific and Advanced-Technology Act of 1992.

(B) $30,000,000 are authorized for activities authorized by section 305 of the High-Performance Computing Act of 1991;

(C) $45,000,000 are authorized for activities authorized by section 307 of the High-Performance Computing Act of 1991; and

(D) $16,000,000 are authorized for activities authorized by section 309 of the High-Performance Computing Act of 1991.

(3) No funds shall be expended for fiscal year 1995 for the Critical Technologies Institute.

(c) FISCAL YEAR 1996.—(1) There are authorized to be appropriated to the Foundation $3,234,000,000 for fiscal year 1996, which shall be available for the following categories:

(A) Research and Related Activities, $2,299,800,000, which shall be available for the following subcategories:

(i) Biological Sciences, $304,100,000.

(ii) Computer and Information Science and Engineering, $273,600,000.

(iii) Engineering, $324,500,000, of which $2,500,000 shall be expended for primary materials processing research.

(iv) Geosciences, $426,200,000.

(v) Mathematical and Physical Sciences, $640,100,000.

(vi) Social, Behavorial, and Economic Sciences, $110,500,000.

(vii) United States Polar Research Programs, $158,200,000.

(viii) United States Antarctic Logistical Activities, $62,600,000.

(B) Education and Human Resources, $586,000,000.

(C) Academic Research Facilities Modernization Program, $150,000,000.

(D) Major Research Equipment, $67,000,000.

(E) Salaries and Expenses, $122,000,000.

(F) Office of Inspector General, $4,000,000.

(G) Headquarters Relocation, $5,200,000.

(2) Of the amounts authorized under paragraph (1)(A) and (B)—

(A) $35,000,000 are authorized for activities authorized by the Scientific Advanced-Technology Act of 1992;

(B) $50,000,000 are authorized for activities authorized by section 305 of the High-Performance Computing Act of 1991;

(C) $60,000,000 are authorized for activities authorized by section 307 of the High-Performance Computing Act of 1991; and

(D) $22,000,000 are authorized for activities authorized by section 309 of the High-Performance Computing Act of 1991.

(3) No funds shall be expended for fiscal year 1996 for the Critical Technologies Institute.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, as I stated in yesterday's debate, I have no quarrel with the basic thrust of this bill; indeed, I heartily endorse its fundamental principles. But I do have a problem with the authorization levels in this bill, which are utterly unrealistic—indeed, they represent a denial of reality.

These authorization debates we have, have come to remind me of nothing so much as the children's program "Mr. Rogers' Neighborhood." It is as if, at the beginning of authorization discussions, we take off our coats and shoes, put on our cardigans and slippers, affect our mildest expressions and most benign tones, and pretend that we can be nice to everybody in our neighborhood—which is to say everyone in the entire Nation. We sing soothing songs of plenty for our hour of fantasy, and then we let the appropriators bring the disharmony of reality into the world.

This is, to speak frankly, a screwy way to set priorities. The authorization ought to reflect the same budget realities under which the rest of Congress has to labor. And this bill does not.

We are dealing with an agency that has seen its budget more than double—that's right, double—since 1986, and the bill is proposing 6 percent growth in each of the next 2 years at the time of a discretionary budget freeze. Does this sound realistic, even for an agency as valued and esteemed as the NSF? I do not think so.

But you do not have to take my word for it. The figures in my amendment were not derived from some personal whim or random thought. The fiscal year 1995 authorization in this amendment is the one assumed in the House-passed budget resolution—the one that was written by the majority party. The fiscal year 1996 authorization in this amendment is the administration's own projection. These are numbers, in other words, that were developed by the majority.

I haven't heard very good arguments against these numbers. All we heard at markup was that we do not have to follow the budget resolution and that OMB sometimes changes its mind about budget projections. But this is irrelevant. I'm not arguing that we're bound to follow these numbers, I'm arguing that they are realistic budget numbers proposed by the majority itself. They are numbers the majority proposed when it could not operate in a vacuum, but had to factor in budget restraints.

Now I want to be clear. My amendment still allows for significant growth in NSF—around 4 percent growth next year and about 3 percent in fiscal 1996. We're not talking about hardship here. Indeed, I fear the appropriators may not even be able to provide the funds sought in my amendment.

And let me also point out that my amendment reflects exactly the same relative program priorities within NSF as does the bill.

All that's at issue here is whether authorization bills are real efforts to set priorities in the real world, or whether they are opportunities to retreat into comforting fantasies.

Members who think Mr. Rogers is a children's program host and not a Member of Congress ought to vote with us.

Mr. Chairman, let me stress once again, 12 years I have had the privilege of serving on the Committee on Science, Space, and Technology. And for 12 consecutive years, I have been a champion of the National Science Foundation. For 12 years, I have been on that committee and for 12 consecutive years I have voted for more funding for the National Science Foundation.

But I am a realist. I have to deal, as all America does, in the real world.

The fact of the matter is, my colleagues, we now have a debt approximating $4 trillion, which means that we are spending each and every day $900 million just on interest on the national debt. That argues very strongly for some reason as we go about our business here.

What we are talking about is not $3.2 billion, but $3.15 billion, a $50 million differential. That $50 million would put our authorization in line with the majority package approved by the Committee on the Budget under the distinguished chairman, the gentleman from Minnesota [Mr. SABO].

The CHAIRMAN. The time of the gentleman from New York [Mr. BOEHLERT] has expired.

Mr. BOUCHER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I have great respect for the gentleman from New York, and I very much enjoy the partnership that he and I have in the Subcommittee on Science of the Committee on Science, Space, and Technology, in which we have achieved quite a number of favorable goals in terms of enhancing and molding the Nation's research agenda. In fact, it is a rare occasion when he and I disagree on matters of fundamental policy.

□ 1520

We do, however, come to the floor today in disagreement with regard to the appropriate level of funding for the National Science Foundation for the next 2 years, so it is with a degree of reluctance in view of the excellent partnership that we have, but with heartfelt commitment nonetheless, that I rise in opposition to the amendment offered by the gentleman.

His amendment would reduce the National Science Foundation's authorization by $50 million in fiscal year 1995, and by $158 million in fiscal year 1996. For fiscal year 1995, the amendment would follow report language that is contained in the report of the Committee on the Budget that accompanies the fiscal year 1995 budget resolution.

However, the Committee on the Budget has made a suggestion, and a suggestion only, with regard to funding for the National Science Foundation, and that suggestion binds neither the Committee on Appropriations nor does it bind the authorizing committees. Only the larger budget function category for science, and that is function number 250 that is contained in the joint budget resolution, is binding on the Committee on Appropriations, and that number leaves room for the National Science Foundation to be funded at the levels that are contained in our legislation.

In point of fact, the conference committee, which very shortly will be filed for the joint budget resolution, actually increases by $100 million the amount that is available for that general science function, for the National Science Foundation and for other agencies that receive their funding pursuant to that budget function, so that amount is increased over the House number by $100 million, both for outlays and for budget authority.

It is our committee's judgment, I would suggest, that should prevail with regard to this very important subject. The Committee on Science, Space, and Technology is the most knowledgeable committee, I would suggest, regarding the success of the National Science Foundation's programs, and it is best positioned for that reason to judge the value of the National Science Foundation to the U.S. science and technology enterprise. We should not defer to the Committee on the Budget for that fundamental judgment.

For fiscal year 1996, the gentleman relies on the Office of Management and Budget's projection for the NSF budget in that year, but over time, I would point out that the OMB projections have varied widely from the actual administration budget requests and from the actual appropriations levels. They have been both above and below those requests and the actual outlays.

Far more reliable as a measure of the value of the National Science Foundation is the judgment of the Committee

on Science, Space, and Technology with respect to the NSF's contributions to society. Those contributions have been quantified to some extent in studies conducted at the University of Pennsylvania, and suggest that the Nation receives a social rate of return of 128 percent for NSF-sponsored projects in terms of wealth creation and also in terms of improvements in our quality of life. So for every dollar that the NSF invests in a research project, we receive a return of at least $1.28 in terms of societal improvement.

Studies consistently show that basic investments in research are the strongest and most consistent positive influences on productivity growth. That is certainly true with regard to NSF-sponsored programs.

With this level of funding, the NSF is still not at its limit in terms of its ability to fund excellent research projects. In 1992, the National Science Foundation left unfunded fully $1 billion in proposals that had been rated through the peer review process as being excellent in quality. The NSF itself enlists the help of scientists throughout the country to evaluate the various proposals that are made for funding, and in 1992, that group of scientists found that fully $1 billion in projects recommended to the NSF were excellent but could not be funded due to funding shortages.

The underfunding of the National Science Foundation has in fact been recognized on a bipartisan basis by administrations during the course of the last decade. Starting in 1988, the commitment was made by the Reagan administration to increase funding for the National Science Foundation over a period of 5 years by a factor of 100 percent.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(By unanimous consent, Mr. BOUCHER was allowed to proceed for 3 additional minutes.)

Mr. BOUCHER. Beginning in 1988, the administration made a commitment to double funding for the National Science Foundation over a period of 5 years, and the budgets that were recommended by Presidents of both political parties during the intervening years clearly reflect that commitment.

In 1988, the Reagan administration's recommended increase in funding was 16.5 percent; 19 percent in 1989; 14 percent in 1990; and in each of the years of the Bush administration, recommendations for funding increases for the NSF were 14 percent, 17 percent, 17 percent, and 16 percent.

The Clinton administration for fiscal year 1995 has recommended only a 6-percent increase, so I would suggest to the gentleman from New York [Mr. BOEHLERT] that his concern about budget deficits has already been well reflected in the recommendations that have been made by the administration for NSF funding for the upcoming fiscal year, and that rate of increase is substantially less than what had been recommended by prior administrations. That level recommended by the Clinton administration is the level contained in the committee bill.

The gentleman from New York [Mr. BOEHLERT] has himself recognized, as recently as last fall, the need for the National Science Foundation funding even more generous than the levels that are contained in the committee bill. Last year the gentleman offered a substitute during our subcommittee consideration that would fund the National Science Foundation at the level of $3.28 billion. The complete bill, which is before the committee at the moment, sets that level at $3.2 billion, and now the gentleman would have that level go below the $3.2 billion, to $3.15 billion.

Of the conflicting positions that the gentleman has taken, I would suggest that he got it right the first time. All that has changed in the meantime is a general suggestion contained in the Committee on the Budget report language, and based upon which, I think, the gentleman should not be swayed from his very sound earlier position.

Mr. Chairman, I urge the committee to reject this amendment, and in doing so, to confirm the excellent value and the continuing benefit that our society receives from the research that is sponsored by the National Science Foundation.

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

Mr. BOUCHER. I am glad to yield to the gentleman from New York.

Mr. BOEHLERT. I would just like to point out to my colleague that he is correct in reporting what activities occurred in the committee last year as a result of this gentleman's amendment. This year reflects the new realities, today. We are dealing with here and now.

Part of the problem with this Congress is, we tend to do things the same old way, year, after year, after year. I think the American people are demanding that we change, we reflect the existing realities of the day, rather than saying, we did it this way last year; therefore, we should do it this way again this year. That is how we got into the bind we are in right now.

I mean, a $4 trillion national debt, spending $900 million every single day just in interest on the national debt? The message I am receiving is, they want us to do things differently.

I thank the gentleman for yielding time.

Mr. WALKER. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from New York [Mr. BOEHLERT]. I think that we need to realize the point that was made earlier by the gentleman from New York.

The funding numbers he is offering are not numbers developed by Republicans and not numbers that have been pulled out of the hat somewhere. These are numbers that were chosen by the majority. No Republicans were in support of the budget resolution that passed this House earlier this year. However, the Democrats have committed themselves to certain levels of budgetary discipline.

Mr. Chairman, this number for fiscal year 1995 is precisely the number that was included in that budget presentation. What are we told in the letter that came out from the chairman of the Committee on Science, Space, and Technology, and the chairman of the Subcommittee on Science? What we are told is that the Committee on the Budget report recommendations regarding individual agencies are not binding.

That is how we always treat these matters here. We pass budget resolutions, and then we say that they do not mean anything. We pass budget resolutions, and then we suggest that there are individual portions of them that, regardless of what the budget resolution said, can be changed around at whim.

The problem for us as authorizing committees is, I think, we lack credibility when we do that. If we get to wondering why the appropriators and others in this body treat us with some disdain on our budget numbers, this is a good example. When we pass budgets, the authorizing committees say, "That does not apply to us." When we pass authorizing legislation, we say, "Let us make it high enough that we can include everything we want to do, and we do not have to have the discipline. The discipline will show up in the appropriations process."

No wonder the appropriators then think it is within their realm to do what they want with the priorities that they determine. What the gentleman from New York [Mr. BOEHLERT] is saying here is let us at least live within the budget standards that were set by the Committee on the Budget. That is all he does in fiscal 1995. He says, "Let's stick with those numbers that were included in the budget that passed this House."

□ 1530

Mr. Chairman, let us look at the fiscal year 1996 numbers that are in the Boehlert amendment. In this case, that comes from the 5-year forecast of the NSF budget prepared by the Office of Management and Budget. That is not a Reagan number, that is not a Bush number, that is not a Republican number, it is not my number, it is not Mr. BOEHLERT's number. It is the number that is provided by the Office of Management and Budget, and in particular, by the director of the Office of Management and Budget under President Clin-

ton. I feel that it is important to note that in this time of budget cuts, both of the numbers in the Boehlert amendment allow for growth in the NSF budget. We are not talking about cutting anything here. We are talking about growth, real growth. We are talking about budget numbers that go up.

Mr. Chairman, now we have a discrepancy with the letter that was sent out by the gentleman from California [Mr. BROWN] and the gentleman from Virginia [Mr. BOUCHER]. They note in their letter that the bill that we have before us provides for 6-percent growth for the budget for fiscal year 1996, and then they say, consistent with President Clinton's designation of NSF in a vision of change for America as one of the important parts of his investment strategy.

The problem is that President Clinton did not call for a 6-percent growth number. That is a misleading statement from this standpoint. President Clinton has called for a 3-percent growth to implement his vision of change for America.

Mr. Chairman, that is what is reflected in the amendment of the gentleman from New York [Mr. BOEHLERT], and so the Boehlert amendment is consistent with what the administration has done when they have put real numbers down on real paper. Today, what we are being told on the House floor is, we ought not deal with reality. We ought to deal with wishes.

Mr. Chairman, the American people are tired of a Congress that deals with wish lists. The American people are troubled by massive deficits that are compiled by Congress every time it does one of these wish list bills. Let us get real. Let us have reality take over here a little bit. Let us at least stick with the numbers within the budget and the numbers that OMB has generated. Those will allow for real growth in the NSF budget. NSF is important enough to grow a little, but it is not important from the standpoint that we need to do a wish list out here, because that wish list will be destroyed in the appropriations process and it will take us out of the area of credibility in terms of setting priorities.

Mr. Chairman, I think the fundamental thing that the authorizing committee need to do is set priorities in these bills. When we use wish list numbers, we take away from our ability to set priorities and hand it over to the appropriators who will deal with real numbers.

Mr. Chairman, I congratulate the gentleman from New York [Mr. BOEHLERT] for the amendment and I urge its passage.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I want to praise all of the speakers who have spoken so far. They are indeed exceptionally able and capable members of the committee. They are also extremely eloquent and I am reluctant sometimes to appear to be competing with them in the eloquence department because they have done such an excellent job. I commend all of them, particularly the distinguished chairman of the subcommittee, the gentleman from Virginia [Mr. BOUCHER], for making the most extensive and detailed defense of the numbers which we have in our bill that I can possibly imagine and there is little that I can do to extend that argument further.

Mr. Chairman, I do want to try and place this somewhat in perspective. We are talking basically about numbers for the 1996 fiscal year, not the fiscal year 1995, and we are talking about a bill in which all of the members of the committee are in about 99-percent agreement. We are not engaged in some bitter debate over major aspects of this legislation, which we all recognize is necessary and valuable. The question has to do with the interpretation of how closely we should follow the recommendations of the Committee on the Budget.

Mr. Chairman, normally I would be guided by the Committee on the Budget, normally, but not always. I would point out that in the conference on the budget resolution, which I have been advised by staff has just come back, they have put an additional $100 million into the 250 science account above what was in the House bill. And I commend the conferees for agreeing on this kind of an increase.

Mr. Chairman, I use this figure merely to illustrate that we cannot really be precise about arguing over the fiscal year 1996 authorization numbers when we are subject to the kind of fluctuations that occur between the House and Senate Budget Committee, the annual changes that OMB makes in their own projections, and, believe me, they change their projections every year as to what the various agencies should have on a 5-year outlook.

Mr. Chairman, I happen to have just been looking at the ones for NASA, which is close to my heart, and every year the OMB, representing the President's position, has taken a drastically different position as to what the 5-year outlook for the NASA budget should be.

Mr. Chairman, I am not saying it is wrong because its changes ever year, I am just saying that there is uncertainty there and that we really are better off to look in our own wisdom at the value of the program, the NSF program, and decide what rational Members of Congress ought to do in deciding on what the second year out should be. We will probably change it within a year, but I have personally the conviction that for a program like NSF, which since 1988 no President has recommended less than a 14-percent increase per year, and this Congress is only recommending 6 percent, I do not understand why this indicates any abdication of responsibility. If Reagan and Bush could make these recommendations, recognizing the value of the program, which this Congress then cut, we did not agree with the President in any of those years, why cannot we now suggest that 6 percent is a reasonable level for 1996 and proceed as if we could accomplish that goal?

Mr. Chairman, that would be the limit on what the increase would be, that would be the authorization level. It probably will end up being less than that. I hope it would not be less than that, but I think this is reasonable, and I urge all the Members of the House to support that kind of a level. It does represent the best thinking of the committee. It does not seek to be determined by the Committee on the Budget or OMB or anybody else. This is our best recommendation to the House, and I think it deserves credibility.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Boehlert amendment to lower the bill's multiyear authorization by $208 million and bring the bill's authorization levels in line with the House-passed budget resolution for fiscal year 1995 and OMB's projected funding level for fiscal year 1996.

The National Science Foundation plays an important role in our Nation's basic research. It is the only agency whose primary mission is the support of fundamental, long-term, scientific research. As a result of the fine work of NSF, our Nation's base of scientific and engineering knowledge has increased and our Nation is better prepared to meet the challenges of the future.

Perhaps no one knows the importance of NSF's mission better than the gentleman from New York, who is offering this amendment. I have had the pleasure of serving with him on the Science, Space, and Technology Committee and I have seen him champion the programs of NSF as the ranking member of NSF's authorization subcommittee. He has been, as I have been, a strong supporter of NSF and we both consider it a model agency.

However, Mr. Chairman, in these days of budget austerity, we must be mindful of our spending. Despite its good work, NSF cannot be exempted from the budget constraints all discretionary programs are facing. NSF should be subject to authorizations which conform with the assumptions in the House budget resolution.

If the gentleman's amendment passes, NSF will still continue to grow, but at a more fiscally responsible rate. Indeed, if we are to achieve effective

deficit reduction, our spending bills need to reflect our determination and commitment to limit spending.

Sound policy can, and must, coexist with fiscal responsibility. A vote in support of the Boehlert amendment is a vote for both the continued growth of NSF and for a responsible budget. I urge all my colleagues to support the Boehlert amendment.

□ 1540

Mr. BOUCHER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I am happy to yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Chairman, I thank the gentlewoman for yielding.

I am sensitive to the points that she has made in her statement.

I would only like to correct, however, one statement that was made, and that is with respect to the administration's request for the National Science Foundation for fiscal year 1995, and that request, in fact, was for a budget of $3.2 billion. That is a 6-percent increase over the budget for the current fiscal year. That is the number that is contained in the committee bill which comes before us.

I simply did not want the impression to be left that we were asking for a level of increase in the committee bill in excess of that recommended by the administration. Our number targets exactly that recommended by the administration and is consistent with it in every way.

Mrs. MORELLA. How about OMB's recommendation? Is it also in conformity with what OMB has said with regard to its fitting the House bill?

Mr. BOUCHER. If the gentlewoman will yield further, I would respond by saying that the numbers reflected in the National Science Foundation budget request for fiscal year 1995 are also those concurred in by the Office of Management and Budget as, in fact, all of the budget numbers sent by the administration to the Congress are.

Mrs. MORELLA. I appreciate the comment the gentleman made.

I would like to say that I think that tightening the belt ever so slightly, which is what this amendment would do, would be appropriate.

Mr. WALKER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. That was an interesting point that was just raised by the chairman of the subcommittee with regard to the numbers. He makes the point that their numbers are consistent with the President's original presentation.

However, when the Democratic budget was brought to the House floor, one of the points that they made was that they had massaged the President's numbers to do some other things in other areas. This was one of the areas that got massaged downward.

When we come back now with the authorization, what we are suggesting is, having had all that massaging take place, we are now going to boost it back up, and it seems to me it is entirely consistent for us to say once the House has acted in budget numbers, we ought to be consistent with that.

The gentlewoman is absolutely right with regard to the OMB number for 1996. That is a very firm number generated by the Director of Management and Budget that is reflected in the amendment offered by the gentleman from New York [Mr. BOEHLERT]. I thank her for making the point.

Mr. BOUCHER. If the gentlewoman will yield further, I think, in view of those comments offered by the gentlewoman from Pennsylvania, it is worthy to note that the more definitive action of the budget formation process is yet to come, that is, the adoption in both Houses of a conference report adopting a joint budget resolution for fiscal year 1995.

The CHAIRMAN. The time of the gentlewoman from Maryland [Mrs. MORELLA] has expired.

(At the request of Mr. WALKER and by unanimous consent, Mrs. MORELLA was allowed to proceed for 2 additional minutes.)

Mr. BOUCHER. Mr. Chairman, if the gentlewoman will yield further, that action is about to come as the House and the other body adopt a conference report on the budget resolution for fiscal year 1994.

The report of the conferees is now available. We know that the conferees, contrary to the action of the House, have added a $100 million function; that is budget function No. 250 through which the National Science Foundation derives its budget authority, and so the Appropriations Committee in both bodies will be free to raise the level of funding for the National Science Foundation to a level that is consistent with that number.

They have the flexibility certainly to meet the number set forth in the committee bill being debated at the moment, and I would simply point out for that reason that it is particularly inappropriate for the committee at this time to be relying on a measure that was passed in the House and contained nothing but report language suggesting that there be a lower number for the National Science Foundation when that action is about to be superseded by the conference report on the joint budget resolution itself.

Mr. WALKER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I think that raises an interesting point, because what the gentleman is now suggesting is exactly what I said before, that we are engaging in wish-list politics out here, because he cites the $100 million and then suggests that in this one bill for this one agency that $50 million of that money ought to be usurped.

The fact is that bill covers NASA. It covers the energy projects at the Department of Energy. It covers a very vast budget well beyond the National Science Foundation, and in one fell swoop it is suggested we should come out here and simply usurp $50 million for a budget bill that has yet to pass either House.

We know the budget bill on which the gentleman from New York is relying has passed this House. The budget conference report has yet to pass either House. Even if it passes, the fact is there is only $100 million there to work with, of which the gentleman wants to take 50.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when I first came to Congress 5 years ago, the National Science Foundation was funded at half of what will be authorized by this bill. To put it another way, even accounting for inflation, the National Science Foundation's budget has doubled since 1988. Not many agencies can boast of having their budget doubled in that time period.

The NSF's mission is significant, however. We know it is an important mission. Science obviously helps build the engine for future economic activity.

But in addition to the investments we as a Nation must make in science, that will not bear fruit immediately. We must look to our future and act prudently in managing the people's money, and that is what this debate is all about.

Are we being responsible? Are we being prudent at a time when we have limited resources? We are talking about a situation where we just cannot spend money on everything, and the public understands that and should understand that, and we should understand that and act accordingly.

At a time when we are spending hundreds of billions of dollars every year more than we are talking in, which threatens the national security of our country as nothing else, we must act responsibly, and that we have a system that the Democrats and Republicans have worked out together and decided that we are going to make that system work.

Today what we are seeing is an attempt to sidetrack, to go around, the system that has been established. It will not matter if, when we make tremendous scientific discoveries, because of something that is done by the National Science Foundation, will not make a difference at all if our country is absolutely broke and our economy is in a situation that we cannot capitalize on it.

Everyone knows we have got to be responsible. Everyone has spending projects they would like to spend money on. That is what this debate is all about, not that the National Science Foundation is not a worthy goal. But today we must abide by our own rules. This is not about cutting the budget of the National Science Foundation, for when the public is listening to this debate, I want them to fully understand no one on this side is suggesting cutting the budget whatsoever.

What we are talking about and has happened so often in this body is what we are talking about on this side is limiting the increase in spending in this Government agency. Our friends on the other side of the aisle like to suggest what that means is we are cutting the budget. That is not the way it works in the real world. In the real world the people on this side are saying yes, we can increase the budget, but we have to do it responsibly and prudently.

What we are hearing from the other side of the aisle is the rules be damned, this is really good, this is really a good thing, and we need to just forget the rules for right now.

All the amendment offered by the gentleman from New York [Mr. BOEHLERT] will do is simply hold the authorization of this agency's budget numbers to what Congress has already established. We have already approved an overall budget, and it does not matter where those numbers have come from, Republican or Democrat. They are what we have agreed to. So let us stick with it and stick with our own budget. That is what responsibility is all about.

My chairman, the gentleman from California [Mr. BROWN], has rightfully protested when the Committee on Appropriations ignores the process and ignores our responsibilities and our rights and our powers as the Committee on Science, Space, and Technology.

□ 1550

When we authorize something, when it is ignored by the Appropriations Committee, my chairman rightfully protests. Well, we too have to be part of the system. When the budget agreement is made as to what is best for the overall United States of America, to be authorized and appropriated in this area, we as an authorizing committee have to abide by those rules if we expect the appropriators to do so.

Thus I would ask my colleagues to support the amendment offered by the gentleman from New York [Mr. BOEHLERT]. I applaud this act of responsibility on his part, and I hope that the American people can understand who is trying to get control of this terrible budget deficit that threatens all of our future.

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

Mr. ROHRABACHER. I yield to the gentleman from Virginia.

Mr. BOUCHER. I thank the gentleman for yielding.

Mr. Chairman, once again, just for the sake of clarifying the record in this debate and making sure that no one leaves under the mistaken assumption with respect to what the Budget Committees in both houses are preparing to do, it should be pointed out that the Congress, through its budget formation process, has not adopted the number of $3.15 billion recommended in the amendment offered by the gentleman from New York; but in point of fact, the conference report on the concurrent budget resolution will be taken up very shortly here in the House and will add fully $100 million above the House number to the general science function, to function 250.

Then the Committee on Appropriations, in its wisdom, can choose among the various science agencies which will receive that increase in funding.

The CHAIRMAN. The time of the gentleman from California [Mr. ROHRABACHER] has expired.

(By unanimous consent, Mr. ROHRABACHER was allowed to proceed for 1 additional minute.)

Mr. ROHRABACHER. I yield to the gentleman from New York.

Mr. BOEHLERT. I thank the gentlemen for yielding.

Mr. Chairman, I point out to my distinguished chairman, I repeat what the ranking member, the ranking Republican on the full committee, Mr. WALKER, has to say: we are dealing with budget function 250. So when you talk about the $100 million, that $100 million is not earmarked for NSF; that $100 million is in a broad budget function that has to deal with NASA, it has to deal with Department of Energy research projects, a whole wide range of activities that it has to deal with.

So the gentleman from Pennsylvania [Mr. WALKER] was right on point in responding to that comment, and I appreciate it.

Mr. BOUCHER. Mr. Chariman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Virginia.

Mr. BOUCHER. I thank the gentleman for yielding.

In response to those remarks, I would simply point out that we in this action are not requiring that the Committee on Appropriations take any step to fund the NSF at any given level. We are simply providing the authorization authority that is necessary if the Appropriations Committee should choose, for whatever reasons are sufficient to it, to provide the level of funding that we are setting forth for the National Science Foundation.

There will be budget authority for it as a consequence of the conference report on the budget resolution. We are simply making sure there is authorization through this process for the same.

The CHAIRMAN. The time of the gentleman from California [Mr. ROHRABACHER] has again expired.

(By unanimous consent and on request of Mr. BOEHLERT, Mr. ROHRABACHER was allowed to proceed for 1 additional minute.)

Mr. ROHRABACHER. I yield to the gentleman from New York.

Mr. BOEHLERT. Well, then, I say to my distinguished subcommittee chairman, he is running contrary to the wishes of the full committee chairman and all of us who serve on this authorizing committee. We are not willing to cede all decisionmaking to the appropriators. I am embarrassed to even suggest that we might consider that.

Mr. ROHRABACHER. Reclaiming my time, I would just note for the public this is a fascinating debate because it is dealing with a highly technical issue and it is also dealing with a process that is very difficult to understand.

I believe that what we are seeing today is responsibility on this side of the aisle and good intentions on that side of the aisle. Today we are $200 billion in debt, we are spending more than we are taking in every year. I think instead of good intentions, it is time to act responsibly.

I support the amendment offered by the gentleman from New York [Mr. BOEHLERT].

Mr. STOKES. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York. This amendment would reduce the National Science Foundation's budget authorization for the next fiscal year by $50 million and $158 million in fiscal year 1996. We should not be reducing the 1995 authorization below the level requested by the administration at this time.

Mr. Chairman, I urge my colleagues to vote against this amendment.

Also, Mr. Chairman, I have a number of concerns about section 203 of the H.R. 3254 which attempts to define the eligibility for research facility awards. The second part of the proviso states that the Director of NSF shall exclude from consideration—for a modernization grant—any institution that receives funds for repair, renovation, replacement to and construction of one of its facilities through a noncompetitive, nonmerit based award process.

The language, as written, is somewhat vague. Nowhere in the bill does it outline the definition of an earmark and how institutions would be included or excluded. Additionally, this is a huge administrative burden on NSF to not only define an earmark, but then enforce this language when considering which institutions should receive modernization funds and which should not. Also, it does not address those projects that have been specifically authorized.

There is also a concern that this provision affects universities funded by agencies other than NSF and is beyond the jurisdiction of the Science, Space, and Technology Committee. As an example, according to the Department of Veterans Affairs, this amendment to the Academic Research Facilities Modernization Act of 1988 has the potential for excluding uni-

versities affiliated with the Department of Veterans Affairs from participating in NSF's infrastructure program.

Finally, the funding levels in the authorization bill stand in clear contrast to the Appropriation subcommittee's long standing priorities for math and science education—particularly at the precollege level, as well as for research support for individual science and engineering researchers at this Nation's colleges and universities. In math and science education, the authorization bill cuts $16.4 million out of the President's request and funds it with last year's level. The Appropriations Committee has led the way to rebuild and strengthen the NSF's math and science education programs, bringing them back to life after the Reagan administration sought to zero them out.

Mr. Chairman, I hope that the conferees will address this issue in conference.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BOEHLERT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOUCHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 197, not voting 13, as follows:

[Roll No. 151]

AYES—227

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chapman
Clement
Clinger
Coble
Combest
Condit
Cooper
Coppersmith
Cox
Crane
Crapo
Cunningham
Danner
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
Margolies-Mezvinsky
Martinez
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Schumer
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Visclosky
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—197

Abercrombie
Ackerman
Andrews (ME)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Becerra
Beilenson
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Darden
de la Garza
de Lugo (VI)
Deal
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Ehlers
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Hoyer
Huffington
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Leach
Levin
Lewis (GA)
Lloyd
Lowey
Maloney
Mann
Manton
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Scott
Serrano
Skaggs
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—13

Blackwell
Collins (GA)
Doolittle
Engel
Ford (MI)
Grandy
Long
Neal (NC)
Ridge
Romero-Barcelo (PR)
Sangmeister
Sharp
Washington

□ 1616

Messrs. ZELIFF, LEWIS of California, BILBRAY, and HOLDEN, Ms. ENGLISH of Arizona, and Messrs. ORTIZ, KLEIN, HALL of Texas, and MEEHAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the appropriate place, add the following:

TITLE II SEC. . SENSE-OF-CONGRESS REQUIREMENT REGARDING NOTICE

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Director shall provide to each recipient of assistance a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (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 Ohio?

There was no objection.

□ 1620

Mr. TRAFICANT. Mr. Chairman, in the case of any equipment or products that may be authorized to be purchased with assistance under this act, the Congress expresses the essence of the Congress that those purchases be made in America. In addition, that any recipient of assistance under this bill would get a notice that would basically outline that sense of Congress resolution listed in the amendment.

Let me say to Members of the Congress, in the last 10 years, we had 2.5 trillion dollars' worth of new debt and 1.6 trillion dollars' worth of trade deficits. I ask the committee to accept the amendment.

Mr. BOUCHER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we have examined on this side this amendment. We find it to be appropriate, and would urge its adoption by the committee.

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

Mr. BOUCHER. I will be pleased to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I wanted to congratulate the author for his continuing efforts to see to it that we purchase more of the goods that are made by our own workers in this country. I think it is an excellent amendment, and will support it very strongly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON:

At the end of Title II, add the following new section:

SEC. 213. DENIAL OF AWARDS OF GRANTS OR CONTRACTS TO EDUCATIONAL INSTITUTIONS WHICH PREVENT MILITARY RECRUITING.

(a) DENIAL OF FUNDS.—The Director may not make a grant or award a contract to any educational institution that has a policy of denying, or which effectively prevents, any of the military services of the United States from obtaining for military recruiting purposes—

(1) entry to campuses or access to students on campuses; or

(2) access to directory information pertaining to students; consistent with applicable law.

(b) PROCEDURES FOR DETERMINATION.—In determining compliance with subsection (a), the Director shall—(1) include on any grant or contract application questions as to whether the educational institution has, by policy or practice, effectively denied such entry or access for recruiting purposes; and (2) inquire of the Department of Defense whether such entry or access has been denied by an institution before awarding such grant or contract to it.

(c) DEFINITIONS.—For purposes of this section—(1) the term "student" means an individual enrolled in an educational institution who is 17 years of age or older; and (2) the term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent educational institution enrolled in by the student.

Mr. SOLOMON (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 New York?

There was no objection.

Mr. BOUCHER. Mr. Chairman, I reserve a point of order with respect to the amendment offered by the gentleman from New York [Mr. SOLOMON].

The CHAIRMAN. The gentleman from Virginia [Mr. BOUCHER] reserves a point of order against the amendment. The gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes in support of his amendment.

Mr. SOLOMON. Mr. Chairman, during recent congressional hearings, Congress has been made aware that military recruiters in various educational facilities across the country were being denied access to educational facilities. Preventing military recruiters from explaining the benefits of an honorable career in our armed services of the United States.

Mr. Chairman and Members, that is outrageous. My amendment today would simply prevent any funds authorized in this act from going to institutions which prevent military recruiting on their campuses.

The amendment is short and very direct. Allow me just to read the main body of it. The Director of the National Science Foundation may not make a grant or an award of a contract to any educational facility that has a policy of denying or which effectively prevents any of the military services of the United States from obtaining military recruiting purposes, meaning entry to campuses or access to students on campuses or access to directory information pertaining to those students.

Mr. Chairman, we all know what kind of a strain our military institutions and personnel have been under recently. Deep budget cuts have cut into training, forced crews to work longer hours with less maintained equipment, and shortened promising careers.

Mr. Chairman, the mission of our Armed Forces has become muddled in this post-cold-war world. Now, Mr. Chairman, as we know, a number of educational institutions across the country are receiving massive amounts of Federal dollars included in this bill before us today, yet they are denying the Department of Defense the opportunity to recruit on their campuses. I think that is appallingly hypocritical, Mr. Chairman.

Institutions that are receiving grants and awards from one or more Federal departments are in turn attempting to deny another Federal department, the Department of Defense, access to their campuses. We as guardians of the Federal purse should not allow this to stand, Mr. Chairman.

No one in an institution which is receiving any Federal moneys should be allowed to block our recruiters from explaining the educational and career opportunities in our all-voluntary military.

I think all Members should listen to this, because if you go back home and talk to your recruiters you will know: Testimony by the Pentagon and recent surveys by the press across the Nation show that military recruiting is down over the past 2 years. Recruiters are already having trouble meeting their quotas as it is. This is a dangerous development with potential hot spots all around the world, with President Clinton threatening to put American troops in Bosnia, and, over my standing objections, putting American troops into Haiti.

Mr. Chairman, I think this is a very serious issue. Even in a period of downsizing, we are unable to find enough recruits to fill the current numbers of slots. It may be debatable as to why this is so, Mr. Chairman, but the fact is, more importantly, recruiting is where readiness begins, and all Members know that. Recruiting is the key to the all-voluntary military, which has been such a spectacular success.

Mr. Chairman, we only have to recall the utter demolition of Saddam Hussein's army to know what a success the All-Volunteer Force has been. But there was a time back in the 1970's when the All-Volunteer Force was in a deplorable condition, when we tried to rescue hostages in Iran. We had to cannibalize about 15 helicopter gunships just to get 5 that would work, and only 3 of those did. You all remember the results of that rescue mission.

Because of under funding, many of our top military officers and enlisted men had left the military to find better paying jobs, and we were unable to attract the best possible young people.

We began to change this in the early 1980's on a bipartisan basis by dramatically improving pay and benefits for volunteers. The result is a force that is better educated today, better trained, and the most highly motivated in the entire history of our military. Today over 95 percent of our personnel are high school graduates, and this success is in large part due to recruiting on school grounds.

□ 1630

Mr. Chairman, the reason our military has been so successful is that recruiters have been able to enlist such promising volunteers for our armed forces by going into high schools and colleges and universities informing young people of the increased opportunities that an honorable military service can provide, plus the bill of rights of the gentleman from Mississippi [Mr. MONTGOMERY] giving them $25,000 in earned educational benefits.

The readiness of our Armed Forces is on the wane today, and we must reverse this slide. We can begin by telling recipients of Federal money, that means colleges and universities, that if they do not like the armed services or its policies, that is all right.

That is freedom of speech. They are welcome to say that. But do not expect Federal dollars to support their interference with our military recruiters.

I would just like to make one last point, Mr. Chairman, for those of my colleagues who may worry that this kind of legislation tramples on States' rights. Again, let me repeat, I have no problem with schools or any private institution taking a stand on public issues and implementing policies accordingly. But when an institution is receiving Federal dollars, that gives the Federal Government some rights, too. And this amendment only deals with

those institutions receiving Federal dollars.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLOMON] has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 3 additional minutes.)

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

Mr. SOLOMON. I yield to the gentleman from Missouri, one of the most respected Members of this House who is the chairman of the Subcommittee on Military Forces and Personnel.

Mr. SKELTON. Mr. Chairman, I will just take a moment of the gentleman's time.

I want to point out that we had a hearing earlier this year in the subcommittee, which I am privileged to chair, dealing with the recruiting for the young men and young women in all of the services. Quite honestly, there is a problem.

There is less propensity for the young people in our country to look toward the military for either a career or for enlistment. It bothers me that there is any impediment for them to take the opportunity to join.

The same institutions that are receiving the benefits from the GI bill might be, on other occasions, impeding people from taking advantage of joining the service.

I think the gentleman is right on track. I intend to vote with him.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for his cogent remarks.

Mr. Chairman, the courts have upheld similar legislation of mine in the past, such as the 1982 amendment that denied Federal education funds to students who failed to register for the draft and also prohibiting draft evaders from participating in job training programs, federally funded.

The concept behind this amendment today is exactly the same, and I would certainly urge the Members to support my amendment.

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

Mr. SOLOMON. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me.

A couple of years ago, when we had the Desert Shield-Desert Storm debate, I think we elevated ourselves in the House of Representatives by reconciling in many ways with our military. Even those who did not believe we should move forward in Desert Storm came out of the debate assuring the Nation and our colleagues that we would all support our troops.

We saw those bumper stickers, "Support Our Troops," on hundreds of thousands of vehicles throughout the Nation. And when our troops came home, we let them know that we really appreciated them.

Our military is a very, very important part of our society. It is an honorable profession, as the gentleman has said. It is respected. It is dignified. It deserves our support.

By allowing our institutions that receive Federal dollars to reject recruiters, we are allowing that wedge to be driven once again between the military and another important part of our society, those are the institutions that train and educate our young people.

This is a very, very important amendment. By passing the Solomon amendment, we are going to send another message of support to the people that wear the uniform of the United States and follow our flag. I support the gentleman's amendment. I think it is very, very good.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for his support. He has been a longstanding Member that has supported our military.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLOMON] has again expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 1 additional minute.)

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

Mr. SOLOMON. I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise to propound a question with respect to how the gentleman interprets the recent addition that was made to the base text amendment. The addition that is written in on this amendment on line 7, following the phrase that is denumerated paragraph number 2, says, "consistent with applicable law."

My question to the gentleman is whether he intends that that new language will modify the language on line 7, designated paragraph 2 only, or whether it also will modify the language on the preceding line, line 6, designated paragraph 1?

I would assume that it is designed to modify both paragraphs, but I want the gentleman's interpretation.

Mr. SOLOMON. Mr. Chairman, let me explain it this way. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLOMON] has again expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. Mr. Chairman, I say to the gentleman from Virginia that he knows that we had a problem in drafting the amendment to make it germane. Even though I believe that it is a limitation amendment, which should be allowed, I have every reason to believe the Parliamentarians would rule against me and in favor of the gentleman raising a point of order against it.

Therefore, we had to modify it by adding the terms "consistent with applicable law."

It does apply to line 6 as well. In effect, it makes this a sense-of-Congress resolution rather than binding. We would hope to pass it over here in this forum and then have the Senate adopt it in its original form where it will become law.

Mr. BOUCHER. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman for his explanation.

I would only ask this additional question.

The gentleman has explained that his new phrase "consistent with applicable law" is designed to modify the language on both lines 6 and 7. That is what I would have assumed as well.

I ask the gentleman this additional question: Does the gentleman believe that he is adding any requirements that do not already exist in present law through the general text of his amendment? Will this amendment, if adopted, change the required conduct of universities in terms of the access and information they provide?

Mr. SOLOMON. Mr. Chairman, let me say to the gentleman, it is not my intention, by rendering this new modification, to create new law. It is applicable law. That is my intent.

Mr. BOUCHER. Mr. Chairman, does the gentleman agree that with the addition of the language "consistent with applicable law" that there would be no new conduct required of universities as a result of the passage of this resolution?

□ 1640

Mr. SOLOMON. Mr. Chairman, unfortunately, the gentleman is correct. We hope to remedy that when the bill is brought up in the Senate.

Mr. BOUCHER. I thank the gentleman for yielding.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to my good friend, the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, we understand, based on this colloquy, that the gentleman from Virginia [Mr. BOUCHER] will not be pressing his point of order, and it is based on the gentleman's explanation that with the added language, this does not create any additional legal requirement, and is simply an expression of the Congress, and I assume that that is the basis on which there would be no further pressing of the point of order.

Mr. SOLOMON. The gentleman is absolutely correct in his observation.

Mr. FRANK of Massachusetts. It is a rare pleasure to be in such agreement with the gentleman from New York.

The CHAIRMAN. The gentleman from Virginia [Mr. BOUCHER] has reserved a point of order. Does the gen-

tleman wish to press the point of order?

Mr. BOUCHER. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. Is there further debate on the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. POMBO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. Chairman, some institutions of higher education in this country need to be put on notice that their policies of ambivalence or hostility towards our Nation's armed services do not go unnoticed—either by this House or by the American people.

A growing, and misguided, sense of moral superiority is creeping into the policies or colleges and universities in this country when it comes to such things as military recruiting or ROTC activities on campus. On April 22, for example, California State University at Sacramento announced that it would phase out its ROTC programs because some at the university disagreed with military personnel standards—standards based on Federal law passed in this Congress.

Examples like this should be seen for what they are—outrageous. It is nothing less than a backhanded slap at the honor and dignity of service in our Nation's armed forces; at those who have worn our Nation's uniform before; and at this Congress which has set in law military personnel standards.

These colleges and universities need to know that their starry-eyed idealism comes with a price. If they are too good, or too righteous to treat our Nation's military with the respect it deserves; allow ROTC units to operate; or afford our Nation's armed services the same recruiting opportunities offered to private corporations—then they may also be too good to receive the generous level of taxpayer dollars presently enjoyed by many institutions of higher education in America.

For our young men training to defend the freedoms of all Americans, and for all those who have proudly worn the uniform of this country, I urge my colleagues to support the Solomon amendment, and send a message over the wall of the ivory tower

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

Mr. RUSH. Mr. Chairman, I move to strike the last word, in order to enter into a colloquy with the distinguished chairman of the Subcommittee on Science of the Committee on Science, Space, and Technology.

Mr. Chairman, under section 101(e) of H.R. 3254, the National Science Foundation is authorized to support education activities to encourage the participation of minorities who are underrepresented in science, engineering, and mathematics.

Mr. Chairman, I would ask, is it the intent of this section to direct the National Science Foundation to work with already-established minority engineering programs in the Nation's specific institutions in order to advance and increase participation of minority engineers at all levels of education?

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

Mr. RUSH. I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding, and I would indicate that the gentleman is correct. It is the committee's intent that the National Science Foundation works with all science and engineering programs that have been successful in increasing the participation of underrepresented groups in science and engineering research and education.

Mr. RUSH. Mr. Chairman, I am pleased that the full committee agreed to include language in the final committee report that calls for the improvement of minority participation in science and engineering education. It is of fundamental importance that minority students have an opportunity to participate fully in science and engineering endeavors, especially at the undergraduate level.

It is my hope that the Committee on Science, Space, and Technology will look further into this matter to provide adequate Federal resources for minority students of science and engineering at all levels of education. I thank the distinguished chairman for his support in this matter.

The CHAIRMAN. Are there further amendments to the bill?

Mr. KLEIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of H.R. 3254, the National Science Foundation Act. NSF is the only Federal agency with the sole mission to support basic science and engineering research and education in our Nation's schools, colleges and universities. NSF is an important participant in research efforts in areas such as high performance computing, and communications, advanced materials, biotechnology and advanced manufacturing. Innovation in these areas is key to creating the economy of the future.

If we are to realize the fullest potential for our Nation's economic future, we must ensure that opportunities exist for all Americans. To that end, I am pleased that the Science, Space, and Technology Committee adopted my amendment to support education efforts for underrepresented groups in science and engineering. There is a vast untapped resource in the children of our Nation. We must not let value of our young people's imagination be diminished by a failure to acknowledge that everyone—regardless of race, ethnicity, gender, disability, or financial situation—may have something valuable to offer for the future of our great Nation.

I want to thank Science Subcommittee Chairman BOUCHER and ranking member BOEHLERT for their leadership and vision on this matter. By investing in our future now through funding the National Science Foundation, we can provide hope for all Americans that they will have a high-paying, high-quality job that will give the men and women of this country the financial security they need to raise a family.

Ms. ESHOO. Mr. Chairman, I rise to urge my colleagues to support H.R. 3254, the National Science Foundation Authorization Act of 1994.

This bill represents an important step forward in establishing strong basic research in the fields of science and engineering. It clarifies NSF missions, expands NSF participation in international scientific cooperation, and supports new education for underrepresented groups in science and engineering.

NSF is the premier Federal agency for supporting research in physical and mathematical sciences at universities. The Foundation has played a pivotal role in the post-war era by nurturing excellence in U.S.-university research and producing high-caliber scientists and engineers.

The NSF bill authorizes a 6-percent increase in funding levels in fiscal year 1995. This increase is on par with the President's fiscal year 1995 Budget request which emphasizes new technology development in the area of high-performance computing and the establishment of an information superhighway.

My congressional district, which is the home of Silicon Valley and Stanford University, have together made tremendous progress in high-performance computing technology. The NSF is now well poised to complement their efforts by providing new research grants.

H.R. 3254 also authorizes programs to encourage women, minorities, and other groups who are underrepresented in science to seek careers in this field. I believe these groups have not been adequately integrated into our Nation's most prestigious scientific bodies.

This is especially the case for women who represent an increasing percentage of those students in science and engineering degree programs but who are still employed in low numbers in industry, academic institutions, and government research agencies.

I urge my colleagues to support the NSF authorization bill as a way to begin dismantling the barriers which discourage women and minorities from participating in science. Bringing down these barriers will provide a more diverse and knowledgeable science base and enhance this Nation's economic competitiveness.

The CHAIRMAN. Are there further amendments to the bill?

If not, 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.

□ 1645

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

SERRANO) having assumed the chair, Mr. OBERSTAR, 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. 3254) to authorize appropriations for the National Science Foundation, and for other purposes, pursuant to House Resolution 414, 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?

Mr. SOLOMON. Mr. Speaker, I demand a separate vote on the just-passed so-called Solomon amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of Title II, add the following new section:

SEC. 213. DENIAL OF AWARDS OF GRANTS OR CONTRACTS TO EDUCATIONAL INSTITUTIONS WHICH PREVENT MILITARY RECRUITING.

(a) DENIAL OF FUNDS.—The Director may not make a grant or award a contract to any educational institution that has a policy of denying, or which effectively prevents, any of the military services of the United States from obtaining for military recruiting purposes—

(1) entry to campuses or access to students on campuses; or

(2) access to directory information pertaining to students; consistent with applicable law.

(b) PROCEDURES FOR DETERMINATION.—In determining compliance with subsection (a), the Director shall—(1) include on any grant or contract application questions as to whether the educational institution has, by policy or practice, effectively denied such entry or access for recruiting purposes; and (2) inquire of the Department of Defense whether such entry or access has been denied by an institution before awarding such grant or contract to it.

(c) DEFINITIONS.—For purposes of this section—(1) the term "student" means an individual enrolled in an educational institution who is 17 years of age or older; and (2) the term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent educational institution enrolled in by the student.

Mr. SOLOMON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 331, noes 90, not voting 11, as follows:

[Roll No. 152]

AYES—331

Ackerman
Allard
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Fingerhut
Fish
Flake
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (NC)
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Royce
Sabo
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schumer
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torricelli
Towns
Traficant
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—90

Abercrombie
Andrews (NJ)
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Brown (CA)
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Edwards (CA)
Ehlers
Engel
Eshoo
Evans
Farr
Filner
Foglietta
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gephardt
Gutierrez
Hamburg
Harman
Hastings
Hinchey
Hoagland
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kopetski
Lewis (GA)
Lowey
Maloney
Markey
Matsui
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Nadler
Neal (MA)
Oberstar
Olver
Owens
Payne (NJ)
Pelosi
Rangel
Reynolds
Rostenkowski
Roybal-Allard
Rush
Sanders
Schenk
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Swift
Thompson
Thornton
Torres
Tucker
Unsoeld
Velazquez
Waters
Watt
Waxman
Woolsey
Wyden
Yates

NOT VOTING—11

Andrews (ME)
Blackwell
Bonilla
Collins (GA)
Doolittle
Grandy
Long
Ridge
Sangmeister
Sharp
Washington

□ 1709

Ms. FURSE, Mrs. MALONEY, Mr. GUTIERREZ, Mr. HINCHEY, Mrs. MINK of Hawaii, and Mr. RUSH changed their vote from "aye" to "no."

Messrs. SENSENBRENNER, VENTO, and HEFNER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SERRANO). 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 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 ayes apeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 396, noes 22, not voting 14, as follows:

[Roll No. 153]

AYES—396

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOES—22

Armey
Ballenger
Burton
Coble
Crane
Duncan
Goodling
Hancock
Herger
Hoekstra
Hunter
Inglis
Paxon
Ramstad
Roberts
Roth
Royce
Sensenbrenner
Solomon
Stump
Taylor (NC)
Zeliff

NOT VOTING—14

Blackwell
Collins (GA)
Darden
Doolittle
Fish
Grandy
Hinchey
Long
McCrery
Ridge
Sangmeister
Tauzin
Washington
Wheat

□ 1726

Mr. ROYCE changed his vote from "aye" to "no."

Mr. DICKEY changed his 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.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just passed.

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

There was no objection.

□ 1730

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3254, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1994

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 3254) to authorize appropriations for the National Science Foundation, and for other purposes, the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 3254.

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

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Agriculture:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, April 6, 1994.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my Committee staff has been served with a subpoena issued by the Superior Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

E (KIKA) DE LA GARZA,
Chairman.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BARLOW). Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each:

SIGN THE A TO Z DISCHARGE PETITION

The SPEAKER pro tempore. Under the previous order of the House, the

gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, today I rise to express my strong support for the A to Z spending cut plan.

During the debate over the President's budget bill last year many Members found it difficult for a bill that relied too heavily on taxes and too little on spending cuts. They relied on the promises of the leadership that they would have a special spending cut session to address their concerns. However, according to the Congressional Daily of April 21, not only will this not materialize, but we will have instead open opposition from the leadership to any such spending cut proposals. It is a fact that since the budget passed, there have been three strikes and you're out for those of us who believe that it is time to bring our deficit under control.

Strike one. The Penny-Kasich $91 billion spending cut bill was killed by the House leadership.

Strike two. The balanced budget amendment was killed by the House leadership.

Strike three. The Kasich motion to instruct conferees to cut $26 billion was killed by the House leadership.

But we do not have to live with three strikes and you're out. Let us give ourselves another swing at the deficit. It is too important a problem to let go by. Everyone should sign on to the A to Z spending cut discharge petition.

Mr. Speaker, I would like to quote in part from a Review and Outlook published in The Wall Street Journal of May 4, 1994, and I quote in part:

A fundamental disconnect has developed between the public and Congress on budget reform. To Congressional leaders reform means larding on a new health care entitlement. To voters, especially those in the suburbs, cutting spending is more popular than expanding programs that they don't think deliver value for their tax dollars.

Yet House leaders whine about this troublesome pressure for cuts. "There is an intense feeling in the caucus that this is getting out of hand,' one Democrat told the Congressional Monitor. 'Between The Wall Street Journal, Gingrich and our boll weevils, we're being asked to vote on a budget cut every three months." How awful.

A House majority is on record as supporting A to Z, so voters may want to know who was responsible for presenting such a common-sense idea from reaching the floor for a vote. They may well conclude that Members who praise A to Z in their franked mailings home but then cave in to House leaders on the discharge petition are either hypocrites or political wimps. By now, the public has caught on to the rigged game known as House Rules. If the House doesn't implement some procedures to open up the system for both Democrats and Republican Members, the electorate may decide this November is the time to radically change the makeup of the place.

Mr. Speaker, the deficit is our number one challenge. Our long-term future strength of this country and its health depends on a businesslike solution to the deficit. Time is valuable. We are wasting time. The problem only gets worse by every passing month in which we continue our deficit spending. It is time we acted now to cut spending and eliminate the unconscionable and unreasonable dissipation of our future financial strength. It is our responsibility and it should not be foisted off on our children to solve our financial problems.

Sign on today to the A to Z proposal so that we can consider in a businesslike fashion the cuts that this House should make in the budget.

□ 1740

HEALTH COVERAGE NEED FOR ALL AMERICANS

The SPEAKER pro tempore (Mr. BARLOW). Under a previous order of the House, the gentleman from Ohio [Mr. STRICKLAND] is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I receive letters from my constituents every week, sometimes hundreds of letters. I would like to share this evening a letter which I received from a young teacher in my district, a letter about his family and their difficulty in attaining adequate health care.

He begins by saying,

DEAR CONGRESSMAN STRICKLAND: I am a teacher, and I am writing because I wanted to relate to you something that has happened to my family. My family has run into a health care concern that I hope underscores the need for the Congress to improve the availability of health care for all Americans.

Then he tells me about his father-in-law. He says,

My father-in-law runs a small business in your district in Ohio. He has raised seven children, including my wife, and he has never been able to afford medical insurance. He is 55 years old, and high blood pressure makes the premiums way beyond his means. His local doctor recently was alarmed at the results of a stress test and told him he was at risk of a heart attack at any time. He was sent to a specialist in Columbus, and he expected to be admitted to the hospital.

Then my constituent in his letter continues. He said,

The first words out of the specialist's mouth were to the effect, to my father and mother-in-law, that they should have insurance. And he quotes, "No insurance, huh? Well, how do you people expect to pay for this treatment? How do you pay for your medication? How do you pay your bills?"

All this was before he even examined my father-in-law's records. Needless to say, both my in-laws were upset by this. The doctor was then going to send him home simply with medication.

My wife returned her father to his local doctor the next morning, and, after explaining what had happened, the local doctor sent him straight to the hospital here in Chillicothe, where he is now in intensive care, awaiting a heart catheterization on Monday morning.

Then the letter continues:

Congressman, I hope you agree with me that the specialist's words and attitude were unconscionable. He continued to tell my father-in-law that he really didn't need the money, but he was concerned about everyone else that was going to have to pay for this surgery if it was performed.

My father-in-law looked me in the eye and said to me these words: "That doctor made me see how poor I am." For a man in danger of a heart attack to be put through this is frustrating, insulting, and beneath contempt. My father-in-law is not on welfare. He pays his taxes.

My constituent ended his letter in this way: He said,

Congressman Strickland, I hope this letter does more than just act as a release for my frustration and anger. I hope it may help in some small way to open the eyes of those in Washington who see no health care crisis. I know there are many questions concerning President Clinton's plan, but I want to ask that you and all others quickly work together to find a way to bring costs down and make insurance more available.

As a Member of Congress, I cannot receive such letters without feeling a very heavy sense of responsibility. Some 125,000 of the men, women, and children who live in my congressional district have no health insurance tonight. We cannot ignore this situation any longer. To do so will be irresponsible.

Mr. Speaker, I urge my colleagues in this Chamber to take this matter seriously, to stop the rhetoric, and to do the hard work that it is going to take to pass a comprehensive health care plan that will provide comprehensive, guaranteed health care coverage for every man, woman and child in this country.

SEXUAL HARASSMENT CHARGES PENDING AGAINST PRESIDENT

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 had intended to come to the floor today and discuss Rwanda and the genocidal slaughter taking place in that tortured country. Genocide is a word that is overused, but in the case of Rwanda it fits. In fact, both sides in this horrible tribal war are attempting it. It is a tragedy.

Last night, speaking live to an audience in Pennsylvania, it occurred to me that of the six Nazi extermination camps, not labor camps, not concentration camps, like Dachau, Borgen-Belsen, Ravensbruck, Buchenwald, but camps built to exterminate human beings, to eliminate the entire Jewish population of every country in Western and Middle Europe, that of those six extermination camps, only Treblinka, killing 750,000 people, and the horror of Auschwitz and its huge satellite camp of Birkenau, which killed a million and a half or more people, only those two camps out of six, killed more than 500,000 people. It all took 2 or 3 years in

gas chambers and a perversion of science and technology to do it. But in Rwanda, even more people have been killed in 3 weeks, most of them with machetes, than at Chelmo, Belzec, Mydanyck, or Sobibor.

This is an unbelievable slaughter, and I will talk about it next week for an hour. I could also have spoken tonight about Haiti and the inconsistency in our policy which is on the front page of all the papers. Mr. Clinton contradicts himself almost every month now on that policy. Then there is Bosnia, Bosnia, Bosnia. It will not go away. There three peoples are engaged in ethnic slaughter with the Bosnian Serbs the main perpetrators.

But, Mr. Speaker, all of that will have to wait, because in my remaining 3 or 4 minutes tonight, I must discuss this button that I have been wearing all day, I will take it off now, because parliamentary rules say it is a minidemonstration on the floor, which is not allowed.

The button says, "I believe Paula." That does not mean Paula Coughlin, lieutenant senior grade of the terrible Navy Tailhook Scandal in Las Vegas, even though I also believed everything that she said. What has hurt her was day one when she had her upper thigh shaved and wrote on a sign, "You made me see God." That is not average conduct for a Catholic lady in or out of the service. I believed everything she said about the gauntlet and the degrading treatment of lady officers at Tailhook.

The Paula referred to on this button is Paula Corbin Jones. I have known about her story since September of last year, before it went into print in the American Spectator.

Mr. Speaker, this is the front page of the Washington Post, which by printing the story has redeemed its integrity. It says, "Clinton Hires Lawyers as Sex Harassment Suit Is Threatened."

This former Arkansas State employee, Paula Corbin, now married so she is Paula Corbin Jones, alleges improper advance by then Governor Clinton in 1991, after the presidential campaign was underway. If you recall former Senator Tsongas, a colleague here of us once, had already declared. Others were also declaring. This was 5 months before Mr. Clinton himself declared. It was May 8, 1991.

And Mr. Speaker, this Paula Corbin Jones case makes the charges against a Member of the other body involving 12, up to 30 instances of sexual harassment pale in comparison. It makes the Anita Hill story pale in comparison. It makes Paul Coughlin's story at Las Vegas pale.

After you leave the front page with these two stories written principally by Michael Isikoff, who was suspended in a fight over this story, you go inside to discover it fills the entire 14th page. This is one of the three biggest papers in the country, along with the New York Times and the Los Angeles Times.

□ 1750

There is not an advertisement on it.

I am going to ask to put these two stories in the RECORD.

This is what they call, in the mass media, "a fire storm."

Tomorrow the L.A. Times and all of the other big papers will pick up the wire service stories on Paula Corbin Jones' charges of the grossest sort of sexual harassment against the now sitting President who was then the sitting Governor of Arkansas.

Then she will file the case tomorrow, which will be in all the papers on Friday, coast-to-coast. I understand it is the major topic of conversation on every talk show, whether the host is liberal or conservative or a raging moderate, all across the country. And the President has hired Bob Bennett, who is the lawyer of one of our colleagues, Mr. ROSTENKOWSKI.

I just want to end by reminding my colleagues what I said back in the fall of 1992. I said if the country elected Bill Clinton all sorts of stories abut sex and other unsavory aspects of Mr. Clinton's past would come pouring out. I was ridiculed at the time. Well, I hate to be an "I told you so," but, well, I told you so. I take little satisfaction in being right, however, because this President is ripping the moral fiber of our country to shreds. What must the children of America be thinking.

Mr. Speaker, I include for the RECORD the articles to which I referred.

[From the Washington Post, May 4, 1994]

CLINTON HIRES LAWYER AS SEX HARASSMENT SUIT IS THREATENED

FORMER STATE EMPLOYEE IN ARKANSAS ALLEGES IMPROPER ADVANCE IN 1991

(By Michael Isikoff; Charles E. Shepard, and Sharon LaFraniere)

On Feb. 11, former Arkansas state clerical worker Paula Jones appeared at a Washington news conference and accused Bill Clinton of making an unwanted and improper sexual advance during a brief encounter in a Little Rock hotel room in 1991.

As Jones told it, a state trooper serving on then-Gov. Clinton's security detail summoned her to meet Clinton while she was working at a state-sponsored conference where he was speaking. Alone with her, Jones said, Clinton tried to kiss her, reached under her clothing and asked her to perform a sexual act. She said she felt humiliated and walked out within minutes.

Asked by reporters to respond, White House aides said the story was untrue and described it as a cheap political trick engineered by avowed Clinton enemy Cliff Jackson, who had helped arrange Jones's news conference at a gathering of political conservatives. They said Clinton had no memory of meeting the woman.

Clinton's new attorney, Robert S. Bennett, said yesterday, "This event, plain and simple, didn't happen." Clinton has retained Bennett as his personal attorney to defend against a threatened lawsuit by Jones.

Over the past three months, The Washington Post has interviewed Jones extensively about what she said happened in Little Rock's Excelsior Hotel. She said she was alone with Clinton in the room—making it impossible to independently resolve what, if anything, happened between them.

Jones, who now lives in California, provided the names of two longtime friends and two family members who said in interviews that Jones had told them about the May 8, 1991, episode the day it occurred. One of the friends, a co-worker at the conference, said she witnessed the trooper's approach. Jones's then-boyfriend, Steve Jones, now her husband, said she told him at the time that Clinton had made a pass at her.

Three Arkansas state troopers have said in published accounts and in recent interviews with the Post that Clinton used them and other members of his state security detail to solicit women to whom he was attracted, although none was on duty on the day Jones alleges she met with Clinton.

Key aspects of Jones' account are a departure from past allegations about Clinton's personal conduct. Jones worked for an Arkansas state agency, and she contends that Clinton's conduct toward her constituted sexual harassment of an employee. No woman has ever publicly accused Clinton of workplace harassment or the extreme behavior that Jones recounts.

"What she alleges is simply inconceivable as Clinton behavior," said Betsey Wright, Clinton's former chief of staff in Arkansas who helped his 1992 presidential campaign combat allegations of extramarital affairs.

Aides to Clinton have suggested that, aside from political motivation, Jones could be seeking financial gain, and her attorney has acknowledged that before her news conference he made an effort to negotiate an out-of-court monetary settlement in exchange for her silence. Yesterday Bennett accused Jones's attorney of seeking a job for Jones in return for her silence.

The first account of a story involving Paula Jones appeared in the January issue of the conservative American Spectator magazine. The article quoted an unnamed trooper who said he approached a woman named "Paula" on Clinton's behalf, then stood guard outside a hotel room while Clinton met with her. The trooper said in the account that she told him, as she left the room after less than an hour, that she was willing to be Clinton's girlfriend.

The trooper, later identified as Danny Ferguson, has refused since Jones's news conference to discuss the American Spectator article. He declined again last week to be interviewed.

Jones has said it was indignation over that article and what she said was the untrue depiction of her encounter with Clinton that caused her to speak out. Her attorney, Daniel Traylor of Little Rock, said Jones had to go public because Clinton indirectly had declined private appeals Traylor made for a public clarification of the American Spectator story. Traylor later confirmed that he did not know whether such an appeal had actually reached the White House.

Jones's allegations revolve around the 1991 Governor's Quality Conference, a one-day session on management for manufacturing executives and government officials held at the 19-story Excelsior Hotel at the edge of downtown Little Rock.

Then 44, Clinton was in his fifth term as governor. Already considered a possible Democratic candidate for the presidency, he had just returned from a well-received appearance before the national Democratic Leadership Council. He was five months from announcing his candidacy.

At the registration desk outside the hotel ballroom, Jones (then Paula Corbin) and a coworker she had known since childhood, Pam Blackard, were handing out name tags and literature. Jones, then 24, had been hired two months earlier as a $10,270-a-year clerk for the Arkansas Industrial Development Commission, a job that required regular visits to the governor's office in the capitol. The job was the highlight of her resume: After secretarial classes at a junior college, she had held a string of office and sales positions, none for more than nine months.

Jones described herself in interviews as sometimes too trusting and a talkative and outgoing person. "A lot of people take that as being a flirt," she said. "That's just me though. I like people, and I like to talk to people. . . . It doesn't matter if it's a man or woman."

At some point during the day of the conference, Jones said, she noticed Clinton standing nearby, answering questions from reporters. Jones, who had never met Clinton, said she thought he was staring at her. A few minutes later, she said trooper Ferguson, a member of Clinton's security detail with whom she had chatted earlier, approached the table and told her, "The governor said you make his knees knock."

She said Ferguson returned a short time later, at about 2:30, and handed her a piece of paper with a room number written on it. "The governor would like to meet you up in his room and talk to you . . . in a few minutes," Ferguson said.

Jones said she had recognized the suggestive flavor of Ferguson's "knees knock" comment, but reacted to his words as a compliment, not a come-on. She said she had no reason to expect what she said happened later. "I was brought up to trust people and especially of that stature—you know, a governor." Jones said she hoped the meeting might yield a better-paying job in Clinton's office.

Clinton's schedule for that day, provided by the White House last week after repeated requests, shows the governor scheduled for "phone time" between 2:15 and 2:30 that afternoon after a luncheon and videotaping at the governor's mansion.

The schedule indicates Clinton had the option of returning to the quality conference between 2:30 and 4 p.m. Conference organizers had asked Clinton to attend as much of the day as possible.

After Jones's news conference, a White House aide said her account could not be true and referred The Post to Phil Price, Gov. Clinton's senior assistant for economic development in 1991 and now Arkansas' assistant bank commissioner. Price said he is convinced Clinton did not return to the Excelsior that afternoon because he does not remember returning himself and he was Clinton's designated staff member for such conferences. But management consultant James Harrington, the featured conference speaker after lunch, said he talked to and saw Clinton that afternoon. "He was milling about, meeting people, saying hello," he said.

Jones said she followed Ferguson upstairs, and the trooper stayed in the hallway. Clinton met her at the door, she said. She said the room was furnished as a parlor and had no bed.

After asking her about her job, she said, Clinton took her hand. She said, she pulled it away, and tried to distract him by chatting about Clinton's wife. But, she said, he persisted, kissing her neck and putting his hand on her thigh underneath her culotte.

Jones said she objected, asking Clinton: "What's going on?" She said he told her he had noticed her downstairs and liked the curves of her body and the way her black hair flowed down her back. "I will never forget the look on his face," she said. "His face was just red, beet red."

Asked why she didn't leave the room, she said: "I guess I didn't know what to do. This is the governor, this is not just anyone. I feel intimidated . . . by anybody that's higher than me. I feel I've got to do everything possible not to make them upset at me. I've always been like that."

Jones said she walked to the far end of a sofa and sat down, averting her eyes. The next thing she knew, she said, Clinton had dropped his trousers and underwear and was sitting next to her on the couch. Then, she said, he asked her to perform oral sex.

"I jumped up and I said, 'No, I don't do that. I'm not that type of person. I need to be going back downstairs,'" Jones recalled saying. Clinton, she said, tried to reassure her that she would not be in trouble with her boss if she stayed, but she left the room. As she was leaving, she said, Clinton asked her not to mention the episode to anyone.

She said she passed Ferguson in the hallway without speaking, and returned to the table where Blackard still sat downstairs. She estimated she had been gone for no more than 15 minutes.

In an interview, Blackard said she had seen Clinton staring at Jones, watched the trooper ask Jones to meet Clinton, and talked with her about whether to go. "I did say to her . . . 'Find out what he wants and come right back. . . . If you're that curious, go ahead,'" Blackard recalled saying.

When she returned, Blackard said, Jones was "walking fast" and "shaking." She said Jones told her that Clinton had made unwanted advances and Jones implored her to tell no one. "We were both kind of scared," Blackard recalled. "We weren't thinking straight. I thought I could lose my job. She thought she could lose her job."

In an interview, Jones said that at the time she feared she would be fired for leaving the registration desk or because her refusal might have angered Clinton, who as governor appointed her boss.

Another friend, Debra Ballentine, said Jones showed up unexpectedly at her office late that afternoon and told her the story. Jones trembled and "was breathing really hard," said Ballentine, who has known Jones about six years and is a marketing coordinator for a large Little Rock company. Ballentine said Jones "couldn't believe she was so stupid" for going upstairs.

Before Jones's news conference, both Balletine and Blackard signed affidavits supporting Jones's account after conferences in the office of Jones's attorney, Traylor. The Post interviewed both women subsequently.

Jones's two sisters said they talked to Jones that evening at their homes outside Little Rock. Charlotte Brown said her younger sister told her in a "matter of fact" way that Clinton had propositioned her. Lydia Cathey, now 29 and closer in age to Jones, said she ushered her sister into her bedroom, shut the door and comforted her sister as she cried on the bed.

One voice silent in the Paula Jones controversy is that of trooper Ferguson, who now guards Clinton's successor in the Arkansas governor's mansion, Jim Guy Tucker (D).

"I am not going to say anything about it," Ferguson told The Post after Jones's February news conference. "I have to think about my family."

Other troopers said Ferguson told them about soliciting a woman at the Excelsior soon afterward and again last summer, when he and three other members of the Arkansas governor's security detail began talking among themselves about experiences with Clinton, including times they say they had sought out women on the governor's behalf.

One story Ferguson told involved a woman named "Paula," according to the troopers. Trooper Roger Perry told The Post he heard Ferguson tell how Clinton had noticed "Paula" at the Excelsior and had described her as having "that come-hither look," Perry said in an interview that Ferguson, at Clinton's request, arranged to get a room, telling the hotel Clinton expected a call from the White House.

Last summer several of the troopers, looking for a book deal, enlisted the help of Little Rock attorney Cliff Jackson, who has worked for years to discredit Clinton politically. Eager to get maximum impact, he arranged for the troopers to talk to reporters for the American Spectator magazine and the Los Angeles Times.

The Spectator article, released in late December, quoted an unidentified trooper as saying that he had recruited "Paula" at Clinton's request and stood guard outside the hotel room for "no more than an hour." The magazine also reported that the trooper recalled "Paula" saying as she exited that "she was available to be Clinton's regular girlfriend if he so desired"—a remark at odds with Jones's story. Fellow troopers told The Post that Ferguson had told them "Paula" was willing to be Clinton's girlfriend.

Jones said she learned about the Spectator article from her friend Ballentine during a visit to Arkansas last January. Jones said she felt humiliated by the magazine's description of her encounter with Clinton and believed that some of her friends and family would conclude that she was the "Paula" described in the article. She said she wanted to "clear my name."

Jones said she did not accuse Clinton during the 1992 campaign, when his conduct with women was at issue, because she still worked for the state and was convinced no one would believe her.

The day after Jones said she learned about the American Spectator article, Jones and Ballentine recalled they ran into Ferguson at a restaurant in the Little Rock area. Jones said she asked Ferguson if he had been the magazine's source. Ferguson became apologetic according to both Jones and Ballentine.

According to the two women, Ferguson said he had been dragged into the interview with the Spectator by the other troopers. They said he added that no one would know who Jones was because he hadn't disclosed her last name and, "besides, Clinton told me you wouldn't do anything anyway."

Jones said she had several more contacts with Ferguson and Clinton before she left her state job in February 1993. Once, she said, she ran into Ferguson, who told her Clinton had been asking about her, wanted her home phone number and was interested in seeing her. Jones, who was living with the man she would marry in December 1991, said she refused.

Jones saw Clinton two more times before she left the Arkansas Industrial Development Commission, she said. Once she got a brief hello. The other time, in fall 1991, she said, Clinton called out to her under the rotunda of the Arkansas capitol. He was accompanied by another bodyguard, Larry Patterson, one of the three troopers who has publicly accused Clinton of womanizing. Patterson said in an interview he recalls the encounter as Jones does.

After Clinton spotted her, Jones said, Clinton called out her name and walked over. Then, she said, "he squeezed me up close to him," her side to his. He turned with a smile to Patterson, his arm still around her shoulder and said to Patterson: "Don't we make a beautiful couple? Beauty and the Beast."

She said she replied, "Well, you don't look like the Beast." And with that, she said, Clinton bid goodbye, saying, "It was nice to see you, "Paula."

[From the Washington Post, May 4, 1994]

BENNETT SETS AN AGGRESSIVE CAMPAIGN ON PUBLIC RELATIONS AND LEGAL FRONTS

(By Michael Isikoff)

President Clinton has retained prominent Washington defense lawyer Robert S. Bennett as part of an aggressive public relations and legal strategy aimed at fighting allegations from a former Arkansas state employee that Clinton sexually harassed her three years ago.

An attorney for Paula Corbin Jones said yesterday she intends to file a civil suit in federal court on Thursday accusing Clinton of violating her civil rights and causing her "severe emotional distress" by making "unwelcome physical contact" and asking her to perform a sexual act. The three-year statute of limitations on these claims is to expire at the end of this week.

White House officials have denied Jones's allegations. This week, believing Jones will make good on her intentions to file suit, Clinton and White House counsel Lloyd Cutler turned over the defense to Bennett, well known for his spirited representation of prominent Washington clients, and gave him new authority to mount a public relations counteroffensive, knowledgeable sources said.

"Bennett is . . . savvy about both the law as well as the ways of Washington and the press," said one White House official "He brings a lot of assets to this type of case."

Bennett said in an interview yesterday that the lawsuit was "really just an attempt to rewrite the results of the election" and released an affidavit from a Little Rock businessman saying that Jones's lawyer, Daniel Traylor, threatened to publicly "embarrass" Clinton last January unless his client got money. Traylor also said that "it would help if President Clinton would get Paula a job out in California," according to the businessman's sworn statement.

Bennett becomes the second Washington lawyer hired by the president to deal with controversies about Clinton's private life and investments. David Kendall has been dealing with the investigation of special counsel Robert B. Fiske Jr. about Bill and Hillary Rodham Clinton's investment in the Whitewater Development Corp. and its ties to a failed Arkansas savings and loan, Madison Guaranty. Kendall has also been monitoring negotiations on Capitol Hill over the shape and timing of congressional hearings on the matter.

"Bennett obviously has had considerable experience with congressional hearings and I would expect he would be involved in giving advice on those kinds of things," said one senior administration official.

Bennett was counsel to the Senate ethics committee in its investigation of the "Keating Five" senators. He represented Clark Clifford in the BCCI investigation, and is Rep. Dan Rostenkowski's lawyer in the Justice Department's investigation of the Illinois Democrat.

The White House said both Kendall and Bennett are being paid with the Clinton's private funds.

Bennett is known as a lawyer who not only fights behind the scenes for his clients but also is an outspoken public advocate. "there's a sense that a lot of this was political and needed to be fought on a more public level," one source said.

Jones's charges have been a cause celebre in right-wing circles since she first appeared last Feb. 11 at a news conference organized by Cliff Jackson, a Little Rock lawyer who is a longtime political opponent of Clinton's and sponsored by the Conservative Political Action Committee. Jackson had called reporters to attend the launch of a fund-raising effort for Arkansas state troopers who had accused Clinton of abusing his office as governor to solicit women for him.

Charges that Clinton had engaged in extramarital liaisons arose during the presidential campaign, when he was publicly accused by an Arkansas woman, Gennifer Flowers, of having conducted a years-long affair with her and then obtaining for her a state job. Clinton said her story was untrue, but confessed to having caused "pain in my marriage." The matter was largely dropped as other issues came to dominate the campaign.

It arose again in December, when a conservative magazine, the American Spectator, published the allegations by the state troopers.

The mainstream media largely gave limited coverage to Jones's allegations, leading several publications and interest groups to publicly accuse them of covering up for Clinton, and to insist that her charges be afforded the same attention as the sexual harassment allegations Anita F. Hill made during the Senate confirmation hearings of Clarence Thomas for the Supreme Court.

Last month, the conservative watchdog group Accuracy in Media ran advertisements in The Washington Post and the New York Times criticizing them for ignoring the story.

Republicans have concentrated their anti-Clinton fire on the Whitewater investigation of land deals by Clinton and his wife in Arkansas, rather than allegations by Jones or the troopers.

Jones has said that while working at a state government conference on May 8, 1991, she was approached by Arkansas state trooper Daniel Ferguson and was asked to meet Clinton in an upstairs room. Once inside, she said, Clinton made unwelcome sexual advances.

Traylor said that the suit will charge that Clinton had a regular "practice" of using state troopers to approach women for sex with him and that he also will seek testimony from the troopers.

"Paula Jones is a victim of that practice," Traylor said.

Bennett said the lawsuit Traylor is contemplating is "unprecedented" and he questioned whether a president may be sued for alleged events that took place before he entered office.

Jones has said she did not file her claims after they happened because she was frightened she would lose her state job if she accused the governor of misconduct. Because federal law requires that sexual harassment claims be filed within 180 days of the alleged offense, Jones long since missed her chance to do so.

But Traylor said he intends to make a variety of other legal claims against the president, including intentional affliction of emotional distress, and civil rights violations, based on the allegations that state troopers targeted women. Both of those claims have a three-year statute of limitations.

Traylor, a sole practitioner with little trial experience, said he reached out to prominent trial lawyers around the country as well as feminist groups and others for help in handling Jones's case, only to be turned down.

Traylor said he was set to file the complaint last Friday on his own when he received a last minute fax from the conservative Landmark Legal Foundation, asking him to hold off because it had just recruited an experienced litigation firm that could help him.

But Traylor said that that offer never materialized and he has since found another experienced trial lawyer, whom he declined to identify, to assist him in the case.

Yesterday, Bennett focused his attacks on Traylor's conduct. Traylor said in interviews earlier this year that he had tried before Jones's news conference to relay a message to the White House through a Little Rock businessman, George L. Cook, that his client was willing to say nothing publicly in return for an apology from Clinton and money to compensate for the harm she claims Clinton did.

In the affidavit released yesterday by Bennett, Cook said Traylor had told him that if Jones didn't get money for her claim, "she would embarrass him publicly."

Cook states in the affidavit that he asked Traylor during their January meeting why he had taken the Jones case. "He said he knew his case was weak, but he needed the client and he needed the money. . . . Traylor said it would help if President Clinton would get Paula a job out in California [where she now lives]. I told Traylor that would be illegal." Cook said he decided on his own not to relay Traylor's message to the White House.

Traylor acknowledged yesterday that he suggested a variety of possible ways to settle the case out of court, including arranging jobs for Jones and her husband, an airline ticket agent and aspiring actor, as well as a public apology from Clinton. Traylor said he told Cook: "Bill's got lots of Hollywood contacts."

But Traylor insisted there was nothing improper about the discussions and that Jones had never suggested that he seek a job for her or money from the president. "She ain't in it for the money," Traylor said. Traylor said he regrets "contaminating" Jones's allegations by the involvement with Jackson, Clinton's longtime political enemy. Traylor said he contacted Jackson thinking mistakenly that Jackson was representing trooper Ferguson, the source for the Spectator article that named "Paula."

That connection prompted Clinton senior adviser George Stephanopoulos to call Jones's allegation "a cheap political fundraising trick."

PROOF OF THE CALIFORNIA ASSAULT WEAPONS BAN'S EFFECTIVENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I would like to include the following letter to Chairman SCHUMER in the RECORD.

As it explains, the Bureau of Alcohol, Tobacco and Firearms has recently provided preliminary statistics documenting the success of California's Roberti-Roos Assault Weapons Control Act of 1989.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 1994.

Hon. CHARLES SCHUMER,
Chairman, Subcommittee on Crime, House of Representatives.

DEAR MR. CHAIRMAN: As the Subcommittee on Crime begins its consideration of H.R. 3527, the Public Safety and Recreational Firearms Use Protection Act, I urge you to look at the effects of the nation's oldest assault weapons ban, California's Roberti-Roos Assault Weapons Control Act of 1989.

This legislation went into effect on July 1, 1989. It was passed in the aftermath of Patrick Purdy's shooting spree at a schoolyard in Stockton, California. Armed with an AK-47 and several semiautomatic pistols, Purdy fired over 100 rounds killing five school children and wounding thirty others before killing himself.

Now, five years after the passage of this law, I think we can begin to evaluate the law's effectiveness. At my request, the Bureau of Alcohol, Tobacco, and Firearms (ATF) has provided some preliminary data from the National Tracing Center. These numbers reflect requests to the ARF by local law enforcement agencies for background traces conducted on guns which are suspected to have been used in crimes. Although this data does have limitations and is not a direct measurement of criminal use, the Congressional Research Service has pointed out this data is, "the only significant national data on the makes and models of firearms that may have been used in crimes."

The data shows that although the California law has not ended criminal use of assault weapons in California, it has significantly helped California's law enforcement officials contain assault weapons' growing popularity among criminals.

ASSAULT WEAPONS IN CALIFORNIA VS. THE NATION

Over the past three years, both California and the nation have experienced growing criminal use of assault weapons, as evidenced by increasing requests for ATF traces. However, while national requests have skyrocketed, California's requests have grown at a much slower rate and stabilized for some of the most criminally popular weapons.

Following the 1986 Machine Gun Ban and President Bush's 1989 Assault Weapons Import Ban, trace requests for assault weapons (as determined by ATF) decreased nationally, both in number and proportion. Starting in 1991, however, they have risen and, based on the first three months of 1994, will easily surpass the 1989 level (see tables 1 and 2).

During the same period, however, California's local law enforcement requested far fewer traces of the forty-plus weapons banned by the Roberti Roos law. In fact, while trace requests for assault weapons rose nationally by 52% between 1991 and 1993, California requests for banned guns increased less than half that rate—22% (see table 3). Additionally, California's trace requests for the banned guns decreased as a proportion of the national total—from 7.1% in 1991 to 5.7% in 1993. Clearly, the California ban has spared California from the drastic national growth.

As for the legislation you are considering, the guns explicitly banned by H.R. 3527 make up 85% of all assault weapons traced by ATF for criminal activity during the past three years. From 1991 through 1993, trace requests for these guns have risen 62%.

Trace requests for certain weapons whose criminal use has skyrocketed nation-wide also show California's stability. For example, while trace requests for AK-47s have almost tripled nationally, they have remained the same in California (table 4).

However, California trace requests for another popular assault weapon not banned by the California law, the TEC 22, have essentially mirrored the national growth rate: 100% in CA from 1991 to 1993 compared to 116% nationally.

ASSAULT WEAPONS IN CA: BANNED VS. LEGAL

Looking at trace requests within California reveals other important trends. Although California has stabilized the growth of the guns which it has banned, there has been significant growth in California's trace requests for guns which were left out of the ban or which did not exist in 1989.

California's assault weapons ban has experienced problems with new weapons because it bans weapon names rather than weapon features. Both the San Jose Mercury News and The Los Angeles Times have reported that, "designing similar but not identical guns to those on the prohibited list has become common for gun manufacturers looking to get around the California law" (San Jose Mercury News, 7/3/93). Even though the law gave the state Attorney General the power to add guns to the list, none have been added since 1989. As a result, there has been a boom in new, legal, assault weapons with features identical to banned guns, but with new names.

The TEC 9 family of guns manufactured by Intratec, shows both the increased criminal preference for legal assault weapons as well as growing popularity in copy-cat designed to get around the ban. The Roberti-Roos Assault Weapons Ban specifically banned the TEC 9 but did not mention the substantially similar TEC 22. As a result, California's trace requests for the TEC 9 have slightly declined, while those for the TEC 22 have doubled (see table 5).

This family of guns also shows the ominous dangers of the copy-cat loophole. On July 1, 1993 Gian Ferri walked into the San Francisco law offices of Pettit & Martin carrying two TEC DC9 semi-automatic assault pistols. With them he shot and killed eight people before taking his own life. The TEC DC 9, functionally identical and look-alike to the TEC 9, was created shortly after the passage of the California law to be sold as a legal version of the TEC 9. Not surprisingly, California trace requests for TEC DC9s have shot up while requests for TEC9s have fallen (see table 5).

The Public Safety and Recreational Firearms Use Protection Act (H.R. 3527), which you are presently considering, would close this gaping loophole by including language to ban assault weapon by feature rather than name. Since this features-based assault weapons ban focuses on military features, it protects the rights of legitimate hunters and sportsmen. The appendix listing over 600 legitimate hunting and sporting guns (including over 60 semiautomatic rifles) would also be an important fail-safe guarantee of hunters' rights.

WOULD A NATIONAL BAN WORK?

Some skeptics have asked whether a national assault weapons ban could work. We already have one that does.

ATF tracing statistics show that President Bush's 1989 Assault Weapons Import Ban has significantly reduced the use of the models it banned over the past three years (see table 6). Trace requests for illegally-used guns banned by President Bush's 1989 Import Ban declined nationally by 16% between 1991–1993. Both California and the nation have benefited from the reduced misuse of these guns.

I hope you will find this information helpful as you consider the Public Safety and Recreational Firearms Use Protection Act. I enthusiastically support it, and hope you will report the bill as it passed the Senate. If you have any questions, please don't hesitate to contact me at (202) 225-5065.

Sincerely,

PETE STARK,
Member of Congress.

TABLE 1.—U.S. ASSAULT WEAPONS TRACE REQUESTS ARE RISING

	All ATF traces	Traces of assault weapons
1986	39,800	2,755
1987	35,100	2,296
1988	37,050	3,977
1989	41,807	4,163
1990	47,770	2,808
1991	53,924	2,991
1992	50,533	3,254
1993	55,665	4,532
1994—projected	60,672	6,332

Table 2.—Assault weapons are also rising as percent of traces

	Percent
1986	6.9
1987	6.5
1988	10.7
1989	10.0
1990	5.9
1991	5.5
1992	6.4
1993	8.1
1994—projected	10.4

Table 3.—California trace requests for weapons banned in 1989 by Roberti-Roos law

1986	246
1987	170
1988	279
1989	290
1990	318
1991	213
1992	235
1993	260

TABLE 4.—GROWTH IN AK-47 TRACES

	AK-47 traces—	
	California	United States
1991	25	336
1992	21	424
1993	28	934

TABLE 5.—TEC 9 FAMILY OF GUNS IN CALIFORNIA

	TEC 9 banned		TEC-DC9 copy cat—legal		TEC 22 legal	
	California	United States	California	United States	California	United States
1991	20	771			4	98
1992	25	640	1	111	5	134

TABLE 5.—TEC 9 FAMILY OF GUNS IN CALIFORNIA—Continued

	TEC 9 banned		TEC–DC9 copy cat—legal		TEC 22 legal	
	California	United States	California	United States	California	United States
1993	16	617	24	454	8	212
Percent of growth 1991–1993	−20	−20			100	116

Table 6.—Decline in trace requests for assault weapons banned by 1989 import ban

	Traces
1991	1028
1992	893
1993[1]	862

[1] From 1991 to 1993 traces declined 16 percent.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 7 p.m.

Accordingly (at 5 o'clock and 50 minutes p.m.) the House stood in recess until 7 p.m.

□ 1904

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. KENNELLY) at 7 o'clock and 4 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4296, PUBLIC SAFETY AND RECREATIONAL FIREARMS USE PROTECTION ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–492) on the resolution (H. Res. 416) providing for consideration of the bill (H.R. 4296) to make unlawful the transfer or possession of assault weapons, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY S. 636, FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–493) on the resolution (H. Res. 417) waiving points of order against the conference report to accompany the bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY HOUSE CONCURRENT RESOLUTION 218, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–494) on the resolution (H. Res. 418) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 218) setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999, and providing that rule XLIX shall not apply with respect to the adoption of that conference report, which was referred to the House Calendar and ordered to be printed.

OXFORD STYLE DEBATES

The SPEAKER pro tempore. The House will again, as it did on March 16, 1994, conduct a structured debate on a mutually agreed upon subject. A member recognized by the Chair and holding the floor as moderator will yield time to eight Members, four from the majority party and four from the minority party.

The primary purpose of this debate is to enhance the quality of the deliberative process of the House of Representatives, so as to enable all Members to be better informed and to participate in subsequent debates and decisions on major issues.

Under the previous orders of February 11 and March 11, 1994, the gentleman from Pennsylvania [Mr. WALKER] will be recognized to moderate a structured debate in the format and sequence that he will describe, which has been mutually established by the majority and minority leaders.

The rules of the House with respect to decorum and proper forms of address to the Chair will apply during this debate. The moderator will yield time to the participants, and will insist that members not interrupt on other Members' time. As part of the experiment—and not as a precedent for other proceedings of the House—the moderator and the participants will have the aid of a visual timing device.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER] for up to 2 hours.

WELFARE REFORM

Mr. WALKER. Thank you.

Madam Speaker, as you have indicated, this is the second in a series of Oxford-style debates instituted in the House of Representatives. The first debate was on health care. Tonight we will be debating the issue of welfare. The specific resolve clause for tonight is "Resolved, welfare has done more harm than good." The Republican team will speak in favor of that resolve clause. The Democratic team will speak against that resolve clause.

The format we will use differs slightly from the traditional Oxford debate. After this introduction of the debate topic, one member from each team will make a 3-minute opening statement to present their position. Then we will hear alternately from the teams, with time and recognition controlled by the moderator. It is during this time that the remaining six debaters will have 1½ minutes to make statements, as well as 4 minutes in which to question and later to be questioned by a member of the opposing team or by the entire team.

During the questioning periods of the debate, we would hope that debaters will keep their questions to approximately 30 seconds, and that respondents will keep their answers to approximately 1½ minutes, so we might fit two questions and answers into each 4-minute segment. After the back and forth debate, one member of each team will be recognized for a final summary statement.

For the assistance of the debaters this evening, we have cards that will give members notice when there is certain time remaining in their segment. We hope to have as much give and take as possible during this debate without speaking over one another. If we do not speak over one another, it will keep the moderator from getting confused, and the moderator will much appreciate that. So please be courteous. We would hope to have a vigorous debate on the resolve clause, which again is, "Welfare has done more harm than good."

The debaters for this evening, from the Republican team, are the captain of the team, TOM DELAY of the 22d District of Texas; GARY FRANKS of the Fifth District of Connecticut; CLAY SHAW of the 22d District of Florida; and SUSAN MOLINARI of the 13th District of New York;

Democratic Members participating in tonight's debate are the captain, MIKE SYNAR of the Second District of Oklahoma; LYNN WOOLSEY of the Six District of California; ELEANOR HOLMES NORTON, the Delegate from Washington

DC; and DAVE MCCURDY of the Fourth District of Oklahoma.

To open the debate tonight, we will ask the captain of the Republican team [Mr. DELAY of Texas] to speak for the resolution for 3 minutes.

□ 1910

Mr. DELAY. Thank you, Mr. Moderator.

The major problem with welfare is that Congress has long been dominated by soft-thinking liberals who believe they help people by giving them things other citizens must earn. Welfare started innocently enough in 1935 with cash assistance for single mothers with children.

President Roosevelt understood that by giving welfare, the policymakers were playing with fire. During debate on the Social Security Act of 1935, he said,

> The lessons of history show conclusively that continued dependence on welfare induces a spiritual and moral disintegration, fundamentally destructive to the national fiber. To dole out welfare in this way is to administer a narcotic, a subtle destroyer of the human spirit.

Congress ignored Roosevelt's wise advice, and now we have created a 1,000-tentacled monster that must be attacked. We give away cash, food, health care, housing, and social services on the simple conditions that recipients promise not to work and not to marry.

We demand virtually nothing in return. The harms caused by this system are immense. Welfare creates incentives not to work, thereby causing and spreading the dread disease of dependency that Roosevelt warned us about.

Welfare creates incentives not to marry so our divorce rates now reach 50 percent. Welfare creates incentives to have children born out or wedlock so 7 of 10 black children and 2 of 10 white children are now born illegitimately.

Welfare is a key factor in creating some of the world's most devastated and dangerous neighborhoods. Welfare spending grows like a cancer, imperiling the budgets of both the Federal and State Governments. We now spend over $340 billion in welfare programs.

Let us be clear on this issue. We, as Republicans, do not condemn all welfare programs. Our position is not that welfare has done no good. Rather, our position is that welfare has done more harm than good.

If a car breaks, do you banish it to the junk yard? No. You repair it. And if the problem is a flaw in the car's basic design, you make major alternations in its basic features.

That is what Republicans want to do with welfare. During this debate, we will outline the major changes we want to make in welfare.

Our guiding metaphor is that welfare is like chemotherapy: A little bit can get you back on your feet; too much can damage you.

In this case, as Roosevelt warned, it will damage your soul and that of your children.

Mr. WALKER. The moderator will now recognize the gentleman from Oklahoma [Mr. SYNAR] to speak against the resolution for 3 minutes.

Mr. SYNAR. Good evening.

Tonight the Democrats will not defend the status quo. Democrats believe that welfare must and is being changed to encourage marriage, reward work, strengthen families. Welfare ought to be a bridge to new opportunities, not a parking lot. Our reforms stress work, demand responsibility from fathers, and place tough expectations on young unwed mothers.

But you know, too often in these debates we let the myths and our prejudices about welfare cloud the facts. Some of them are true, but many of them are not. Tonight, once and for all, let us set the record straight.

Fact No. 1, over two-thirds of all welfare recipients are children, with an average age of 7 years old. Nearly 14 million children, our Nation's future, live in poverty without hope this very night.

Fact No. 2, the faces of a family on welfare look a lot like yours and mine. The vast majority of people on welfare have one to two children, live in private homes, leave the welfare system within 2 years, and are as likely to be white as black.

Fact No. 3, no one gets rich on welfare. The average welfare benefit in this country is $367 for a family of three. And Federal spending for welfare is less than 1 percent of our general spending each year.

The Democrats recognize that the current welfare system must be reshaped in order to move people from poverty to work. However, we reject the proposition that welfare has done more harm than good.

Tonight we will present an outstanding example of its success, a mother who used welfare to stabilize her family and move herself forward, all the way to the U.S. Congress.

Democrats believe reform began last year when we enacted legislation that granted tax relief to working poor families and passed legislation so that a mother would not lose her job in order to take care of a sick child. We also believe more needs to be done, providing affordable health care, developing quality child care, and creating stable, good-paying jobs.

These are commitments Democrats have to working people. It has been said that the real measure of a great people is how they treat the least among them. Tonight we find out what that measure is.

Mr. WALKER. The moderator will now recognize the gentleman from Connecticut [Mr. FRANKS] to speak for the opening statement.

Mr. FRANKS of Connecticut. Thank you, Mr. Moderator.

In many ways, welfare is the 20th century's version of slavery. It is reserved for those who are in the worst possible socioeconomic position.

Its victims are dependent on the very system that enslaves them. Its victims receive shelter, food, health care, and clothing from the system. The plantation, as a residence, and the often-used public housing units of today, both leave its victims feeling trapped. Welfare enslavery restricts its victims from sharing the American dream of ownership, prosperity, and hope. Its slave owners or overseers flourish at the expense of its victims. It thrives largely due to a divided family unit.

During slavery, the family was divided via the slave trade business. Today welfare fails to hold the male accountable and inadvertently does its best to push the male out of the house.

Lack of education and hope are two other common denominators between welfare and slavery. Without either, one cannot progress.

We have babies in poverty having babies, thus our current system has produced generations of welfare-dependent children. Our welfare system continues to play the role of the fish delivery man for able-bodied people. Instead, we should help and insist that able-bodied people should catch their own fish.

Eliminating dependency ultimately makes one stronger.

Mr. WALKER. The Chair will now recognize the gentlewoman from California [Ms. WOOLSEY] speaking against the opening statement for 1½ minutes.

Ms. WOOLSEY. My knowledge of welfare is based on experience, my experience as a single working mother with three small children needing welfare in order for my family to survive. That was 25 years ago.

But even today, my face is the face of a typical welfare mother. I am white. I had three children. I was on welfare for 3 years, when my marriage broke up and left my family without child support and without health care.

There are many faces on welfare families, but the thing we have in common is that we need a safety net for our children. We are a people who have worked, paid taxes, and cannot find a job that we can afford to live on.

We are people who need training, who need health care, who need good child care in order to go to work.

We are a people who are poor, because we are divorced or deserted or left without child support.

The welfare system is broken. There is no question about it. But we will not fix it until we have jobs that pay a family wage, until we have health care, until we have a child support system and until we have a child care system for our working families.

Most of all, we have to hold both parents responsible for supporting their children. It comes down to this: We either punish innocent children for being

poor, or we invest in them so that they can get off of welfare once and for all like my family did.

□ 1920

Mr. WALKER. The moderator will now recognize Mr. FRANKS for 4 minutes to question Ms. WOOLSEY.

Mr. FRANKS of Connecticut. Mr. Moderator, the intent of welfare was to serve as a temporary safety net to help people get back on their feet, yes. However, it has gone off course considerably. In my opening statement I compared welfare to slavery. We can all agree that slavery was a horrible period in our history, and it was right for us to end slavery.

Welfare versus slavery, slaves were brought here against their will, the intents were different, slaves were black, for the most part, and slaves worked. Could you point out other differences between slavery and welfare?

Ms. WOOLSEY. What I will point out is the safety net of welfare, and what we need to change, so we will not keep welfare recipients, particularly single mothers, on welfare for the long term. That is by investing in the short term for long-term results, and by not treating our welfare recipients as slaves, not trapping them in a system, providing them with the skills and the knowledge they need for the jobs of the future, jobs that pay a family wage.

Do you know that 18 percent of working families in this Nation today with a family of four live below the poverty level?

Mr. FRANKS of Connecticut. You did not answer my question. My question would be, could you point out some of the differences.

Ms. WOOLSEY. I don't agree that welfare and slavery are the same thing, Mr. FRANKS.

Mr. FRANKS of Connecticut. Could you point out the difference between welfare and slavery?

Ms. WOOLSEY. I do not see welfare and slavery the same. That is your thesis, and not mine.

Mr. WALKER. The time is controlled by Mr. FRANKS.

Mr. FRANKS of Connecticut. In my remarks, I talked about how there was a lack of education, a lack of hope, the plantation being very similar to a project. I talked about the fact that today you have people entrapped.

Can you tell me any differences? If not—we ended slavery. If you cannot tell me any differences, I would presume you would also agree that we should end something that is very comparable to slavery.

Ms. WOOLSEY. I do not agree with your thesis that welfare and slavery go hand in hand. What I would like to address, however, is child support.

Mr. FRANKS of Connecticut. Could you tell me why you do not agree with that? Do you agree it was a lack of education?

Another question for you, both slavery and welfare will reward or praise the mother for having another child. For the slave, obviously more children would increase the slave master's work force. Our welfare system gives mothers more money for having more babies. Do you agree with this approach, and if so, my wife and I are expecting a baby this month. Should I start to send letters to my constituents asking them for a raise?

Ms. WOOLSEY. Mr. FRANKS, I hope you can raise that child on an average of $63 a month. That is not enough of an incentive to have another child.

Let me tell you, welfare receipents have smaller families than the average family in this Nation, a family not on welfare.

Mr. FRANKS of Connecticut. She is not answering my question.

Do you agree that we should pay mothers more money for having more babies? That is the question.

Ms. WOOLSEY. I agree that we should not punish the children of those mothers, and that $63 a month is not enough——

Mr. FRANKS of Connecticut. Does that mean yes or no?

Ms. WOOLSEY. Is not enough to be an incentive to add a person to your family.

Mr. FRANKS of Connecticut. We should pay them more? So I should receive a raise when my baby is born?

Ms. WOOLSEY. If you can afford to raise a child on $63 a month, that is fine.

Mr. FRANKS of Connecticut. There are a number of individuals today who are earning $25,000, $30,000, and $40,000 a year, and upon their having another baby they cannot walk in to their supervisors and demand an increase in pay.

Ms. WOOLSEY. They get a nice tax deduction for that child.

Mr. FRANKS of Connecticut. They cannot go in and ask for an increase in pay.

My last question, and I will try to be brief with this, lastly, do you believe that noncitizens should receive welfare, with the exception of refugees and individuals over the age of 75?

Ms. WOOLSEY. Noncitizens are not covered by welfare. They have not been, and there are no proposals——

Mr. FRANKS of Connecticut. Currently they are.

Ms. WOOLSEY. Noncitizens, or illegal aliens are not, noncitizens are. Yes, I believe that is part of our society. If we want to debate a change in the Constitution, let us do that later.

Mr. FRANKS of Connecticut. You would want to see taxpayers' dollars go to noncitizens?

Mr. WALKER. The time of the gentleman has expired.

Now I recognize Ms. WOOLSEY for 4 minutes to question Mr. FRANKS.

Ms. WOOLSEY. Mr. FRANKS, I can tell you as a former welfare mother that the main reason families are on welfare in the first place is because there aren't enough jobs that pay a family wage, and there aren't the support systems like child care and health care so that they can get off welfare and go into the work force.

I am sure you are aware that we have just been through a recession. Families were struggling to get by, and they are still struggling, just like I did when I was on welfare. In fact, as I said, 18 percent of working families with four members are earning below the poverty level today. Families like this need welfare to survive.

Aren't you aware that the welfare rolls grew primarily because of economic hard times?

Mr. FRANKS of Connecticut. Statistics would show that the growth in poverty that we have seen has been due largely to the growth of the teenagers giving birth out of wedlock, and we have statistics to support that.

Yes, we should try to create more jobs. That is why I have always been a strong advocate of trying to put forth tax policies that would help employers to employ employees. The capital gains tax cut would do that, and a number of other measures.

Yes, we must try to increase the number of jobs. In the last 30 years we have produced 52 million jobs in this country, an average of 1.7 million jobs a year. We have seen programs in your State of California, and in Riverside, CA, a welfare-to-work type of program that was able to increase the number of jobs for individuals on welfare.

Yes, we must try to create jobs. We have to remember that today, unfortunately, we have a number of single parents out there who are teenagers. In the Republican bill we will not allow a teenager to be able to receive, or a minor, to be able to receive welfare benefits. That is, that individual——

Ms. WOOLSEY. Mr. FRANKS, you have gone past your time, I believe.

How do you explain the Congressional Budget Office report which clearly shows the recession was a major factor in this increased welfare case load since 1989?

I don't need a report to tell me that, because I know from personal experience. I look around my district and I see some of the same things. How do you explain that report, and not put that down to the economy as why welfare is growing?

Mr. FRANKS of Connecticut. I have not seen that report, but as I stated to you before, we have seen a growth, a rapid growth, of teenaged birth in our society. In the 1980's we had a tremendous amount of economic prosperity during the 1980's, as you well know. We did have a recession. The recession hurt all individuals. It did not hurt just the poor. It hurt those individuals who are in the middle class, it hurt those individuals in the upper class.

Whenever you have a recession, it has a way of hurting all individuals. We are not going to deny that, Ms. WOOLSEY.

Ms. WOOLSEY. I think I have to clear something up. One percent of the Nation got a lot richer while the rest of the country got a lot poorer over the last 12 years.

Mr. FRANKS of Connecticut. May I respond to that? More blacks were able, just looking at the black population alone, more blacks were able to move into the middle class during the 1980's than any other time in our history. More blacks were able to buy a home during the 1980's than at any other time in our history, and more blacks were able to purchase a car during that time than any other time in our history. We had the greatest expansion of jobs during the 1980's than any other time in our history during peacetime, so you are wrong.

Ms. WOOLSEY. People got poorer. There is no question about that.

Mr. FRANKS of Connecticut. We had lower class that expanded because we allowed babies to have babies.

Ms. WOOLSEY. What I would like to talk to you about right now is why I had to go on welfare in the first place, because I did not have child support, I did not have health care, and right now out of the $47 billion that is owed in court-ordered child support every year, only $13 billion is collected.

How do you propose that we collect that $34 billion that is the gap between what the States collect and what they are not collecting?

Mr. FRANKS of Connecticut. Ms. WOOLSEY, I say, God bless you. You are an example of a success story, and I am pleased to be able to see that, and to be able to hear you talk about it.

Mr. WALKER. The time of the gentleman has expired.

Mr. FRANKS of Connecticut. The problem I have with all these individuals is the fathers we have not identified, who are not taking care of their children.

Mr. WALKER. The moderator will now recognize Mr. SHAW of Florida to speak for the opening statement for 1½ minutes.

Mr. SHAW. I thank the moderator. I think we can all agree on what is a fact: If you subsidize something, you will get more of it. The United States Government subsidizes illegitimacy. Amazingly enough, our Government has struck a deal with young women having illegitimate babies: We will give you cash, food, medical care. It is all guaranteed. More than likely, we will also give you housing. That is a package, my friends, that is worth $16,000 a year. It is guaranteed.

For this, though, you must agree to two conditions: Do not work, and do not get married, and in return we will guarantee that you will live in a permanent state of dependency.

Today 3 of 10 births in America are to unmarried women. The rate of black babies is a shocking 7 out of 10 babies. President Clinton has admitted that welfare plays a strong role in promoting illegitimate birth and single-parent families. Social scientists agree that children raised in single-parent families get less education, they are more likely to be on welfare as adults, and are more likely to commit illegal acts. It is clear that the presence of a male and a female role model in the house is essential to a well-rounded upbringing.

□ 1930

Yes; there are heroic women who do a wonderful job raising their children. We have just heard from one. But virtually no one disputes the fact that on the average kids from single-parent families have more problems than kids from two-parent families.

Mr. WALKER. The time has expired. The Democratic team is now recognized to interrogate Mr. SHAW for 4 minutes.

Ms. WOOLSEY. Mr. SHAW, how much does aid to dependent children pay a family of three in your district?

Mr. SHAW. In Florida? Well, this is one of the problems that I have been noticing on your questioning.

Ms. WOOLSEY. I know the answer.

Mr. SHAW. What you are asking, you are adding up, just taking aid to families with dependent children.

Ms. WOOLSEY. That is what I asked.

Mr. SHAW. When you talk about welfare, you have to talk about food stamps, you have to talk about child nutrition programs, you have to talk about housing, you have to talk about all of the things that come into this.

Ms. WOOLSEY. That is not what we are talking about.

Mr. SHAW. Even without housing, it amounts to $12,000 a year in the State of Florida, and I think it is even higher in your State of California.

Ms. WOOLSEY. Well, as a matter of fact, aid for dependent children, which is welfare, and that is what we are talking about tonight, welfare reform, we are not talking about food stamp reform.

Mr. SHAW. I disagree emphatically. We are not just talking about——

Mr. WALKER. The time is controlled by the Democratic team.

Ms. WOOLSEY. Aid for dependent children in your State pays an average of $367 a month. Let me ask you: Do you think that is living high on the hog?

Mr. SHAW. When you add to it the other benefits, it is certainly above minimum wage. Minimum wage in this country is only about $8,800 a year. Now we are competing and having the people on welfare getting a total package without housing of $12,000 a year. Where is the incentive to go to work when you can go to work and get a reduction? That is the problem with the system. That is why welfare is not working in this country today, as you, much to our surprise, in your opening statement said, that the welfare system is sick and must be corrected.

Our position is that it is a disincentive to work, it is a disincentive to independent self-empowerment, to maintaining control over their lives today.

Ms. NORTON. Mr. SHAW, I cannot understand, given the zeal with which you want to clear the welfare rolls, why your side of the aisle seems to be against all training for people on welfare.

Mr. SHAW. That is absolutely——

Ms. NORTON. I have the time. Sixty-eight percent of the American people are saying that they are willing to pay more to clear the rolls. I want to ask you about a person like a hypothetical Mary who worked all of her life, lived in a steel town, got laid off, used up her unemployment insurance, had to go on welfare, now has no job. There are no jobs of the kind she was trained for. Want to be trained for a permanent job. Why, Mr. SHAW, should not Mary be trained for a permanent job so that she can leave welfare? She has a work history all her life.

Mr. SHAW. Oh, Ms. NORTON, I am sure you will be quite surprised to know I agree with you. She should be trained. And this is exactly what the Republican bill has said.

The Republican bill says that this woman who is on welfare deserves a second chance. We will give her education, we will give her training, we will even search for a job for her, and we are going to limit that to 2 years.

Ms. NORTON. Your bill calls for job search. What Mary needs is training because in the steel town——

Mr. SHAW. It has training.

Ms. NORTON. She cannot qualify for the other jobs.

Mr. SHAW. Ms. NORTON, I know you hear me, but you are not listening. Training is in the Republican bill.

Ms. NORTON. So you concede that training——

Mr. SHAW. Perhaps you would like to join us in the discharge petition we have filed today.

Ms. NORTON. Mr. Shaw, you concede that training has to be a part of any successful strategy to remove people off the welfare rolls?

Mr. SHAW. You are so right.

Ms. NORTON. Even if it costs money to do so?

Mr. SHAW. You are so right. And do you know how we get that money, because it does cost money? We say that this is only available to citizens of the United States, and people who are here as political refugees or people over 70 years old. And we create a $20 billion surplus.

What we are doing is taking care of our own people. We are training them, we are giving them self-esteem, and we are going to get them back into the job market. We are going to give them independence.

Ms. NORTON. Of course, if Mary does not have a job after she has been trained, you will kick her off welfare at that point.

Mr. WALKER. The time has expired.

Mr. SHAW. If I may respond to the last question, Mr. Moderator?

Mr. WALKER. Briefly.

Mr. SHAW. If she cannot find a job, we will get one for her. We need more child care, we need cleaning up at the housing projects, we need these things. All we require is that after that 2 years she is going to work for these benefits.

Mr. WALKER. We now will have Ms. NORTON speaking against the opening statement for 1½ minutes.

Ms. NORTON. Mr. Chairman, the present welfare system is a monument to passive government. It helps you get on. It will not do anything to help you work your way off.

There is only one solution that will work, and that solution is work, steady work and steady income sufficient to support a family.

Work is the solution of choice of the American people as well, and is the solution of choice of welfare recipients. Work is not just what welfare recipients want. Work is what welfare recipients do. More than two-thirds of them leave the rolls by themselves.

The Congress has to focus on what the problem, the real problem is here. It is not getting off, it is keeping off. They come back for lack of a steady job that pays enough to support their family or the sine qua non for keeping a job, and that is a place to leave your child.

You are not serious about welfare reform unless you are serious about jobs that pay a family wage and assist people in finding a place to leave their children. The obligation to support one's own child is undebatable. There is no easy or cheap way out however for the Congress because two-thirds of the people we are talking about are children.

There should be no free lunch for mothers on welfare. But we will find out that neither is there a free lunch for Congress as it strives to reduce the welfare rolls.

Mr. WALKER. The Republican team will now be recognized for 4 minutes to interrogate Ms. NORTON.

Mr. DELAY. I must say, Ms. NORTON, it looks like we have agreement that welfare has done harm, more harm than good, listening to the opponents to the proposition. Maybe we ought to get down into the details.

I do not know where you all get your figures, but they are really fun to listen to, but inaccurate. I have got several charts here that I would like to explain to you. These charts are given to us by the Congressional Budget Office and the Congressional Research Service run by the Democrat majority that controls this House. It shows that welfare spending from 1950 to 1992 has increased significantly, gone out of sight; yet at the same time, AFDC enrollment has gone out of sight, the illegitimacy rate has gone out of sight, the poverty rate has gone out of sight.

Mr. WALKER. Question, please.

Mr. DELAY. How do you explain that you want to continue more of the same but expand more spending on welfare, and it will not change these numbers?

Ms. NORTON. I remind you it is a Democratic President who has come forward with the notion that we should fundamentally change welfare as we know it. We are not foolish, however. As I said in my statement a moment ago, there is no free lunch or cheap way to cut the welfare rolls.

In order to cut the welfare rolls we are going to have to do what business does when it wants a return on its investment. We are going to have to invest in those people if we want them to stay off of welfare.

Mr. DELAY. An investment means more spending. So what you want——

Ms. NORTON. Investment.

Mr. DELAY. But what the President says is a notion, not a bill. He has yet to come with a bill. But what I have heard three speakers now talk about is more spending. So you want to end welfare as we know it, but you want to create more welfare as we know it, and you want to preserve welfare as we know it, and you want to go in all directions at once, right?

Ms. NORTON. Sixty-eight percent of the American people said they would be willing to spend more if you could get people off welfare and keep them off welfare.

What we want to do is to take this matter in gulps that are digestible by our economy and move people off of welfare and keep them off of welfare. Recidivism we see on welfare comes precisely from the fact that the welfare system as now structured gives them no help, gives them no training.

If in fact a mother has a place to leave her child that is reliable, if in fact a mother has a job that is reliable and pays enough, she will not come back on welfare.

What you want to do is throw her off when in fact she cannot find another job. You want to say too bad, you and your children too, we have no more responsibility for you.

Ms. MOLINARI. Ms. NORTON, if in fact we came up with a proposal that says we will provide education and training and day care and help you find a job, would you agree to a bill that eliminates AFDC payments after 2 years to the recipients?

Ms. NORTON. I would agree to the elimination of AFDC payments if in fact a person has lived by the rules and has found a job. If in fact that person has done all you say but lives in the steel town that Mary lives in that I just described, and she cannot find a job, if she lives in Washington, DC. And the inner city where 12 percent of the people are unemployed, then of course I am not going to throw her and her children out in the street.

□ 1940

Mr. WALKER. Republicans control the time.

Ms. MOLINARI. Under the Republican proposal, we would then provide her with a job. Presumably, though, from your response, the answer is no.

Ms. NORTON. If you provide her with a job, of course, you provide her with a job at less than the living wage. Suppose that job, however, suppose even after that she cannot find a job, you then throw her off welfare anyway.

Mr. WALKER. Time is expired.

Ms. MOLINARI. It would be the same benefit as if she had found a job in the private sector.

Mr. WALKER. Time is expired. The moderator will now recognize Ms. MOLINARI to speak for the resolution for 1½ minutes.

Ms. MOLINARI. Thank you.

The probability of a child growing up to be dependent on welfare is four time greater if that child comes from a welfare-dependent family. Welfare is not working.

While one-half of mothers on welfare are off in 1 year, 75 percent will end up back on the welfare rolls for at least part of the next 8 years.

Welfare is not working. America has gambled with $5 trillion, more than our national debt, but has never stopped to see that welfare just is not working.

Since the War on Poverty began in 1965, we have increased spending more than 14 times, with basic spending on poor individuals going up fivefold, yet during this very same period we have made no progress against poverty. People more than ever use welfare.

The illegitimacy rate has quadrupled, and our violent-crime rate has quintupled.

If we are going to continue to help people, and we should, we must demand change for the recipients' sake and the very survival of our society.

We must have the courage to break that cycle of poverty, because only then can we make sure that welfare will work.

Mr. WALKER. Thank you. And now the Democratic team will have 4 minutes to interrogate Ms. MOLINARI.

Ms. WOOLSEY. Congresswoman, I was on welfare for 3 years. I do not know what my children would have done without that safety net.

Since Republicans propose completely denying all benefits to these families after a short period of time, what do you propose to do with the children? Are you supporting your Republican colleagues who want to put these children in Government-run orphanages or putting them up for adoption?

Ms. MOLINARI. Under the Republican proposal, the short period of time

to which you just referred is a full 2 years, and during those 2 years we are going to provide women with education, with day care, with, in fact, job training. And we will provide, if they still cannot find a job, with the Government's assistance, a Government-sponsored job to help create and fill in the voids that exist for our society.

And the other thing that we are going to be doing to help the children that you talk about is to enable that mother to feel good about herself, something I know you more than any of us can truly identify with, thereby forcing that woman to, yes, provide a truly integrous role model for the children to which you have just referred.

Ms. WOOLSEY. Let me remind you, I was educated, I was healthy, my children were healthy, and you know I was aggressive and assertive. I was on welfare for 3 years.

Ms. MOLINARI. I have no doubt about that, Ms. WOOLSEY.

Ms. WOOLSEY. I was on welfare for 3 years.

Your district in New York City has an unemployment rate of 11.7 percent; almost 30 percent of the households are headed by women. How many people on welfare in your district could get off in 2 years?

Ms. MOLINARI. Ms. WOOLSEY, unfortunately, my district that you just described is very accurate. But unfortunately we have tremendous societal needs that could truly be addressed under the Republican alternative if we created those Government-sponsored jobs that allowed women to, in fact, while their children were receiving day care, come into the communities and run day-care sessions of their own, help to engage in a graffiti program so we could clean up and feel good about our inner-city communities. Oh, Ms. WOOLSEY, I would need more than 4 minutes to respond to that question to tell you all the needs we could find that that working mother, if she wanted to work, could truly add to society and herself and the well-being of her family.

Mr. MCCURDY. Ms. MOLINARI, sometimes it seems like we are talking past each other here, and I am not so sure that in many cases we are not closer to having agreement than we are actually arguing.

Ms. MOLINARI. And I am grateful. I think this debate has at least illuminated that, yes.

Mr. MCCURDY. We have heard a lot about teen pregnancy, and the Republicans have argued that welfare has caused illegitimacy and an outbreak of out-of-wedlock births in this country.

But, in fact, we have an alarming rate in nonwelfare society as well. And within the bill, there is nothing there to really address teenage pregnancy other than cutting off benefits. Would you not rather join a Democratic proposal to have a national campaign to fight teen pregnancies, to prevent teen pregnancies, so that we can actually address the real problem in America?

Ms. MOLINARI. Clearly, you know, Mr. MCCURDY, I do support prevention, and I do think that maybe someday if we all do our job that a discussion such as we have will not be necessary, because we will have finally gotten to help educate young women as to what is going to happen.

But first we have got to create, and now you said that we say that welfare causes pregnancies. I do not think that is true. But it certainly encourages pregnancies.

Whether or not we want to say that woman is on welfare at the time that she gets pregnant, it is, in fact, a fact that 80 percent of teen mothers will be on welfare within 5 years, so they do take advantage of the system. They know it is the system that is there, and it is, in fact, the system that perhaps has led them astray, has told them they do not need to seek out their male counterparts for responsibility, and this fact has placed them in a cycle to which most of them will find a very difficult time of breaking out.

Mr. WALKER. Time has expired.

The moderator will now recognize Mr. MCCURDY to speak against the resolution for 1½ minutes.

Mr. MCCURDY. Thank you, Mr. Moderator.

Tonight I want to talk about what I consider the most critical aspect of welfare reform and that is individual responsibility. Welfare reform must reconnect recipients to the world of work and reestablish the traditional American values of work, family, individual responsibility, and opportunity.

In exchange for transitional support in search of a job, en route to a job, recipients must assume personal responsibility on their part and their end of the contract, finding a job, getting job training, and in other ways working themselves off the welfare rolls.

As part of that contract, we must change the culture of welfare, and to those who administer it today, as just a way to qualify for income maintenance, to job placement; a reform system must reward work and encourage two-parent families. It should also provide incentives to young people to make better choices with regard to parenting and getting an education.

It also needs to have stiff enforcement for fathers who neglect child support payments.

Welfare must be a hand up, not a handout, and, therefore, it must be an invitation to join the American work force, to break out of the cycle of poverty and despair and offer hope for the future.

It can work. I have personally seen successful projects in California, Wisconsin, Indiana, and my own State of Oklahoma. I only hope my colleagues on both sides of the aisle, Democrats and Republicans, will support smart and responsible welfare reform.

Mr. WALKER. The time is expired.

The moderator will now recognize the Republican team to interrogate Mr. MCCURDY for 4 minutes.

Mr. DELAY. Mr. MCCURDY, do you support what the President's task force on welfare reform has presented to the President?

Mr. MCCURDY. I think we are here tonight in large part because the President has said we must meet, we have to change welfare as we know it, in this country, and I believe the task force has done yeoman work in presenting an outline and a model.

As a matter of fact, many of the Republican proposals that I am aware of have come directly from the suggestions of the task force.

Mr. DELAY. They are going to change welfare as we know it, that is for sure. They are going to make it bigger.

The Task Force on Welfare Reform has suggested that we make work pay by guaranteeing health care, by advance payments of EITC, a brand-new entitlement program, expanding child care, spending an additional $8 billion to $12 billion more, and they do not know how to pay for it.

Should we not make work necessary rather than pay, than create new entitlement programs, and expanding the existing entitlements?

Mr. MCCURDY. Mr. DELAY, quite frankly, some of the concern I have is the Republican proposal actually spends more money than what the White House Task Force is proposing.

Mr. DELAY. Have you read our proposal?

Mr. MCCURDY. I have, indeed. I have spoken with the sponsors of it.

Mr. DELAY. It saves $20 billion over 5 years.

Mr. MCCURDY. It is actually now talking about spending more money than what the Democratic task force has suggested.

Mr. DELAY. No; not at all. You have not read our proposal.

Mr. MCCURDY. I actually have a proposal that works to address many of those obstacles to work.

What we are arguing and what the President has said is work must pay, and that is why we supported an earned income tax credit which takes the minimum wage job, by tax credit, and supplement to and through the employer, to make it a paying job.

There are real obstacles to paying.

Mr. SHAW. Mr. MCCURDY, you mentioned just about a short minute ago, maybe a long minute ago, that we took from the President's bill.

I would like to ask you: Have you had an opportunity to read the Shaw-Weber bill that was filed about 4 years ago? I would, if you have not, enlighten you to tell you that there is nothing that the President has said right here in these Chambers, in the State of the Union, or publicly said with regard to welfare, that was not in that bill.

Mr. McCURDY. Are you not pleased that finally we have some bipartisan support in this country to solve real problems? And the debate tonight has really been a recommendation on how do we solve problems.

□ 1950

Mr. SHAW. Could I ask you a question, then, as one of the leading Republican—excuse me—one of the leading Democrat advocates of what I consider real welfare reform, as you certainly are, I am sure you would be one of the first to see the President's bill. Have you yet to see the President's bill, or do you know if it is even written? Because we have not received it on this side.

Mr. McCURDY. We have met a number of times with the White House task force on welfare reform.

Mr. SHAW. Has the bill been written yet?

Mr. McCURDY. I do not believe it has.

Mr. SHAW. The President promised to have a bill by this time.

Mr. McCURDY. If I may respond, the President has made a commitment to present a welfare reform bill this year. I am presenting a bill next week with a large group of Democrats. But we also represent some diversity on this side of the aisle.

Mr. SHAW. We concede that.

Mr. McCURDY. We believe that maybe we are fighting——

Mr. SHAW. The answer to the question is "no," you have not seen the President's bill. Is that correct?

Mr. McCURDY. No, and quite frankly I have not read your bill as well, the Shaw-Weber bill, but I have read the one by Mr. SANTORUM.

Mr. SHAW. The one by Mr. SANTORUM and those of us on the task force on this side have written comes from—much of it is taken from the Weber bill. It is a kinder, gentler Shaw-Weber bill, I might say.

Mr. McCURDY. In many respects, there are some elements within the bill that the President of the United States has also embraced; a 2-year time limit, trying to reduce obstacles to work, having job training.

Mr. WALKER. The time has expired.

The moderator will now recognize the Democratic team to interrogate Mr. DELAY for 4 minutes.

Ms. NORTON. Mr. DELAY, you have completely fudged, you and your team, the final outcome.

Mr. DELAY. Wait a minute, do I have fudge all over me?

Ms. NORTON. Please do not take away from my time. Let me put before you the scenario that would be created by the Republican approach. Here is Sally Jones, she wants to play by your rules. She lives at home, that is, when she was a teen parent, just as you would want her to do instead of going on welfare. She could not find—she went back to high school, has not been able to find a job. She has worked off her grant, and she has gone past your 3 years, but she lives in a high unemployment area and she has not been able to find a job, does not have any car.

Mr. WALKER. Question, please.

Ms. NORTON. The question is: After she has played by all of your rules and she still cannot find a job, would you kick her off of welfare, which is to say her child?

Mr. DELAY. No, no. We are going to say to her, if you continue to receive benefits, you have got to work at least 35 hours a week.

Ms. NORTON. You will let her work 35 hours a week?

Mr. DELAY. Not "let her."

Ms. NORTON. As long as necessary to support her child, she will never be kicked off welfare?

Mr. DELAY. No. She will receive benefits, but she has to work for those benefits. What is wrong with working and earning the benefits you are receiving?

Ms. NORTON. Nothing is wrong with earning the benefits you are receiving. That is indeed what we would want. Of course, she would be working at less than the minimum wage for 35 hours a week under the Republican approach. I doubt that that is——

Mr. DELAY. What you would have, Ms. NORTON, have her do is to be isolated in a room somewhere with her kids and not let her out.

Ms. NORTON. I would want——

Mr. DELAY. What we would want her to do——

Ms. NORTON. Mr. Moderator, is the time not mine?

Mr. WALKER. Yes.

Mr. DELAY. Well, may I answer the question?

Ms. NORTON. The question is——

Mr. DELAY. Do you have a question?

Ms. NORTON. The President's approach is a public service job, a public service job, not a 35-hour-per-week job where you work for $2 an hour and ultimately lose your welfare benefits anyway.

Mr. DELAY. Do I have a question here, or do I get to listen to a lecture?

Mr. McCURDY. I have a question, too, if you like.

Mr. DELAY. Could I answer the lecture? First off, let me say we have not seen what the President has, we have just seen the leaks that he put out and the balloons that he sent up out of the White House to see what would go with the polls. But what we have seen is more welfare, more programs, more entitlements.

What we want is we want to give that young mother an opportunity to get out, out of that isolation that you want to put her in and keep her in, because the best way to get a job is from another job. So, if she is out there working at least, for her benefits as a teachers aide or daycare aide or just working around her public housing unit, cleaning it up, cleaning graffiti off, she is going to meet other people and know that there is a real world out there and those people will help her get a job. It is called the real world, earning your way.

Mr. McCURDY. May I ask a question? I was in Indianapolis, IN, in a project called America Works, where they emphasize job placement. There has been a great deal of success. A young man in that room told me that he had a job in the private sector that had insurance, but because his son had a preexisting condition, it made more economic sense for him to go back on welfare and get Medicaid. You cite the increased cost in entitlement spending, but half of that cost today is in Medicaid.

Would you not rather join and have a responsible approach that reduces those obstacles to work and actually have real health care reform and try to—which is a primary ingredient in any kind of welfare reform?

Mr. WALKER. Question?

Mr. DELAY. Well, I did not know we were debating health care reform. Our bill eliminates preexisting conditions. For example, in your example, he would be able to get health care, and if he could not, he could go onto the Medicaid system. So we are not any way different in that regard.

Mr. WALKER. Time has expired.

Now the Republican team will interrogate Mr. SYNAR for 4 minutes.

Mr. FRANKS of Connecticut. Mr. SYNAR, let us stay with the real-world example here. It is my belief that some welfare dollars are ending up in the hands of drug dealers. We all have heard about the Chicago welfare story where 20 people were living in a 2-bedrom apartment, 4 adults were receiving $4,500 per month in cash payments. It was alleged that some of these welfare dollars were going to support their drug habit. What would you recommend to stop cash from being used in this manner?

Mr. SYNAR. Well, I am glad you brought that up, because I think it is a problem that all of us Republicans and Democrats should be sensitive to. Let us first of all complement your President, our President, George Bush, who during his administration really squeezed out a lot of the fraud and abuse that was in the welfare system. In fact, the overpayment rate, for example, has gone to just about 4.96 percent, which is down 17 percent from just 1991.

All of us believe in better enforcement. You would argue for a debit, where people would do that. What we are working for as Democrats is to give them a credit, a credit card, and a future.

Mr. FRANKS of Connecticut. Getting back to the point that you brought

up—I did not bring up—that is the debit card which would allow for us as taxpayers to have an accounting of all dollars spent by welfare recipients—and we do the same for defense contractors today. We get an accounting of every single dollar the defense contractor would spend to construct a helicopter or an airplane. One again, it is not hurting, it is not hurting the recipients of welfare, but it is hurting, potentially, drug dealers. Would you be in support of a proposal of that nature?

Mr. SYNAR. As I said, I think that the Democratic Party would be more interested in a credit card approach rather than a debit card.

Mr. FRANKS of Connecticut. The bottom line is: Would you be interested in eliminating cash? Like some example, obviously we want to have direct payments to landlords, utility companies, some incidental cash being given to the individual. But the principle of not allowing what we saw in Chicago to happen anywhere else in America, would you be in favor of that type of structure, where we would have an accounting of the dollars that are being spent on welfare?

Mr. SYNAR. Recognizing that the gentleman and I agree that we have better enforcement, I think the gentleman would also agree that if you have simply a debit, you move yourself right back into the category of your opening statement, which is slavery, which are no options at all. With cash, used responsibly, you give options and get away from that slavery.

Mr. FRANKS of Connecticut. This is simply an accounting type of measure. It eliminates fraud.

Mr. SHAW. Mr. SYNAR, I was taken by your opening statement in which I think you might have even caught us a little off balance by moving closer to our side of the debate than we anticipated from your opening remarks. But I compliment you for your candor because what we are trying to do is to craft a welfare bill that will empower the poor and get them out of the cycle of poverty. Would you support a bill that requires work after 2 years, 2 years and you have got to accept a job that is given to you or your benefits are cut off?

Mr. SYNAR. I think that is an excellent question, Mr. SHAW. I think both parties agree the best way to eliminate the welfare cycle is to provide good jobs to help you raise your family.

Mr. SHAW. Would you support one that would require that?

Mr. SYNAR. We can require jobs that may not be available. That is the problem.

Mr. SHAW. If it is not, you supply them. But you take the basic proposition that you will support the enforcement that in 2 years you have got to work at something, if you cannot find a job we will find one for you, and if we can find one for you, then you know at that point you have got to take it or we will find it for you. The question I have as a follow-up because I am seeing a little hesitation on your side, what does this have to pay? And if we supply such a job, a public service job, the one Mr. FRANKS talked about and the one Ms. MOLINARI talked about, like taking graffiti off the wall in the housing project, helping there, helping with daycare?

Mr. WALKER. Question, please?

Mr. SHAW. The question is: Would you include as part of that payment for that job the other benefits that are received, or would you say that you have got to pay at least minimum wage?

□ 2000

Mr. WALKER. The time is expired. I will give the gentleman from Oklahoma [Mr. SYNAR] a brief period to respond.

Mr. SYNAR. I think the basic difference between the Republican approach and the Democratic approach that we are talking about tonight is that you would cut people off. We want to build for the future through work, 2 years is inflexible. We believe that there would be cases like Ms. WOOLSEY's, that 3 years is more appropriate and, in a lot of cases, where 2 years is too much. We believe in the flexibility to adjust to the individual circumstances.

Mr. WALKER. The time is expired.

The moderator will now recognize the gentleman from Florida [Mr. SHAW] to question the gentlewoman from the District of Columbia [Ms. NORTON] for 4 minutes.

Mr. SHAW. Ms. NORTON, I would like to explore what I see is a possible division in the ranks on your side to see if I can put a spotlight on it to try to set up the stage as to where we are going to be when this debate finally comes to the floor of the House of Representatives.

Do you agree, and I would ask you to answer this yes or no, do you agree that there is a welfare crisis in this country today?

Ms. NORTON. Of course. The Democrats have taken the initiative to deal with that crisis.

Mr. SHAW. If you would send us your bill, I would be happy to see it because I have not seen the Democratic bill, and——

Ms. NORTON. Sorry?

Mr. SHAW. Seen the Democratic bill, and I don't think——

Ms. NORTON. Well, let me——

Mr. SHAW. And what have you, the Democrats, done to take the lead in the House on welfare reform? I very much want to know that because I am on the committee that has jurisdiction.

Ms. NORTON. Even before the President submitted his health care reform bill, it was clear he had taken the lead on that issue. He has made the crisis of the welfare system an issue for the first time in this country, and, when it comes to overall change——

Mr. SHAW. But the President——

Ms. NORTON. But the President's bill has not been submitted yet and is a testament to his desire to make sure we do not have to raise our taxes in order to reform the welfare system and that we indeed have an effective system when he presents his bill.

So, not to worry. Only a little longer.

Mr. SHAW. Well, he says that there is a health crisis in this country, and we cannot even get a health care bill out of the Committee on Ways and Means.

Ms. NORTON. But he submitted one; did he not?

Mr. SHAW. And I might also point out to you and ask you to perhaps give us some inside information. We have been asking the chairman of the Human Resources Subcommittee, on which I serve on the Committee on Ways and Means, to have hearings and do things, and we cannot even get a bill to start with. I ask, do you have a bill that you think that he might be able to use, that we can——

Ms. NORTON. The outline of the President's bill has not come from leaks, but from briefings of the press, and if your concern is you do not have a bill yet, then I can only say that you will have a bill soon, and the bill you have will be better because the President has insisted upon perfecting it before sending it here.

Mr. SHAW. Ms. NORTON, one-seventh of this economy he turned over to Mrs. Clinton to write a health care bill. She did that in less than a year. You have admitted, or you have stated very forcefully, that there is a welfare crisis in this country. I ask, don't you think he could have produced one?

Ms. NORTON. I think he could have produced one if he wanted to spend a great deal more money and raise the taxes of American citizens. What has taken the time——

Mr. SHAW. Reclaiming the time——

Ms. NORTON. Could I answer the question?

Mr. SHAW. Reclaiming my time—I am reclaiming my time.

Mr. WALKER. Mr. SHAW is in control of the time.

Mr. SHAW. I think the question is: "Do you see any way that we can create a health care bill maybe by looking at who receives—excuse me, welfare bill—by seeing who receives the benefits, and then all join together and decide that we need to take care of Americans first, and that the job training, the job search, and what we are doing for genuine reform should really be made available to the American citizens and to people who are here as political refugees and not offer to the citizens of the world who come into our country—do you support such a proposition?"

Ms. NORTON. The citizens of the world, of course, cannot get welfare.

The people who can get welfare are indeed citizens of the United States.

Mr. SHAW. Let me share this with the gentlewoman then: We sent our welfare bill, which has the training that you want, has the job search that you want, supplies a job at the end of the time, which you want even though we may disagree on how much that person is to be paid, and simply, by making it not available to the people you said it was not available to anyway, but which it is available to——

Mr. WALKER. Question, please.

Mr. SHAW. We create $20 million surplus. Could you support such a proposition?

Ms. NORTON. The gentleman would deny benefits even to legal aliens and, as a result, create problems for us that we do not have now because, as the Supreme Court said in the case involving some public schools, students——

Mr. WALKER. Time expired.

Ms. NORTON. We lose more than we gain if we deny legal aliens the right to go to school.

Mr. WALKER. Ms. NORTON is now recognized for 4 minutes to question Mr. SHAW.

Ms. NORTON. Mr. SHAW, I am interested in the position your party took when President Clinton sought to expand the tax credit for working families. As we know, there are many more working poor people than there are welfare poor. Only a third of single mothers even get welfare. These are the most vulnerable people for going on welfare however.

Why is it, therefore, that the Republicans did not support the expansion of the family tax credit when that would be an important way to prevent people from having to go on welfare in the first place?

Mr. SHAW. The earned income tax credit, which the gentlewoman well knows was a product of two Republican administrations, was expanded three times during the Republicans' administrations——

Ms. NORTON. So why do you support the expansion this time, Mr. SHAW? Most of you did not.

Mr. SHAW. Because it was not paid for. It was a budget buster, and this is something that I feel is very irresponsible. We are not helping—we are not helping even the kids on welfare——

Ms. NORTON. Reclaiming my time, Mr. SHAW, the President——

Mr. WALKER. The gentlewoman controls the time.

Ms. NORTON. Had a deficit reduction package there. Not only was this paid for, but in fact we will end up—we would end up paying much more if we had not expanded that tax credit. If anything is going to save us money——

Mr. SHAW. You are talking——

Ms. NORTON. It is encouraging the working poor to work instead of going on welfare.

Why did not the Republicans who, the gentleman is right, supported this year after year, simply embraced this welfare prevention bill?

Mr. SHAW. Ms. NORTON, am I correct in saying that what you are talking about is the biggest tax increase in the history of this country?

Ms. NORTON. No, the gentleman is not correct in saying that is what I am talking about.

What I am talking about is the gentleman's non-support of help for working families which makes them more vulnerable to going on welfare. That is what I am talking about——

Mr. SHAW. Ms. NORTON, you are talking about—is the Clinton tax bill——

Ms. NORTON. Changing the subject; let me move on.

Mr. SHAW. It also was——

Ms. NORTON. I say, "You have changed the subject, Mr. SHAW."

The fact is the gentleman did not support it; right? Yes or no?

You did not support——

Mr. SHAW. You bet your life——

Ms. NORTON. Attempt to expand, help the working families that would have kept people on welfare——

Mr. SHAW. I did not——

Ms. NORTON. All right. He cannot answer my question, so, reclaiming my time——

Mr. SHAW. Right, I did not support——

Ms. NORTON. Now, the income for families maintained by women over the past 10 years has gone down in real dollars. I ask, "How do you propose that these women will have sufficient income to maintain their families without a safety net?

Mr. SHAW. Well, I think there has to be a safety net, and there must be—and I think that is what we are supporting on our side.

One of the problems, and the problem that we really have not—not approached here as a Congress is the question of male responsibility. There are more teenaged kids having babies, more single mothers having babies, and the father gets a free ride. I have heard of instances—two and three in the hospital at the same time.

Ms. NORTON. Bipartisanship on something, Mr. Chairman.

Mr. SHAW. Well, let us mark that down because we are going to work together to see that there is male responsibility. It is time that the men of this country learned that they have a responsibility for raising these kids, and we, as a Federal Government, are going to do everything we can to assist the States in forcing the child support payments that are due the mothers, and, by the way, in the Republican bill we require the mothers to identify the fathers so we can go after them.

Ms. NORTON. As would we.

Let the record show, Mr. Chairman, that there is agreement on a very important item in the welfare debate, and that is male responsibility.

Mr. SHAW. I look forward to working with the gentlewoman on it.

Mr. WALKER. The moderator will now recognize the Democratic team to interrogate the gentleman from Connecticut [Mr. FRANKS] for 4 minutes.

Ms. NORTON. Mr. FRANKS, a favorite scholar of the Republican persuasion, Mr. Charles Murray, has drawn a distinction of late between how he would treat divorced mothers and never-married mothers. He would, he said, deny benefits to the children of never-married mothers altogether while allowing some welfare benefits for divorced mothers.

I ask, "Do you endorse this notion of the——"

Mr. FRANKS of Connecticut. No.

Ms. NORTON. The sins, you will forgive me, visited upon innocent children?

Mr. FRANKS of Connecticut. No.

Ms. NORTON. Would you indicate what your position would be then; no distinction based on prior marital——

Mr. FRANKS of Connecticut. No, there should be no difference.

□ 2010

Mr. FRANKS of Connecticut. There should be no difference. It is very simple. Next question, please.

Ms. NORTON. Glad to see this repudiation.

Mr. FRANKS of Connecticut. I will bring it over to you if you want to see it. It is right in here. Same thing.

Ms. NORTON. It is important we have it on the record.

Mr. FRANKS of Connecticut. We will send you a copy. Same thing. Next question, please.

Mr. MCCURDY. Mr. FRANKS, we had agreement with Mr. SHAW earlier on the responsibility of males in society to provide child support. As the father of teenagers, both male and female, I strongly support that notion, but within the Republican bill, obviously there is a requirement of no additional payments to the mother, a requirement that she may have to live at home, but there is no provision for providing training to the young father. In fact, the record should reflect that it is generally poor women giving birth because of poor men, and we want to be able to address that kind of problem as well in order that they be responsible.

Mr. FRANKS of Connecticut. Our teenage fathers are eligible, just like anybody else.

I agree with you. I know a male today who has had two women pregnant at the same time in the hospital and has not been accountable for taking care of either one of them. You are absolutely right. We have to take the parental identification very seriously and in our bill we do. If that mother does not identify the father, she would not be eligible for benefits. That is a very important component. We also penalize States for not improving on our

parental identification aspect. In our bill, we have $12 billion over 5 years dedicated toward training and mandatory work, $12 billion, that is on top of the $5.5 billion that we are spending today on jobs and training.

In our bill, we will say to that father——

Mr. WALKER. The Democrats control the time.

Mr. McCURDY. If the primary source of welfare is AFDC, males are not qualified for that, and if they cannot get into a program, are you expanding your program to include males and females?

Mr. FRANKS of Connecticut. We say in our bill to that young male, first we have to identify him, obviously.

Mr. McCURDY. I agree.

Mr. FRANKS of Connecticut. Then we give that person three options: Find a job and support your children, go to jail, or you have a State-supported type job as we talked about before, community service type job. We also within our bill talk about training and we talk about obviously trying to—Ms. NORTON wants to ask another question.

Ms. NORTON. I want to ask you one other question, a very important concession you made on Charles Murray.

Do you also reject his notion that we should end welfare immediately and, rather, embrace the bill that the Republicans now have?

Mr. FRANKS of Connecticut. No, I do not know why we are here defending Charles Murray. We are giving him a lot of attention. Hopefully, he has a book he is trying to push. You are doing wonders to make his book become a best seller. I am not here to support Charles Murray. We have a bill as Republicans. I have offered other bills as a Republican. I could care less about defending Mr. Murray.

Ms. NORTON. That brings us closer together, Mr. FRANKS.

Mr. WALKER. The time has expired. We will now have the Republican team interrogate Ms. WOOLSEY.

Mr. DELAY. Ms. WOOLSEY, I have to commend you for getting off welfare and working your way out of that obviously horrible situation, but I am curious. If our bill had been law at the time you went on welfare, do you realize that after 2 years, you would still receive benefits, in fact more benefits than you probably got back then, and you would receive the education and job training and all that? But after 2 years, you would be required to work either in the private sector or work for your benefits.

Do you have any objection that in the third year that you are on welfare that you would work for your benefits?

Ms. WOOLSEY. Oh, I do not think you heard me. I worked before I was on welfare. I worked the entire time I was on welfare.

Mr. DELAY. That is not my question. My question is, would you have objected——

Ms. WOOLSEY. You are asking me what I would have done.

Mr. DELAY. What I am asking is, would you have objected to working—did you have a private sector job? Obviously you did not.

Your third year of welfare, would you have objected to working?

Ms. WOOLSEY. Obviously I did not what, Mr. DELAY?

Mr. DELAY. I am sorry.

Ms. WOOLSEY. Obviously I did not what, Mr. DELAY? You said obviously I did not. Did not what?

Mr. DELAY. Obviously you did not work.

Ms. WOOLSEY. I did work.

Mr. DELAY. Not your third year.

Ms. WOOLSEY. I worked the entire time I was on welfare. That was 25 years ago. When I was on welfare, I received enough welfare help to pay for child care, to have health care. That is what I needed. If I had had that through child support, I would not have needed it.

Mr. DELAY. But you do not have to work today. My question is, in your third year, and you could not find a private sector job, would you have minded working for your benefits?

Ms. WOOLSEY. See, I believe going to school, being trained——

Mr. DELAY. You have done that for 2 years. You get 2 years to do that. I am talking about the third year.

Ms. WOOLSEY. No, I do not believe we can be that inflexible. It is a laudable goal to get people off welfare.

Mr. DELAY. It is inflexible to ask you to work for your benefits?

Ms. WOOLSEY. It is inflexible to expect every recipient to be ready to go to work after 2 years. Some of them are not literate.

Mr. DELAY. Just 35 hours a week?

Ms. WOOLSEY. Some of them have tiny babies.

Mr. DELAY. We will give you day care.

So you do object?

Ms. WOOLSEY. I do object. Two years and you are off is too limiting. But I think that we should be working so that we get people off, into jobs that pay a family wage and keep them off forever.

Mr. DELAY. Do you agree with Ms. NORTON that we ought to be raising taxes to pay for more welfare and more expanded programs, taxes from people that are not on it?

Ms. WOOLSEY. I believe that we should be collecting the child support that is owed though court orders which is not paid every year, which is $34 billion. If we even collected half of that, then we would not have a problem today.

Mr. DELAY. But we spend $240 billion on welfare. How is $34 billion going to help?

Ms. WOOLSEY. $34 billion would offset the expansion that it needs right now.

Ms. MOLINARI. You said you require more flexibility than the 2 years and you are off.

Would you agree with a 3-year, or does flexibility go up to 10 years? At what point do we in society say: Flexibility, time is up, it is now up to society to expect you to contribute? Could you just answer that question?

Ms. WOOLSEY. Every person stays on welfare less than 2 years.

Ms. MOLINARI. If you were to write a bill——

Ms. WOOLSEY. I have introduced a bill.

Ms. MOLINARI. You have no time limit.

Ms. WOOLSEY. No time limit?

Ms. MOLINARI. Someone could, based on flexibility, stay on welfare 10 years?

Ms. WOOLSEY. My bill invests in getting people ready to go to work, getting them off the welfare system.

Mr. DELAY. No matter how much it costs?

Ms. MOLINARI. No time limit? Ten, fifteen, twenty years? If they need the flexibility you are talking about, your bill gives them that flexibility.

Ms. WOOLSEY. There are some people on welfare who will be on welfare forever.

Mr. DELAY. How much does your bill cost?

Mr. FRANKS of Connecticut. It sounds like slavery to me.

Ms. WOOLSEY. There are people that are ill, people that are disabled.

Mr. WALKER. Time has expired.

Mr. DELAY is now recognized for 4 minutes to question Mr. SYNAR.

Mr. DELAY. Mr. SYNAR, this has been a pretty good debate, and I think we are getting to the bottom of it. It seems that your side sort of agrees that welfare does a little more harm than good, but maybe not as much and we just need to do more of it and be flexible.

I want to ask you a question that comes straight out of your opening remarks. You said welfare is only 1 percent of the Federal budget. What do you consider welfare?

Mr. SYNAR. I think this is an important distinction that the two parties have. You would claim that it is $200 to $300 billion a year because you would include into it the entitlements of housing, and yet only one-third of welfare recipients use housing. You would also include job training and community service of which no direct money goes to individuals. You would also include Pell grants and hot lunch programs which serve nonpoor individuals.

Mr. DELAY. How about food stamps? Is that welfare?

Mr. SYNAR. The major issue is that your figure is at $300 billion.

Mr. DELAY. No, no, my question is, what is welfare?

Mr. SYNAR. Let me finish what you have included in your number.

Mr. DELAY. No, I did not ask you about my number, Mr. SYNAR. I asked you about your number.

□ 2020

Mr. SYNAR. Well, my number says the Medicaid number, which you include in there, is probably the most useless number in the facts.

Mr. DELAY. I am sorry, Mr. SYNAR, maybe I am hard of hearing or hard of talking. But I am asking, you said welfare is only 1 percent of the Federal budget. Now I am asking you, is food stamps welfare?

Mr. SYNAR. No.

Mr. DELAY. Food stamps is not welfare. Is Medicaid welfare?

Mr. SYNAR. No, not all of it. Yet you have included all of those numbers, those total numbers, as a total welfare picture.

Mr. DELAY. It is an entitlement, is it not?

Mr. SYNAR. If the gentleman would allow me, if only a third of the welfare recipients get housing, if 70 percent of Medicaid goes to disabled and elderly, to claim them as welfare is not correct.

Mr. DELAY. But all that money goes to welfare recipients.

Mr. SYNAR. No, it does not go to welfare recipients. Seventy percent of the Medicaid budget goes to the elderly and disabled. Do you consider them welfare?

Mr. DELAY. If they are on Medicaid, they are on welfare, yes.

Mr. SYNAR. So all elderly who get Medicaid by the Republican definition are on welfare.

Mr. DELAY. It is means tested. Those that are poor, elderly, that receive Medicaid, not Medicare, are on welfare. So you don't consider—let me get this straight—you don't consider Medicaid welfare. You don't consider food stamps welfare. Do you consider any nutrition, like school lunch, any of that? Housing you say is not welfare. If we pay $13,000 for an apartment in New York City for a welfare mother, that is not welfare, because that is housing?

Mr. SYNAR. Let me correct you again, if I could. Only one-third of the welfare recipient get housing.

Mr. DELAY. Let's take the one-third. Are those one-third on welfare by getting housing?

Mr. SYNAR. They are on welfare only under the definition of aid for dependent children.

Mr. DELAY. OK. You said in your opening remarks that you require work. How do you require work in your proposals, or any of the proposals that have been made. How do you require work?

Mr. SYNAR. There are many proposals on the table, the Republicans have offered some, the President will offer others.

Mr. DELAY. The one you referred to.

Mr. SYNAR. Basically what I think the Democratic position is, is that we think it should be flexible, that each individual welfare recipient will have unique needs.

Mr. DELAY. So you don't require work?

Mr. SYNAR. Yes, we do require work.

Mr. DELAY. How?

Mr. SYNAR. We say, after 2 years in many of the proposals, where work is available and people are qualified, that we should encourage that.

Mr. DELAY. So you don't require work.

Mr. SYNAR. Yes, we do require work, in many of the proposals that the Democrats propose.

Mr. DELAY. If you encourage it and they don't work and there are jobs available, what kind of sanctions do you bring against the welfare recipient?

Mr. WALKER. The time has expired. I will give the gentleman a brief period to respond.

Mr. SYNAR. What is important for the gentleman from Texas to remember is that providing a person a job without adequate support through child care, health care, and a job that can pay a decent living guarantees that the person will be back in welfare. The Democratic Party believes we have to provide those kinds of support so we don't have the population sliding backward and forward.

Mr. WALKER. I will now recognize Mr. SYNAR to question Mr. DELAY for 4 minutes.

Mr. SYNAR. Mr. DELAY, there have been many in the Republican Party who have called for getting rid of all welfare benefits together and basically sending that money we are using for welfare recipients directly to the States to build orphanages and group houses.

Mr. DELAY. No one in this House, no Republican in this House, has ever said that, or has introduced a bill to that effect.

Mr. SYNAR. Let me suggest to you that you need to visit with your colleague from Kansas [Mrs. MEYERS], and the bill you cosponsored that would do exactly that.

Mr. DELAY. No, it wouldn't.

Mr. SYNAR. We are concerned as Democrats that that kind of proposal doesn't strengthen families.

Mr. DELAY. You are mischaracterizing Mrs. MEYERS' bill. Mrs. MEYERS' bill blockgrants what we now spend on welfare and sends it back to the States. It doesn't end welfare and cut it off and destroy it.

Mr. SYNAR. What we are concerned about is that the building of orphanages and group housing and tearing families apart is counterproductive to the family values we think both parties stand for.

How do you justify the building of orphanages and group houses with the context of trying to build a strong social family unit?

Mr. DELAY. Well, first I believe when you give somebody something, they will take it, and sell you their soul in the taking. And our present welfare system, that has been passed by Democrats, supported by Democrats, and expanded by Democrats, has created a whole culture of people that has created generation after generation of people that are really unfortunate to be in their present situation.

You have destroyed their self-esteem by such a system. You have destroyed their dignity. And what we want to do is return it by requiring responsibility. And we say you have got to sign the social contract. If you are going to receive the largesse of the American taxpayers, then you have got to establish some way of showing that you are going to show responsibility in pulling yourself out of your present situation.

Mr. SYNAR. You talk about creating a system where people are not dependent. In fact, your colleagues tonight have really been arguing that these Government programs promote that dependency. You are familiar that the American taxpayers in the decade of the eighties, to the tune of billions of dollars, subsidized the cattle industry, the timber industry, the mining industry.

Why is it that Republicans by and large ignore corporate welfare and seem to want to pick on women who are working and trying to provide for their families?

Mr. DELAY. Well, what Republicans are for is to protect those that earn a living from the largesse of the Government and more taxes, as outlined by your side, to give to those that may not work for that which they receive.

We are saying we can do both. We are saying that we can give 2 years to those that are down and out to get themselves together and look for a job and work themselves out of their present situation. But in 2 years, they will either have to have a job in the private sector, or they will have to work for their benefits.

I don't think that is much to ask. It is a typical Democrat ploy to pit those that earn a living against those that have no living.

Mr. SYNAR. I described the philosophy of the Republicans earlier as really the party that wants to cut people off. I think the Democratic Party represents the party of prevention and trying to prevent welfare in the beginning. That is why our party overwhelmingly supported the earned income tax credit for working families and family and medical leave, as well as the raising of the minimum wage.

The Republicans have traditionally overwhelmingly not supported those proposals.

Mr. DELAY. Au contraire. Au contraire. The Republicans introduced the ITC, investment income tax credits, under Reagan, under Bush, helped

the Democrats pass it, and have always supported the ITC.

Mr. SYNAR. They had the opportunity about 18 months ago on this floor, and not one Republican voted for it.

Mr. DELAY. No, no, no, no, no.

Mr. SYNAR. And not one Republican voted for the earned income tax credit.

Mr. DELAY. Please. If we are going to do something like that, you put EITC expansion in a huge, huge tax bill that you know the Republicans, who are always against raising taxes, would not support.

Mr. WALKER. Time has expired. The moderator now recognizes Ms. MOLINARI to question Mr. MCCURDY for 4 minutes.

Ms. MOLINARI. Thank you, Mr. Moderator.

Mr. MCCURDY, do you believe in establishing time limits for individuals to get off welfare?

Mr. MCCURDY. I do. I support the President's proposal. There ought to be a 2-year time limit.

Ms. MOLINARI. Do you agree that we should establish paternity before we provide benefits?

Mr. MCCURDY. I do. My State, Oklahoma, has a requirement of such. When President Clinton was Governor of Arkansas, he recommended, and they established, such a requirement as well, and it is in every bill that I am proposing and the recommendation that the White House is for as well.

Ms. MOLINARI. Mr. MCCURDY, Do you believe that access to welfare should be cut off to noncitizens at a certain point?

Mr. MCCURDY. In the bill that I am going to introduce, we propose that as one of the options of funding. But I think there is a real problem here. And that is since you come from a State with a large immigrant population as well, that you have to avoid cost shifting.

We talk about unfunded mandates. We don't want to just cost-shift a huge cost on the States and cities. And the courts, as you recall, in Plyler versus Doe, has a requirement that we provide education, even to illegal immigrants. So I think there has to be some balance in this approach, and I think we have to have a standard for citizenship as well.

Ms. MOLINARI. So you do believe we should have a standard for citizenship. You do believe we should establish and insist on paternity. You do believe we should establish time limits. Mr. MCCURDY, on the basis of what we have heard tonight, you appear to be on the wrong side of the aisle.

Mr. MCCURDY. Actually, I have a number of your colleagues and Republicans, and quite frankly, Ms. MOLINARI, I was hoping I could also get you before this is over on our bill as well. I believe there should be a bipartisan solution to the welfare problem.

Ms. MOLINARI. I am delighted to hear you say that.

Mr. MCCURDY. And as the President called for an many of us embrace.

Ms. MOLINARI. I am delighted to hear you say that. May I suggest, however, as a result of what we have heard tonight and in the debate that has taken place before, that you spend a lot more time concentrating on the Members on your side of the aisle than on our side of the aisle, because the majority of the Republicans are in support and on the bill.

But I would like to talk a little bit about, and I commend you for your bill and the fact you have actually got something down on paper that we can talk about. And I am really sorry that the President of the United States did not have time to do that before tonight.

But with some of the things that have been coming out through the grapevine, we do understand that the President, and correct me if I am wrong, agrees for a 2 year and off, but that it would only apply to those people in the United States who were born after 1972.

□ 2030

Mr. MCCURDY. 1971, actually, which makes them 25 years of age. And when you are looking at financing welfare reform, I think the American public, and I think Republicans have agreed as well, that there is some cost in order to do that, if you are going to provide training, if you are going to provide ways to overcome these obstacles to work. So there is an issue of how much of the population you can actually phase in or address at any one time.

Ms. MOLINARI. There is also another question about how disingenuous the Clinton plan is, because it does, in fact, exempt over 75 percent of the participants in the program today. And it does cost $58 billion. How, in fact, does President Clinton plan to pay for $58 billion in new costs toward allegedly reforming welfare?

Mr. MCCURDY. I look forward to getting my chance to ask you the very question about your bill. In fact, the administration's proposal recognizes the difficulty of moving this burden on to the States. If we do it too quickly, if we are not careful, then we will overwhelm them and create even more of a problem.

Ms. MOLINARI. You are saying new taxes to me, Mr. MCCURDY.

Mr. MCCURDY. The President has made a commitment not to have any new taxes in the bill. We made that decision as well in the bill that I am introducing.

Let me just add, in the bill that the mainstream forum is proposing and many Democrats——

Ms. MOLINARI. I understand that President Clinton understands to fund some of his so-called promises——

Mr. WALKER. The time has expired.

The moderator now recognizes the gentleman from Oklahoma [Mr. MCCURDY] to question the gentlewoman from New York [Ms. MOLINARI] for 4 minutes.

Mr. MCCURDY. Do not go away, Ms. MOLINARI.

Ms. MOLINARI. I am not going anywhere.

Mr. MCCURDY. You seem to indicate that the Republican bill is, I assume, the Santorum bill, which has a large number of cosponsors. Are you a cosponsor of that bill?

Ms. MOLINARI. No, I am not at this point.

Mr. MCCURDY. Maybe you would like to explain the problems with it.

Ms. MOLINARI. I sure would. I appreciate your asking that question.

It is true that we have talked an awful lot about some drastic changes to our national system. And when I first heard some of the proposals that the Republicans put forth, I did, in fact, step back and said I wanted to analyze, I wanted to make sure that the impact on everyone who receives this funding or would have that funding terminated would be done in the best interests of all Americans, including those people who receive benefits today.

I have to tell you though, Mr. MCCURDY, that since I studied this issue in preparing for this debate and started really studying the Republican proposal and, certainly, as a result of everything that I have heard between the Democrats and Republicans today, that I intend to sign onto the Republican bill as a sponsor first thing tomorrow morning.

Mr. MCCURDY. Can you tell us how much the bill cost?

Ms. MOLINARI. The bill cost $6 billion.

Mr. MCCURDY. $6 billion, and you raise $21.3 billion in cutting off benefits to noncitizens.

Ms. MOLINARI. That is correct.

Mr. MCCURDY. You say you have a $21 billion surplus. Where do you get the rest of the funding?

Ms. MOLINARI. We are working with the Congressional Budget Office figures that state that it would, in fact, cost $6 billion to implement the plan and that over a very short period of time, which is 5 years, we would see over a $20 billion surplus by restricting access to noncitizens of the United States.

Mr. MCCURDY. When I visited the GAIN Program in Riverside, CA, which you have——

Ms. MOLINARI. Let me just also add that we do, in fact, I think we agree on this, know we are going to realize immediate savings as soon as we embark on establishing paternity and making some young men in America finally pay for the responsibilities that they carelessly created.

Mr. MCCURDY. That point we have already agreed upon.

When I visited the GAIN Program, which most analysts today cite as a success story, they still indicate that 50 percent of the population that would be eligible to participate in the program is now in deferral because of problems with drugs, legal problems, teenage mothers, pregnancy or whatever. Fifty percent is not even being able to participate. What do we do for a population like that? Are we prepared then to just say they are cast aside? That is a problem for both, if we are trying to achieve some solution.

Ms. MOLINARI. First of all, No. 1, we do exempt the disabled. Second of all, the situation that I think is very serious, which the Republicans do stress, and that is drug addicts or alcoholics who receive benefits must enroll in a treatment program in order to receive their benefits. That is certainly and inarguably in the best interest of the U.S. taxpayer and the person who may need to be forced into treatment at a certain point.

Mr. MCCURDY. What percentage of the population that you now consider to be on welfare, by whatever definition you want to use, if you want to throw in housing and all of the other entitlements——

Ms. MOLINARI. I think we use other definitions——

Mr. WALKER. Mr. MCCURDY controls the time.

Mr. MCCURDY. In order to speed this up, because we want to get as much information out as we possibly can, what percentage of the total population do you believe that your bill would be able to move off of welfare based on this result?

Ms. MOLINARI. We certainly believe that the majority of individuals will be able to move off welfare in the near future. One of the things that I think Republicans rely on very clearly is the good faith of the American people that given an opportunity for a job——

Mr. MCCURDY. If I may, New York, Oklahoma, we are still trying to figure out the accents.

Mr. WALKER. Time has expired, without the accents being resolved.

The moderator will now proceed for final arguments, recognizing first the gentleman from Oklahoma [Mr. SYNAR] to speak against the resolution for 2½ minutes.

Mr. SYNAR. Thank you.

Webster defines welfare as the state of being or doing well, a condition of health, happiness, and comfort, well-being.

How could such a nice word take on such a negative meaning. These days welfare is usually used as a cuss word. We have all heard the conversations. They are lazy. They have kids in order to get a check. They are totally irresponsible.

The simple fact is that as long as Government welfare programs are seen as subsidies for idleness, they will continue to be unpopular with most Americans.

Democrats believe there is a better way. Welfare reform universal health care, and a package of education and training programs that clearly emphasize the dignity of work and the need to reward workers.

Let us never forget that, first and foremost, we need to demand personal and parental responsibility and to ensure that people do not slide back into welfare. Let us also not forget three principles: Health care for all workers, safe, quality child care, and a stable job that pays enough to keep a family afloat.

Together we must change what is not working, and we must keep what is working. There are no sacred cows. There are only sacred truths.

We invite the Republicans and all Americans to join with us. Our simple goal for welfare reform, make work pay. Then and only then can we return the word welfare to its original and noble meaning.

Mr. WALKER. The moderator now recognizes the gentleman from Texas [Mr. DELAY] in a final argument to speak for the resolution for 2½ minutes.

Mr. DELAY. Thank you, Mr. Moderator.

I congratulate all the participants of this three-way debate, our side and the two sides on the Democrats' side.

Make work pay. Hang on to your wallets, because all I heard was more programs, more spending, they call investments, more of the same but more expanded of the same. And then we are going to encourage people to get a job, and the whole definition has been tried, frankly, time and time immemorial, a program that at its inception, carried by the Democrats since the 1930's and supposed to be a compassionate safeguard against impoverishment of widowed mothers, has clearly become a program that is doing more harm than good.

Those in the system today are demoralized. Even the Democrats have acknowledged that tonight.

What they have failed to concede is that it is our Government that is making them that way. The Government has created a monster, and President Clinton wants more of it and bigger. He does not know how to end welfare as we know it. He and his Democrat colleagues want to create more welfare as we know it, and they to preserve more welfare as we know it.

They want to go in every direction at once. Today's welfare system has clearly done more harm than good, when we have created 12-year-olds having babies, 15-year-olds shooting each other, 17-year-olds dying of AIDS, and 18-year-olds who cannot read graduating with diplomas.

Instead, Republicans ask welfare recipients to engage in a social contract—one of those that—if they are to receive the generosity of the American people, then they have to earn their benefits. We want to change the mind set and create a cycle of responsibility rather than dependency.

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It is this cycle of dependency that breeds mediocrity and destroy the very inner selves of those trapped in its clutches. As Jack Kemp has said, rather than the safety net it was once intended to be, welfare has become a hammock.

Instead, we want welfare to be a trampoline. We want people to bounce out of welfare into productive lifestyles and be proud of themselves. We don't want them to have to sacrifice their souls and their human dignity. we want welfare to be good, rather than harmful.

Mr. WALKER. I would like to thank both the Republican and the Democratic team for a spirited and informative debate. The moderator appreciated the courtesies shown to each other. I ended up not being confused at all. I thank you for that.

I want to thank the leadership, both Democrat and Republican, for their cooperation in preparing for this debate. I hope that this debate has contributed to more Americans understanding the complexities of the welfare system, and the proposals for welfare reform.

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. EWING) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

(The following Members (at the request of Mr. STRICKLAND) to revise and extend their remarks and include extraneous material:)

Mr. HOAGLAND, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. LAUGHLIN, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Member (at the request of Mr. WALKER) to revise and extend his remarks and include extraneous material:)

Mr. STARK, 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. EWING) and to include extraneous matter:)

Mr. HUNTER.

Mr. DORNAN.

Mr. SHUSTER in two instances.
Mr. KING.
Mr. DUNCAN.
Mr. HYDE.
Mr. DREIER.
(The following Members (at the request of Mr. STRICKLAND) and to include extraneous matter:)
Mrs. MEEK of Florida.
Mr. TUCKER in three instances.
Mr. HAMILTON.
Ms. ESHOO in three instances.
Mr. SANGMEISTER.
Mr. LIPINSKI.
Mr. BRYANT.
Ms. MALONEY in two instances.
Mr. SAWYER.
Mr. COPPERSMITH.
Mr. WILSON.
Mr. FINGERHUT.
Mr. COYNE.
Miss COLLINS of Michigan.
Mr. RICHARDSON.
(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)
Mr. PAYNE of New Jersey.
Mr. WELDON.
Mr. THOMPSON.
Mr. TORRES.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 146. Joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week."

ADJOURNMENT

Mr. WALKER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Thursday, May 5, 1994, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3105. A letter from the Secretary of Housing and Urban Development, transmitting a report on the evaluation of the FHIP private enforcement initiative testing demonstration; to the Committee on Banking, Finance and Urban Affairs.

3106. A letter from the Secretary of Education, transmitting final regulations—student assistance general provisions, pursuant to 20 U.S.C. 1232(d)(i); to the Committee on Education and Labor.

3107. A letter from the Secretary of Education, transmitting final regulations student assistance general provisions—Campus Security Act, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3108. A letter from the Secretary of Education, transmitting a copy of final regulations—State Postsecondary Review Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3109. A letter from the Secretary of Education, transmitting a copy of final regulations—Federal family Education Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3110. A letter from the Secretary of Education, transmitting a copy of final regulations—Institutional Eligibility Under the Higher Education Act of 1965, as amended, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3111. A letter from the Chairman, First South Production Credit Association, transmitting the annual report of the Production Credit Association—Fifth Farm Credit District retirement plan for 1993, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3112. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration for fiscal year 1993, pursuant to 46 U.S.C. app. 1118; to the Committee on Merchant Marine and Fisheries.

3113. A letter from the Secretary of Transportation, transmitting the 11th annual report of accomplishments under the Airport Improvement Program for the fiscal year 1993, pursuant to 49 U.S.C. app. 2203(b)(2); to the Committee on Public Works and Transportation.

3114. A letter from the U.S. Trade Representative, transmitting a report on action taken as a result of the six investigations initiated in 1989 on priority practices identified under the statute commonly known as Super 301; to the Committee on Ways and Means.

3115. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize certain military activities of the Department of Defense; jointly, to the Committees on Armed Services and Post Office and Civil Service.

3116. A letter from the Assistant Secretary for Environmental Management, Department of Energy, transmitting a report on the environmental assessment of urgent-relief acceptance of foreign research reactor spent nuclear fuel; jointly, to the Committees on Energy and Commerce and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SABO: Committee of Conference. Conference report on House Concurrent Resolution 218. Resolution setting forth the congressional budget for the U.S. Government for fiscal years 1995, 1996, 1997, 1998, and 1999 (Rept. 103-490). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 4278. A bill to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act (Rept. 103-491). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 416. Resolution providing for consideration of the bill (H.R. 4296) to make unlawful the transfer or possession of assault weapons (Rept. 103-492). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 417. Resolution waiving points of order against the conference report to accompany the bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes (Rept. 103-493). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 418. Resolution waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 218) setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999, and providing that rule XLIX shall not apply with respect to the adopting of that conference report (Rept. 103-494). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BALLENGER (for himself, Mr. BLILEY, Mr. ROHRABACHER, and Mr. SAXTON):

H.R. 4337. A bill to repeal the Displaced Workers Protection Act of 1994 (District of Columbia Act 10-193); to the Committee on the District of Columbia.

By Mr. DE LUGO:

H.R. 4338. A bill to designate the "Christiansted Bandstand" at the Christiansted National Historic Site, St. Croix, VI, as the "Peter G. Thurland, Sr., Bandstand"; to the Committee on Natural Resources.

By Mr. DUNCAN:

H.R. 4339. A bill authorizing the Davy Crockett Memorial Foundation to establish a memorial to honor Davy Crockett in the District of Columbia or its environs; to the Committee on House Administration.

By Mr. EHLERS:

H.R. 4340. A bill to amend the Internal Revenue Code of 1986 to provide that the percentage of completion method of accounting shall not be required to be used with respect to contracts for the manufacture of property if no payments are required to be made before the completion of the manufacture of such property; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 4341. A bill to amend the Higher Education Act of 1965 to qualify additional institutions for programs under part B of title III of that act; to the Committee on Education and Labor.

H.R. 4342. A bill to qualify Martin University of Indianapolis, IN, for participation in the program under part B of title III of the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. DORNAN (for himself, Mr. GILMAN, Mr. PORTER, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. WYNN, Mr. LEVY, Mr. KING, Mr. WILSON, Mr. SOLOMON, Mr. COX, and Mrs. BENTLEY):

H.R. 4343. A bill to encourage liberty inside the Socialist Republic of Vietnam; to the Committee on Foreign Affairs.

By Mr. LEVY (for himself, Mr. KING, and Mr. BRYANT):

H.R. 4344. A bill to prohibit ticket resale profiteering in or affecting interstate commerce; to the Committee on the Judiciary.

By Mr. QUINN (for himself, Mr. HOCHBRUECKNER, Mr. BLUTE, Mr. STUPAK, Mr. CASTLE, Ms. FURSE, Mr. KING, Mr. HINCHEY, Mr. MCCOLLUM,

Ms. LOWEY, Mr. WALSH, Mr. LAFALCE, Mr. HOUGHTON, Mr. PAXON, Mr. HOLDEN, Mr. SAXTON, Mr. LEVY, Ms. PRYCE of Ohio, Mr. GILMAN, Mr. SOLOMON, Mr. MOLLOHAN, Mr. LAZIO, Mr. BORSKI, Mr. SMITH of New Jersey, and Mr. MCHALE):

H.R. 4345. A bill to prohibit the distribution or receipt of restricted explosives without a Federal permit, and to require applications for such permits to include a photograph and the fingerprints of the applicant; to the Committee on the Judiciary.

By Ms. SHEPHERD:

H.R. 4346. A bill to prohibit the Secretary of Defense from transporting across State lines chemical munitions in the chemical weapons stockpile, and for other purposes; to the Committee on Armed Services.

By Mr. SMITH of Michigan (for himself, Mr. PENNY, Mr. HANCOCK, Mr. FIELDS of Texas, Mr. EWING, Mr. ALLARD, Mr. POMBO, Mr. HOEKSTRA, Mr. ROBERTS, Mr. SMITH of Oregon, Mr. DELAY, Mr. BAKER of Louisiana, Mr. HERGER, and Mr. EVERETT):

H.R. 4347. A bill to amend title XII of the Food Security Act of 1985 to permit the conversion of wetlands that are 1 acre or less in size; to the Committee on Agriculture.

By Mr. WALKER:

H.R. 4348. A bill to amend the Rules of the House of Representatives to prohibit proxy voting and to amend title 18, United States Code, to criminalize the practice commonly called ghost voting in the House of Representatives; jointly, to the Committees on Rules and the Judiciary.

By Ms. SHEPHERD (for herself, Mrs. SCHROEDER, Mr. KOPETSKI, Mr. HINCHEY, Mr. OBERSTAR, Mr. COPPERSMITH, Ms. FURSE, and Ms. ENGLISH of Arizona):

H.R. 4349. A bill to prohibit the Department of Defense from conducting flight tests of certain missiles that would result in the release of debris outside a designated Department of Defense test range; to the Committee on Armed Services.

By Mr. BARRETT of Wisconsin (for himself, Mr. ACKERMAN, Mr. ANDREWS of New Jersey, Mr. BACCHUS of Florida, Mr. BAESLER, Mr. BAKER of Louisiana, Mr. BARCA of Wisconsin, Mr. BATEMAN, Mrs. BENTLEY, Mr. BERMAN, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP, Mr. BLACKWELL, Mr. BONIOR, Mr. BROOKS, Mr. BROWN of California, Mr. BUYER, Mrs. BYRNE, Mr. CALLAHAN, Mr. CALVERT, Mr. CARR, Mr. CASTLE, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLINGER, Ms. COLLINS of Michigan, Mr. COPPERSMITH, Mr. COYNE, Mr. CRAMER, Mr. DARDEN, Ms. DELAURO, Mr. DELLUMS, Mr. DEUTSCH, Mr. DE LUGO, Mr. DICKEY, Mr. DICKS, Mr. DOOLITTLE, Mr. EDWARDS of Texas, Mr. ENGEL, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FIELDS of Louisiana, Mr. FISH, Mr. FLAKE, Mrs. FOWLER, Mr. FROST, Ms. FURSE, Mr. GEKAS, Mr. GUNDERSON, Mr. GUTIERREZ, Mr. HANSEN, Mr. HEFNER, Mr. HILLIARD, Mr. HOAGLAND, Mr. HOBSON, Mr. HOCHBRUECKNER, Mr. HOLDEN, Mr. HUGHES, Mr. HUTCHINSON, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. JACOBS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of South Dakota, Mr. KASICH, Mr. KENNEDY, Mr. KILDEE, Mr. KLECZKA, Mr. KLEIN, Mr. KOPETSKI, Mr. KREIDLER, Mr. LAFALCE, Mr. LANCASTER, Mr. LANTOS, Mr. LAZIO, Mr. LEACH, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MACHTLEY, Mr. MANTON, Mr. MARKEY, Mr. MATSUI, Mr. MCCLOSKEY, Mr. MCINNIS, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Mrs. MEYERS of Kansas, Mr. MINGE, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MORAN, Mr. MURPHY, Mr. MURTHA, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OWENS, Mr. PALLONE, Mr. PARKER, Mr. PETERSON of Florida, Mr. PORTER, Mr. POSHARD, Mr. PRICE of North Carolina, Mr. QUINN, Mr. RAMSTAD, Mr. RANGEL, Mr. RAVENEL, Mr. REED, Mr. REYNOLDS, Mr. ROMERO-BARCELO, Mr. SABO, Mr. SAWYER, Mr. SAXTON, Mr. SCHAEFER, Mr. SCHIFF, Mr. SERRANO, Mr. SHARP, Mr. SKEEN, Mr. SLATTERY, Ms. SLAUGHTER, Mr. SMITH of Texas, Mr. SPENCE, Mr. SPRATT, Mr. STUPAK, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mrs. THURMAN, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. VALENTINE, Ms. VELAZQUEZ, Mr. VENTO, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WALSH, Ms. WATERS, Mr. WAXMAN, Mr. WHITTEN, Mr. WILSON, Mr. WISE, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, and Mr. YOUNG of Alaska):

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month"; to the Committee on Post Office and Civil Service.

By Mr. KYL:

H. Con. Res. 244. Concurrent resolution to condemn the March 1, 1994, attack on American Lubavitcher students; jointly, to the Committees on Foreign Affairs and the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. CALLAHAN, Mr. ZELIFF, Mr. BAKER of Louisiana, Mr. ISTOOK, Mr. LIGHTFOOT, Mr. COLLINS of Georgia, Mr. ALLARD, Mr. HANSEN, and Mr. SMITH of Oregon.

H.R. 546: Mr. ABERCROMBIE and Mr. HOAGLAND.

H.R. 702: Mr. KING.

H.R. 790: Mr. PORTER.

H.R. 963: Mr. ROGERS.

H.R. 1145: Mr. MCCANDLESS and Mr. WILSON.

H.R. 1277: Mr. SMITH of Texas.

H.R. 1322: Mr. GEJDENSON and Mr. SKELTON.

H.R. 1349: Ms. PRYCE of Ohio.

H.R. 1785: Mr. BACHUS of Alabama.

H.R. 2444: Mr. BARTLETT of Maryland, Mr. BALLENGER, Mr. KIM, and Mr. GUNDERSON.

H.R. 2467: Mr. BATEMAN, Mr. FRANKS of New Jersey, Mr. GONZALEZ, Mrs. JOHNSON of Connecticut, and Mr. TEJEDA.

H.R. 2670: Mr. DIAZ-BALART, Mr. PRICE of North Carolina, Mr. ENGEL, Mr. WILSON, Mr. HOCHBRUECKNER, Mr. PALLONE, Mr. COBLE, and Mr. STUPAK.

H.R. 2866: Mr. GUTIERREZ, Mr. STUPAK, Mr. CONYERS, and Mr. CLAY.

H.R. 2930: Ms. DELAURO.

H.R. 2957: Mr. GUNDERSON and Mr. BLILEY.

H.R. 3075: Mr. LEHMAN.

H.R. 3179: Mr. GEKAS.

H.R. 3214: Mr. CALVERT.

H.R. 3261: Mr. MURTHA, Mr. TORRICELLI, Mr. BROWN of Ohio, Mr. PARKER, Mr. LEVY, Mr. CLAY, Mr. GORDON, Ms. MOLINARI, Mr. HUFFINGTON, Mr. SOLOMON, Mr. LIVINGSTON, Mr. LEWIS of Florida, Mr. ROWLAND, Mr. MILLER of Florida, Mr. COBLE, Mr. HUTCHINSON, Mr. CANADY, and Mr. WILSON.

H.R. 3290: Mr. PASTOR and Mr. EDWARDS of California.

H.R. 3305: Mr. RAHALL, Mr. LEWIS of California Mr. DIAZ-BALART, Mr. FILNER, and Mr. ORTON.

H.R. 3310: Ms. VELAZQUEZ and Mr. OWENS.

H.R. 3320: Mr. TAYLOR of Mississippi, Mr. TAUZIN, Mr. CALLAHAN, Mr. BEILENSON, and Mr. THOMAS of California.

H.R. 3486: Mr. EHLERS, Mr. BLILEY, Mr. OXLEY, Mr. MACHTLEY, Mr. SOLOMON, Mr. ARMEY, Mr. GOODLATTE, Mr. PACKARD, and Mr. ZIMMER.

H.R. 3513: Ms. SHEPHERD.

H.R. 3627: Mr. BALLENGER and Mr. SWIFT.

H.R. 3784: Mr. PACKARD and Mr. COMBEST.

H.R. 3811: Mr. FARR, Mr. FILNER, Mr. EDWARDS of California, Ms. ESHOO, Ms. HARMAN, Mr. LEHMAN, and Ms. WOOLSEY.

H.R. 3820: Mr. HOBSON, Mr. SPRATT, Mr. LIVINGSTON, Mr. SOLOMON, Mr. EMERSON, Mr. SCHIFF, Mr. GEKAS, Mr. JACOBS, Mr. MARKEY, Mr. SCHAEFER, Mr. BLUTE, Mr. GOODLING, Mr. STUMP, Mr. MOORHEAD, Mr. REGULA, Mr. DORNAN, Mr. CUNNINGHAM, Mr. SAM JOHNSON, and Mr. ROGERS.

H.R. 3860: Mr. EMERSON and Mr. PAXON.

H.R. 3870: Mr. HINCHEY.

H.R. 3942: Mr. ANDREWS of New Jersey.

H.R. 3978: Mr. LEVY.

H.R. 3992: Mr. COLLINS of Georgia.

H.R. 4050: Mr. MANTON and Mr. STARK.

H.R. 4074: Mr. MCDERMOTT, Mr. QUINN, Mr. LANCASTER, Mr. KLINK, Ms. SCHENK, Mr. BLUTE, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. FLAKE, Mr. RAHALL, and Mr. KING.

H.R. 4114: Mr. BECERRA, Ms. DELAURO, Ms. ESHOO, Mr. GEJDENSON, Mr. YATES, Mr. ANDREWS of Maine, and Mr. GLICKMAN.

H.R. 4162: Mr. FILNER.

H.R. 4198: Mr. ROBERTS.

H.R. 4213: Mr. EVANS.

H.R. 4237: Mr. FOGLIETTA, Mrs. BYRNE, and Mr. PORTER.

H.R. 4247: Mr. PENNY.

H.R. 4249: Mr. KREIDLER, Mr. DELLUMS, Mr. SANDERS, Mr. FOGLIETTA, Mrs. CLAYTON, Mr. EDWARDS of California, Mr. SERRANO, and Ms. MCKINNEY.

H.R. 4257: Mr. WASHINGTON.

H.R. 4311: Ms. MOLINARI, Mr. CLINGER, and Mr. COMBEST.

H.J. Res. 209: Mrs. KENNELLY, Mr. SHARP, Mr. ROWLAND, Mr. THOMAS of Wyoming, Mr. BALLENGER, Mr. WALSH, Mr. BUNNING, and Mr. PAYNE of Virginia.

H.J. Res. 231: Mr. MONTGOMERY, Mr. QUILLEN, Mrs. MINK of Hawaii, Mr. LIPINSKI, Mr. FALEOMAVAEGA, Mr. BAESLER, Mr. NEAL of North Carolina, Mr. MARTINEZ, Mr. CALVERT, Mr. BAKER of Louisiana, and Mr. HILLIARD.

H.J. Res. 276: Mr. PAYNE of Virginia, Ms. MARGOLIES-MEZVINSKY, and Ms. SNOWE.

H.J. Res. 297: Mr. BROWDER, Mr. BAESLER, Mr. DIXON, and Mr. BARRETT of Wisconsin.

H.J. Res. 314: Mr. REED and Mr. MCHALE.

H.J. Res. 328: Mr. CASTLE, Mr. DORNAN, Mr. MEEHAN, Mr. CALLAHAN, Mr. FAZIO, Mr. JEFFERSON, Mr. TUCKER, Mr. LANTOS, Mr. VENTO, Mr. ENGEL, Mr. KILDEE, Mr. CALVERT, Mr. GRAMS, and Mr. MANTON.

H.J. Res. 333: Mr. PASTOR, Mr. VENTO, Mr. DURBIN, Mr. SWETT, Ms. DUNN, Mr. COPPERSMITH, Mr. STOKES, Mr. ENGEL, Mr. GENE GREEN of Texas, Ms. BROWN of Florida, Mr. SKEEN, Ms. ESHOO, Mr. KANJORSKI, Ms. SHEPHERD, Mr. BOEHLERT, Mr. REED, Mr. FALEOMAVAEGA, Mr. RAVENEL, and Mr. SANDERS.

H. Con. Res. 20: Mr. WYDEN.

H. Con. Res. 84: Mrs. BYRNE and Mr. GORDON.

H. Con. Res. 168: Mr. ARMEY, Mr. SHAYS, and Mr. BURTON of Indiana.

H. Con. Res. 212: Ms. MCKINNEY, Mr. OBERSTAR, Mr. SCHIFF, Mr. SERRANO, Mr. STUDDS, Mr. TRAFICANT, and Mr. TUCKER.

H. Con. Res. 217: Ms. MARGOLIES-MEZVINSKY, Mr. PARKER, Ms. FURSE, Mr. MAZZOLI, Mrs. MALONEY, Mr. HINCHEY, Mr. TOWNS, Ms. NORTON, Ms. VELAZQUEZ, Mrs. BYRNE, Mr. ENGEL, Mr. REYNOLDS, Mr. LEWIS of Georgia, Mr. WYNN, Mr. BILBRAY, and Mr. GEJDENSON.

H. Con. Res. 234: Mr. EDWARDS of California, Mr. FROST, Mr. KOPETSKI, Mr. WILSON, and Ms. WOOLSEY.

H. Res. 234: Mr. STEARNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HOCHBRUECKNER, Mr. KLECZKA, Mr. MENENDEZ, and Mr. HUFFINGTON.

H. Res. 362: Mr. BARCA of Wisconsin.

H. Res. 383: Mr. FAWELL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 140: Mr. EHLERS.

H.R. 3222: Mr. KOLBE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

90. The SPEAKER presented a petition of Palau National Congress, P.O. Box 8, Koror, Republic of Palau, relative to the sincere gratitude and appreciation of the people of the Republic of Palau to the Honorable RON DE LUGO, the U.S. Virgin Islands' Delegate; which was referred to the Committee on Natural Resources.

EXTENSIONS OF REMARKS

INTEREST RATES AND THE ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 4, 1994 into the CONGRESSIONAL RECORD:

INTEREST RATES AND THE ECONOMY

Most Hoosiers recognize that the economy is doing better now than it has in many years. Yet the recent actions by the Federal Reserve to raise interest rates have increased concerns about the outlook for the economy. I am frequently asked why the Fed raised interest rates when unemployment is still too high and there are no signs of inflation, and how the Fed's actions will affect the job outlook and family finances for Hoosiers.

THE ECONOMY

Many people wonder why the Fed wants to slow the economy just when it finally appears to be strengthening. The U.S. economy got progressively stronger throughout 1993 and grew at a 7.0% rate during the final quarter, the fastest growth in a decade. The economy grew at a 2.6% rate during the first quarter of 1994, and analysts expect continued growth of about 3.0% this year. There has also been a welcomed pick-up in job growth. Since January 1993, the economy has created 2.5 million new jobs, double the rate in 1992. These jobs have almost all been in the private sector, including more manufacturing jobs after years of losses. In Indiana, more than 20,000 jobs were added during the past year, including 7,000 jobs in manufacturing. The Indiana unemployment rate in February was 5.0%, down from 5.7% a year ago, and a full point and a half less than the national rate of 6.5%. Growth in income per person is also doing better, and that has helped push consumer confidence to a five-year high.

Much of the strengthening of the economy is linked to the reduction in the federal budget deficit, and the resulting lower interest rates. Last year, Congress enacted a major deficit reduction package that will reduce the projected federal deficit by some $430 billion during the next five years. Spending was cut for more than 500 programs. In relation to the nation's output, the deficit in 1995 will be the lowest since 1979.

Fed decisions to hike interest rates are closely linked to a fear of impending inflation. For the past three years, the inflation rate has been declining and most analysts expect little or no increase in inflation in the foreseeable future. The 2.7% rise in prices in 1993 was one of the lowest in 30 years. Analysts cite a number of reasons why they think inflation will remain under control, including the impressive recent rise in productivity, the large pool of available workers, worldwide excess capacity in many industries, and competition from foreign products.

FED ACTIONS

Interest rates, particularly long-term rates, can strengthen or weaken economic growth since they affect business investment decisions and major household purchases. The Fed can directly influence the direction of short-term interest rates, such as the rates on savings accounts or automobile loans. But long-term rates, such as the rates on home mortgages or corporate borrowing, are determined largely by private sector and government demand for long-term loans and by the outlook for inflation.

During 1993, the Fed kept short-term interest rates at a 30-year low. At the same time, long-term interest rates declined to their lowest levels since the late 1960s, and that helped boost the economy, particularly by the fourth quarter. This year, with the economy growing and the unemployment rate falling, the Fed has responded by raising interest rates three times since early February. Its purpose is to brake lightly the economy's recent acceleration and ensure that there will be no significant rise in inflation. The question is whether the Fed is over-reacting to a decline in unemployment. It appears to be convinced that the inflation danger is imminent. Many disagree.

Certainly at some point unemployment will fall so low that there will not be enough people for all the jobs employers want to fill. At that point enterprises will compete for workers by bidding up wages, and that will accelerate inflation. Some economists argue that unemployment can fall to 7 million people before a shortage of workers begins. The Fed thinks the key point is 8 million, and as unemployment has fallen toward that level it has acted.

While I do not criticize the Fed at this point, my instinct is that we should favor jobs at least as much as fighting inflation. The risk is that when the Fed decides to use tight money to fight inflation it may succeed at holding inflation down but it can also generate a real slump and put people out of work.

Before he started raising short-term rates to control inflation, Fed Chairman Greenspan testified that a rise in short-term rates would have only a small effect on long-term interest rates and could eventually bring them down. I supported the Fed's initial increase on that basis. But long-term rates have risen much more than anyone anticipated. The rates on home mortgages and corporate bonds have gone to their highest level in two years. Since moderate long-term rates are essential for sustained economic growth, the recent rise is a matter of concern. Many households will have to pay more interest on their home equity loans and credit cards, and interest costs for businesses will also rise. This may slow the economy.

I support the independence of the Fed and respect its judgment. The Fed believes the increase in rates will be good for the economy, but it will be some time before we know whether it was the right thing to do. At the moment, I am concerned that the Fed has not done a very good job of explaining why it raised interest rates and what it hopes to accomplish, particularly since long-term interest rates have behaved so differently from what it expected. At a time when unemployment is still higher than most of us would like and there are no signs of rising inflation, Congress and the American people need to understand what the Fed is doing. Before they proceed with additional interest rate hikes, Fed officials should testify before Congress to give a full accounting of their recent actions.

CONCLUSION

Without doubt we have to recognize the critical need to remain vigilant against inflation, and I do understand that the Fed is trying to change the psychological atmosphere in the financial markets. What bothers me is that the specter of inflation—not the fact of inflation—is governing the speed at which the economy can grow.

The building blocks for sustained expansion—including smaller deficits, improved productivity, and strong investment—are increasingly in place. The U.S. economy is well positioned to experience a long phase of steady growth and only modest inflation. The delicate task of economic policy at the moment is to throttle inflation but not the expansion.

COMMEMORATING THE 79TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. WALTER R. TUCKER III

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. TUCKER. Mr. Speaker, I rise today in remembrance of the victims of the 1915 massacre of Armenians. I join with many of my colleagues as well as the President in renewing our commitment to the memory of the estimated 1.5 million Armenian lives lost between 1915 and 1923. At a time in history when there are so many regional conflicts throughout the world, we must take time out to recognize such acts of inhumanity in the hopes that we can avoid them in the future. History is there to provide us with important lessons and experiences. Let us learn from the genocide of the Armenian people in 1915 as we honor those who fell, their families, friends, and relatives. Let us take this lesson and apply it to the many situations around the world such as Rwanda, the former Yugoslavia, the Middle East and of course the conflicts going on among states from the former Soviet Union. By learning how to stand up against acts of genocide, we will be paying tribute to those victims of the terrible Armenian massacre in 1915.

IN HONOR OF SISTER VERONICA SKILLIN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Ms. ESHOO. Mr. Speaker, I rise today to honor a dedicated public servant and outstanding educator, Sister Veronica Skillin, on the occasion of her retirement as president of the College of Notre Dame.

Through her remarkable leadership, Sister Veronica has brought many changes to the College of Notre Dame. As president, she has helped that institution grow in size, strength, and reputation, as exemplified by the rich diversity of its student body, the construction of its Gleason Center gymnasium, and the development of its governance board. Sister Veronica has also successfully cultivated a community spirit among the students, faculty, and staff at the College of Notre Dame, so each individual knows that his or her work is appreciated.

Sister Veronica's dedication to education extends far beyond her role as college president. As a long time member of the education community, she has worked with young people as an elementary school teacher, principal of Notre Dame Elementary School, principal of Notre Dame High School, coordinator of in-service programs for the University of San Francisco School of Education, and dean of students at the College of Notre Dame.

Mr. Speaker, Sister Veronica is an outstanding educator and human being who has made a difference in many people's lives. She has gained the utmost respect and regard of those who have worked with her and whom she has served. I ask my colleagues to join me in saluting Sister Veronica Skillin for her countless contributions to our community and our children.

FATHER MICHAEL ZEMBRZUSKI HONORED FOR 60 YEARS OF SERVICE TO CHURCH AND COMMUNITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place on May 14 in Brooklyn, NY. On that day, there will be a festive celebration of the 60th anniversary of the ordination of Father Michael M. Zembrzuski, a Roman-Catholic priest well known in the Polish and American communities as a wonderful human being and a great humanitarian.

Since arriving in the United States in 1951, Father Zembrzuski has spent his life working among the American Polonia. Soon after his arrival, he took on the task of the creation of a sanctuary known as the American Czestochowa in Doylestown, PA. After much time and effort, Father Zembrzuski succeeded in acquiring the funds needed for such a center. Father Zembrzuski then ably supervised the building of the American Czestochowa, the largest Polonian religious center in the world. This sanctuary was officially consecrated by the Archbishop of Philadelphia, John Cardinal Krol, on October 16, 1966 with President Lyndon B. Johnson and his family in attendance. Throughout the years, the sanctuary has been visited by other important political figures, such as Presidents Ronald Reagan and George Bush, as well as Vice President Hubert H. Humphrey.

Between 1980 and 1993, Father Zembrzuski devoted his considerable efforts to the betterment of the Polish and Slavic Center. With about 35,000 members, this center is one of the largest Polonian organizations. One of his major accomplishments during that period was the creation of a highly successful home attendant program, of which he was the director for 13 years.

As a member of the Polish-American Congress, and as the former chaplain of the Downstate New York Division, Father Zembrzuski remains extremely active in many prestigious organizations. During his lifetime of service, Father Zembrzuski has certainly been one of the driving forces behind the consolidation of the Polish community as a strong and proud ethnic group. He offered countless immigrants from Poland and Hungary guidance and assistance in their struggles to fully integrate themselves into broader American life.

Mr. Speaker, because of his tremendous accomplishments on behalf of the Polish-American community, I would like my colleagues to join me in honoring the distinguished Father Zembrzuski on the occasion of the 60th anniversary of this ordination.

TRIBUTE TO TOM HUGHES

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. BRYANT. Mr. Speaker, I rise today to pay tribute to an exceptional American, Mr. Tom Hughes. Tom Hughes, the producer and managing director of the Dallas Summer Musicals, brought big-time musicals and their stars to Dallas for the past 33 summers. He died Sunday, April 10, 1994.

He brought Katharine Hepburn, Richard Burton, Yul Brynner, Ginger Rogers, Gene Kelly, and Carol Burnett to Dallas, and gave Texans Tommy Tune and Sandy Duncan their first jobs. He launched the national tours last year of the Tony-winning "Crazy for You" and "The Who's Tommy."

Many of Dallas theater's best-known boosters remembered the man with the ever-present cane, three-piece suits, and fresh flower in the lapel for his gentlemanliness as much as for his considerable artistic contributions.

Tom Hughes began his theater career in Dallas in 1955, when he was named house manager of the State Fair Musicals. The name was changed to Dallas Summer Musicals in 1962. He worked as assistant to the producer, assistant managing director and executive production associate until 1961, when he was appointed managing director, a job he held and performed with distinction until his death.

This theater master was also executive director of the Tom Hughes Foundation, which was founded in 1983. The foundation brings national touring companies of dramas and musicals to the beautifully restored Majestic Theatre and the Music Hall during the months when the Summer Musicals are inactive.

Mr. Hughes will be sorely missed not only by those in the theater world, whose work he nurtured so unselfishly, but also by the countless citizens throughout the area and the world who benefited from exposure to his theatrical productions.

ARIZONA SMALL BUSINESS PERSON OF THE YEAR

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. COPPERSMITH. Mr. Speaker, I rise today to recognize Joseph Wojcich, the Small Business Administration's Arizona Small Business Person of the Year. Since his start in 1975, using personal savings of $1,500, Mr. Wojcich has grown his company, Tempe Camera, to a thriving business with 31 employees and projected 1994 sales of $3.4 million, occupying a 10,000 square-foot building.

Mr. Wojcich came to the United States in 1951, when his Ukrainian father and Polish mother escaped from East Germany. At 17, he joined the U.S. Air Force, and served as a machinist at Luke Air Force Base. After leaving the Air Force, Mr. Wojcich worked as a machinist—until he nearly severed two fingers in an accident. He then taught himself camera repair. The rest is, as they say, history.

The success of Tempe Camera is no surprise to those who know the skill and loyalty of its employees. Mr. Wojcich purposefully pays generally higher wages than his competitors, has a significant employee profitsharing plan, and provides employees with full medical and dental benefits.

Joseph Wojcich's commitment to his employees, his customers, and his craft serve as an example to all business owners, large and small. I take special pride that for the second consecutive year, an entrepreneur from the first congressional district has received the Arizona Small Business Person of the Year Award. I am proud to represent countless such entrepreneurs in my district, the men and women who drive our economy. Joseph Wojcich is a most worthy representative of their spirit, determination, and will to succeed.

DEVELOPING A POSITIVE TRADING RELATIONSHIP

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. SAWYER. Mr. Speaker, I am pleased to take this opportunity to recognize a business venture that represents the development of a

constructive and enduring relationship between companies in the United States and Japan. The successful business alliance between Morse Controls, located in my district in Hudson, OH, and Tokyo Electric Power Company of Tokyo, Japan, demonstrates that the global marketplace can work to the advantage of all nations and their people.

Tokyo Electric Power Company and Morse Controls, a division of Imo Industries, have successfully maintained a mutually beneficial business relationship for more than 8 years.

Tokyo Electric Power Company is a large enterprise that has played a major role in the supply of critical energy services to Japan. It has displayed genuine economic cosmopolitanism by reaching out to an American company for the provision of needed goods and services.

Morse Controls, engineer and manufacturer of a unique remote control system, has supplied thousands of its products for the Japanese electricity distribution systems. In doing so, it has met the highest service and quality standards of Tokyo Electric Power Company and enhanced the safe and reliable operation of electrical distribution systems in Japan.

The extensive flow of international commerce that this business association represents has benefited the Japanese people and provided valuable employment opportunities for workers in northeast Ohio.

At a time when appropriate trade standards between Japan and the United States have come under increased scrutiny, I think it is important to recognize successful instances of transnational business partnerships. The association between Tokyo Electric Power Company and Morse Controls is a commendable example of how our two Nations can develop a positive trading relationship.

TRIBUTE TO THOMAS J. STACK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Thomas J. Stack, a personal friend of mine, who lost a long battle with cancer on April 16, 1994. This tribute is to memorialize his life of sacrifice, patriotism, and dedication to our country.

No one has spoken or written more accurately or articulately about Tom, than Mr. Steve Neal, political editor and columnist of the Chicago Sun-Times. From this point on I quote the Neal column of April 18, 1994.

He was among the more decorated soldiers of the Vietnam War. But Thomas J. Stack seldom talked about his combat record.

On his return from Vietnam, Stack had a reunion in his basement with some of his pals from the Southwest Side. He wanted to know how they were doing. Stack never talked about himself much. But he helped a generation recover its lost pride.

Stack, 50, who died on Saturday after a 17-year bout with cancer, was a sergeant in the 9th Infantry Division in Vietnam who earned two Silver Stars, three Bronze Stars for valor and the Air Medal for taking part in more than 25 aerial missions over hostile territory.

"He was a hell of a man," said retired Gen. William C. Westmoreland, who commanded U.S. forces in Vietnam from 1964 to 1968. "Tom showed great bravery and valor on the battlefield. He put his life on the line to protect his men," Westmoreland said Tuesday. He recalled that Stack was among the more selfless men that he had known.

In Stack's final hours, his spirits brightened when he received a phone call from Westmoreland at St. Francis Hospital in Blue Island. Stack smiled when he got the call from his wartime commander. "I just told him how much he meant to all of us and that we were pulling for him," said Westmoreland, 80, who frequently corresponded with Stack. "He's going to be missed."

When he was under fire in Vietnam, Stack responded with toughness and courage. In the face of enemy fire, he dove into a stream, saved an American soldier from drowning and also captured a Viet Cong officer. While serving as a platoon leader, Sgt. Stack was under fire with his men behind a rice-paddy dike. Stack led a charge that wiped out five bunkers, rescued wounded American soldiers, and took heavy Vietnamese casualties. On another occasion when his platoon was under heavy fire, Stack led an assault that knocked out enemy snipers. Stack was a soldier's soldier.

On coming home from the Vietnam War, Stack and other veterans were greeted by protesters who called them names. It bothered him that Vietnam veterans weren't treated fairly. Stack was in Washington, D.C. in 1982 for the dedication of the Vietnam Veterans Memorial. He was deeply moved by the Wall and visited it often.

As part of the healing process from the Vietnam era, Stack organized the 1986 Vietnam Veterans Welcome Home Parade that brought more than 250,000 Vietnam veterans to Chicago. It was an extraordinary event. Westmoreland said Tuesday that Stack played an important role in the process of national reconciliation. "That cracked the ice. Vietnam was an unpopular war, and that rubbed off on veterans," said Westmoreland. "But the Chicago parade cracked the ice on the country's attitude toward the Vietnam veteran and the veteran's attitude about himself. Other cities began honoring their veterans. Tom Stack started it all."

Stack received thousands of letters from parents and children of soldiers who had died in Vietnam, from veterans and families of surviving veterans that thanked him for honoring the courage and sacrifice of American soldiers.

He was among the more heroic figures of his generation.

Tom was a life-long contributor to the Chicagoland community. He grew up on the Chicago's south side and served as a Chicago police officer for 9 years after he returned from Vietnam. Tom was a professor of criminal justice at Daley College and was active in a number of veterans organizations. Tom was also my personal advisor on all veterans issues. He is survived by his two daughters, Kristine and Kathryn, and his son, William.

Mr. Speaker, I am proud to recognize this honarable man who made these tremendous contributions to our community and our country. I hope my colleagues will join me in memorializing his many years of dedication to his fellow veterans and our country. I will personally miss him a great deal.

TRIBUTE TO A HERO: SYLVESTER WELCH

HON. WALTER R. TUCKER III

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. TUCKER. Mr. Speaker, Webster's New Dictionary on American Language defines the word hero as, and I quote: "A man of exceptional quality who wins admiration by nobel deeds, especially deeds of courage".

Mr. Speaker, after reading that definition, it gives me great pleasure to rise and pay tribute to a man of exceptional quality who has won the admiration of many by his nobel and courageous deeds, Mr. Sylvester Welch.

Sylvester Welch was named "Western Region Hero of the year" by the National Association of Letter Carriers, for saving a woman from assault by two gang members trying to steal her purse at a city bus stop.

In the predawn darkness of downtown Los Angeles, Sylvester Welch watched in horror as a gang attack unfolded at a bus stop across the street from where he stood. Ms. Linda Shine was waiting, as she did every morning, for the bus to take her to work. Suddenly, two gang members, one carrying a knife, came out of the darkness and accosted Ms. Shine. They tried to snatch her purse and her gym bag, and when Ms. Shine held on to her possessions one of the thugs knocked her down and began dragging her along the sidewalk while others stood by and watched in horror and dismay. Sylvester Welch, a letter carrier, refused to stand by and do nothing while the assault took place. He immediately rushed across the street to help the struggling victim, Faced with Sylvesters' strong challenge, the two juveniles let go of the purse and fled into the shadows with the gym bag. Stopping only long enough to make sure that the woman was unharmed, Mr. Welch then hopped into his truck, pursued the assailants, but lost sight of them in the dark streets.

At a time when senseless acts of violence plague our society and citizens are afraid to walk the streets of their own neighborhoods, Mr. Sylvester Welch took bold and fearless action to protect the life and property of one of his fellow citizens.

Mr. Speaker, be it therefore acknowledged that Mr. Sylvester Welch is recognized as one of this Nations great American heroes and that his act of bravery be recognized as a "random act of kindness."

IN HONOR OF MEL SOLOMON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Ms. ESHOO. Mr. Speaker, I rise today to honor a dedicated public servant and outstanding business person, Mr. Mel Solomon, on the occasion of his retirement as executive director of the Sunnyvale Chamber of Commerce.

Mel has provided the chamber with exceptional leadership over the past 6 years.

Through his remarkable expertise and passion for business development, he has brought together both large and small businesses to work in partnership throughout the community. The Sunnyvale Chamber of Commerce has substantially expanded its role under his guidance and increased the services it offers to local businesses. Mel has also been instrumental in bringing to the region a wide array of community resources to help companies succeed, such as the Silicon Valley/San Mateo County Small Business Development Center and the De Anza College Small Business Institute. In addition, Mel has been a driving force in bringing businesses and dislocated workers together to utilize the NOVA/Private Industry Council's invaluable support services and retraining programs.

Mel is credited with not only putting together resources to support businesses and the Sunnyvale community, but also serving as a major source of business expertise himself. Mel worked for 23 years as a national marketing director and program business manager for GTE/Sylvania. Starting from scratch in 1970, he and his wife, Maxine, built the Sportique fashion-retail business into a successful six-store chain and sold the business in 1985. During the past 20 years, he has taught entrepreneurship startup and expansion classes at colleges throughout the bay area and published a book on this subject. He also hosted a nationally televised series entitled "The Small Business Counselor" for 2 years.

Mr. Speaker, Mel Solomon has united the Sunnyvale business community in a way that has never happened before. He has been the catalyst for many innovations, and the partnerships he has created will flourish long after he has retired. I ask my colleagues to join me today in honoring this remarkable man who has truly made Sunnyvale a great place to live and do business.

MICHAEL PAJAK HONORED AS PULASKIAN OF THE YEAR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place in my district in New York on May 6. On that day, the Pulaski Association of the New York City Police Department will honor Mr. Michael Pajak as their Pulaskian of the Year.

Mr. Speaker, no individual could deserve this rare honor more than Michael Pajak. Ever since Mr. Pajak came to this country as a small boy in 1960, he been an integral part of the Polish-American community.

After serving in the Armed Forces, Mr. Pajak opened his own highly successful printing business in 1975 called "Polstar." By the early eighties, he had become a member of the supervisory committee of the Polish and Slavic Federal Credit Union. Only 1 year later, Mr. Pajak had assumed an important role as a member of that organization's executive committee, a position he continues to hold to this day.

In addition, Mr. Pajak has also served the Polish-American community through his work with the New York Division of the Polish American Congress. In fact, he has been president of this preeminent Polonian organization since 1991. In this capacity, Mr. Pajak had the vision to be the driving force behind the creation of the Father Popieluszko statue upon the square named after that martyred young Polish priest.

Mr. Pajak is also a devoted family man. He and Regina, his lovely bride of 25 years, are the proud parents of two: Darian, a second year premed student at the prestigious Cornell University, and Adriana, who will graduate this year from St. Ignatius Loyola High School.

Truly, Mr. Speaker, Michael Pajak has exemplified the essence of achieving the American dream. Since his arrival in America, he has grown into a successful businessman and has started his own family here. But what makes him such a great American is the fact that he has never forgotten his roots. During the past two decades, Mr. Pajak has given so much back to the Polish-American community.

That is why it is so fitting that he be honored as Pulaskian of the Year, and why I would like my colleagues to join with me in honoring Michael Pajak for his visionary leadership and years of service on behalf of the Polish-American community.

REPRESENTATIVE MEEK HONORS THE INSURANCE WOMEN OF MIAMI DURING NATIONAL ASSOCIATION OF INSURANCE WOMEN WEEK

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mrs. MEEK of Florida. Mr. Speaker, the week of May 15–21, 1994, has been designated as National Association of Insurance Women Week to draw public attention to the important role of women in the insurance industry.

Professional insurance women make a significant contribution to the risk and insurance industry. They are increasingly effective in promoting public awareness of such important issues as tort reform, automobile safety, and the problem of drinking and driving. With a membership of more than 15,000, the NAIW, including the Insurance Women of Miami, endeavors to provide consumers with quality insurance products and services consistent with the industry's highest professional standards and ethics.

I am sure that my colleagues will join me in honoring the women who are performing important and diverse roles throughout the risk management and insurance industry.

TRIBUTE TO JOYCE LYNN WILSON

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. DORNAN. Mr. Speaker, I want to take this opportunity to pay tribute to Joyce Lynn Wilson. To the shock and disbelief of her family, friends, and loved ones, on January 17, 1994, Joyce fell victim to the tragic earthquake that rocked through southern California and ripped apart the lives of so many innocent people.

My wife Sallie, and I, had known Joyce for years. She stood by our side and the side of her fellow Republicans and helped us fight the evils that threatened our families, our livelihood, and our country. She was not only a wonderful woman, she was a loving wife and mother, a devout Catholic, and a true patriot. Those of us who were fortunate enough to know Joyce continue to be profoundly saddened by her loss.

In memory of Joyce, I would like to insert the text of the eulogy that was given on the day of her funeral. May she rest in eternal peace in the arms of our Almighty Father.

ODE TO JOY, A EULOGY FOR JOYCE LYNN WILSON, JUNE 15, 1941–JANUARY 17, 1994

On the morning of January 17, the earth trembled, and Joyce Lynn Wilson died. I'd like to say that another way. On the morning of January 17, Joyce Lynn Wilson died, and the earth trembled. Her heart trembled, and gave its last beat as she summoned her children to safety. Hers was a big heart—warm, generous, and full of Joy. Her life, like all of ours, was filled with many sorrows, trials and tragedies, but her attitude was like her name—joy.

She always called Gayle her baby sister, and me her baby brother-in-law. So now I would like to talk about my big sister-in-law.

Joy was a writer, a devout and staunch Catholic, a pro-lifer and a patriot, not to mention a wife, mother, aunt, grandmother, beautician, teacher, taxi service, political activist, confidant, and friend.

As a wife and mother, she brought seven lovely children into this world: Shelley, Kathleen, Monica, Eddie, Mike, Elizabeth, and Eileen. She sewed, shopped, cooked, mended, and even found time to make those lovely holiday crafts which so many of us have in our homes. She worked tirelessly for her kids schooling. How many hours did she spend on her knees scrubbing the bathroom floors at Padre Pio Academy? She was devoted to the end.

With seven children, could anyone doubt that Joy was a Catholic all the way? She was always devout, but in the last few years, her devotion became intense; daily Mass and Communion, many acts of charity and generosity, and always an attitude of humility and self accusation.

Not only was she devout. She was staunch, in the best sense of the word. In the most active sense of the word. She was a pillar of pro-life activities here in Orange County. You could see her picketing abortion clinics with her kids in a stroller. There was the time her picketing friends came by her house with signs of their own and shouting slogans: "We are, pro-Joyce! We are, pro-Joyce."

She campaigned for the good guys. In the words of her friend, "She was the glue that held everything together, even when things got sticky."

And if a modernist theologian dared to set foot in Orange County to peddle his heterodox theology, she was there. How many of you remember the visit of Father Raymond Brown? Joyce was there. It was his last visit to Orange County.

She had this idea for a prayer letter—a forty hours devotion where people from all

over could storm Heaven with their prayers and petitions for each other. How many of us have received favors from this wonderful devotion?

She wrote articles for the Diocesan Bulletin. She wrote about Satanism and its effect on our kids; about gangs, and about chastity. How many Catholics could say this much?

She was not only a Catholic, she was a patriot. Most of us would say a super-patriot. In 1976, she got involved with the schools to make people understand what the Bicentennial of 1776 was really about, and to put God back into our country and our schools.

She fought liberals and Communism with her mightiest weapons: her pen and her phone. Using the pen-name of Margo Bellencourt, she took on the Liberals in the L.A. Times. When no one else even realized he was a threat, she took on Lyndon LaRouche. She saw through him, she fought him, and now he is in jail.

With her ready pen, she took on Jimmy Carter. Who can forget her "Fireside Chat" parodies where, in response to his foreign aid debacles, she, Joyce Wilson, announced that she was going to cordon off her property, declare it a sovereign nation, and apply for foreign aid; and if she didn't get it, secede from the Union and declare war on the United States.

Who could forget her "Campaign for Creative Bureaucracy." And when Bill and Hillary Clinton came into power, who could forget her Limmericks. Like this one on Inauguration Day:

The Inaugural bash told the tale
'Twas a day that made satirists pale
And the Do-Dah Parade
All the wierdos had made
Shows our leader, indeed, does inhale.

Or, when Clinton declared war on the Military by allowing in Gays, her stories of Private Percy Periwinkle. She kept all of us in stitches. She knew more about the U.S. and the Russian military than I do, and I work in Defense.

As a final tribute to her patriotism, Congressman Bob Dornan has informed us that he is arranging for a United States flag to be flown over the U.S. Capitol in her honor.

You're a real patriot, Joy. I think this little poem composed by your baby sister says it all:

Loyal and true
Loved the Red, White and Blue
God and Country through and through
Joyce, there will never be another you.

On January 17, the earth shook, our hearts trembled, our lives were shaken. The loss was profound. But more than buildings or dishes, more than freeways or bridges, on that day, we lost our Joy.

But our loss is Heaven's gain. Up there, she can do what she did so well down here even better—fighting for the good.

And so to her husband, Ed, to her children—our Godchildren—I say to you, "Weep, but have Joy in your hearts. She goeth to prepare a place for you."

Given January 19, 1994, St. Mary's by the Sea Catholic Church.

TRIBUTE TO AUXILIARY BISHOP RAYMOND KAFFER OF THE JOLIET DIOCESE ON HIS 40TH ANNIVERSARY AS A PRIEST

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. SANGMEISTER. Mr. Speaker, I rise today to pay tribute to a spiritual leader, respected educator and community leader—Auxiliary Bishop Raymond Kaffer of the Joliet, IL, Catholic Diocese, who is celebrating his 40 anniversary in the priesthood this month.

Bishop Kaffer has had a long and distinguished career serving the diocese, and the community as a whole, in numerous capacities. After his ordination May 1, 1954, Bishop Kaffer, a Joliet native, committed himself to education and the young people of the communities in the diocese. He served as assistant chancellor of schools from 1954 to 1965, and then become rector of the St. Charles Borromeo Seminary in Lockport, IL. In 1970, he was named principal of Providence Catholic High School in New Lenox, IL, where he guided the school through tremendous growth, mirroring the expansion of the communities Providence serves.

In 1985, he briefly served as rector of the Cathedral of St. Raymond in Joliet, and in that same year was appointed auxiliary bishop of the Joliet Diocese, the second largest diocese in Illinois.

Bishop Kaffer continued his own education while guiding the intellectual and spiritual growth of young people in the diocese. He earned advanced degrees at DePaul University and St. Mary's of the Lake Seminary.

He was named Man of the Year by his fellow Joliet Catholic High School alumni in 1978 and has been active in both the National Conference of Catholic Bishops and the Catholic Conference of Illinois.

Mr. Speaker, I congratulate Bishop Kaffer on 40 distinguished years of service to the Catholic Church, and wish him many more years of success as a spiritual leader of this community.

NICARAGUA'S ECONOMIC SITUATION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. HUNTER. Mr. Speaker, I wanted to take this opportunity to share with Members an update I received from the head of Meso-American Studies, Mr. Bruce Jones, regarding the current economic situation in Nicaragua. As Mr. Jones points out in his letter unemployment in Nicaragua stands at 60 percent and it is difficult for entrepreneurs to get loans. I encourage all my colleagues to read Mr. Jones' account of his recent visit to Nicaragua and the economic problems they are experiencing.

MESO-AMERICAN STUDIES,
Reston, VA, March 23, 1994.

Hon. DUNCAN HUNTER,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HUNTER: Since mid-November, I have spent approximately six weeks working on a pre-feasibility study in Nicaragua for a mid-west investment group. Due to their interest in agricultural enterprises, including cattle, this was my primary area of investigation. While Nicaragua has made substantial progress from the state orientated policies of the former government, much is yet to be done.

As the failure of the Sandinista revolution became more apparent internationally, their access to credits and financing declined, as did their standard of living. By 1990, Nicaragua had one of the lowest standards of living in the Western Hemisphere. Due to both their failure to satisfy the needs of the Nicaraguan people and international pressure, in the elections of 1990, the Sandinistas were voted out of power. Now the re-establishment of a free-market economy and democratic pluralism is being slowly implemented by the Chamorro Government.

One of the sadder legacies of the Sandinista regime has been the bankrupting of the Nicaraguan economy. Since the taking of power in 1990, the government of Nicaragua has struggled to restructure its debt and, at the same time, reactivate the economy. While the IMF and the World Bank are satisfied with the austerity program that has been implemented, this program has hindered the economy. Nicaragua has traditionally been an agricultural and beef producing country, with between 24 to 31 percent of its GNP generated through agricultural, cattle, timber and fishing production.[1]

While often the new government's policies are not highly visible, one example clearly shows the new orientation of Nicaragua. In 1990, inflation was 13,490 percent, in 1992 the inflation rate fell dramatically. This fiscal responsibility has its social cost however, and now in 1994, unemployment is estimated to surpass 60 percent.[2] This can be a potential social time-bomb if measures are not taken to alleviate this problem. Perhaps the most important measure to defuse this social problem—that is obviously also an economic problem—is to create a climate of confidence for foreign investment. To its credit, the Chamorro Government has taken positive steps to both attract foreign investment and provide guarantees that these investments will offer the investor a reasonable chance of success.

Perhaps the two most important initiatives taken by the Chamorro Government have been the Foreign Investment Law (FIL), Law #127; and the Exports Promotion Law (EPL), Decree Law #37-91. The FIL has been designed to attract foreign capital for investment within Nicaragua and the EPL provides further initiatives to promote the exportation of Nicaraguan products, with emphasis on non-traditional goods.

Never-the-less, the austerity programs have seriously affected local Nicaraguan producers. In regard to bank loans to the cattle industry, long-term loans for building of ranch infrastructure are virtually unavailable and short-term loans carry an onerous interest rate.[3] Short-term cattle loans, given in córdobas, the Nicaraguan currency, have been tied to the relation of the córdoba to the U.S. dollar. This is to say that if, during the course of a loan period, the córdoba is de-

Footnotes at end of article.

valued in relation to the dollar, the Nicaraguan borrower, who borrowed in local currency, has his loan readjusted to reflect this change. This is called "maintenance of value". In January of 1993, the córdoba was devalued 20 percent in relation to the dollar. Any loan active at that time had an extra 20 percent, in local currency, added to the loan value.

Meso-American Studies examined, and possesses, copies of two loan contracts active in that period. Above the 22 percent interest rate that BANIC, one of the two government banks, charged to the borrower, 20 percent was added above the original interest rate. Coupled to this is a 3-percent bank charge for processing the loan, which gives an effective interest rate of 45 percent a year. While the different banks in Nicaragua charge different interest rates, they all share the "maintenance of value". Prior to the examination of the clauses in the BANIC loans, Meso-American Studies has assumed that only the mafia charged this type of interest. Copies of these loan contracts are attached to this letter. Clause #8 clearly states the relation between the córdoba and the dollar.

"In agreement to the credit, changes, and monetary standards in force, it is established that the amount of this loan at the official rate of exchange today, corresponds to the quantity of —— dollars. It remains expressively agreed that the debtor clearly assumes the risk for the variations in the rate of change. Therefore, the debtor is obliged to pay the Bank the quantity of córdobas that may be necessary to cover the value, in the indicated dollars, at the rate (of exchange) applicable in the moment of its cancellation. The payments, or partial payments will be applied at the rate (of exchange) applicable in the date of each payment." Banco Nicaraguense, Contrato de Crédito con Garantía Prendaría, Clause Eight.

Even though the Nicaraguan borrower receives córdobas from the bank, is paid for his product in córdobas and repays his loan in córdobas, governmental monetary policies beyond his control may raise his interest rate, due to fluctuations with the dollar, to an unacceptable level.

Equally disturbing was the fact that few loans were available for long-term ranch infrastructure. While Nicaragua has the pasture capacity for maintaining 4,000,000 head, the current cattle population is estimated at 1,500,000 head.[4] The lack of access to long-term credits and exorbitant interest rates was the motivation of meetings between representatives of cattlemen and members of the Economic Commission of the Nicaraguan National Assembly on Nov. 3, 1993. These meetings ended without any solution to the problem of access to credit.

Because Nicaragua is literally living "hand to mouth", long-term ranch infrastructure loans simply are not available. Short-term loans are available, but at excessive interest rates. These loans typically are one year loans used to purchase cattle for fattening. Since a major portion of the Nicaraguan cattle industry is dedicated to exportation, this brings into the Nicaraguan economy hard currency. Yet the cost of this policy has been the stagnation of the cattle industry.

This problem has no short-term solution from the private sector, a change in foreign governmental and international banking policies in regard to loans in Nicaragua is the obvious solution. Yet changes could provoke an unwanted inflationary spiral. However, loans targeting a particular sector of the Nicaraguan economy could avoid this possibility. If just one export oriented meat packing house can generate over $34,000,000 in hard currency in a two year period,[5] given the present pasture under-utilization and national herd size, what would the future bring with a robust cattle industry?

I bring this matter to your attention in the hopes that either A.I.D. funds or Foreign Assistance Funds for FY95 be targeted, in part, to provide reasonable interest rate loans to the productive sectors of the Nicaraguan economy, which obviously would include the cattle and agricultural sector. Much of Nicaragua's resources go to service their international debts, debts occurred during the last decade in which the Nicaraguan people has no real opportunity to express their political will. That they continue to suffer the consequences of failed policies of the past is unacceptable.

I have no solution to this matter, it is my hope that you, and other members of Congress will address this problem at an appropriate time, and provide the necessary assistance to a people who never lost their faith in the United States. This is an issue that cuts across all political boundaries in Nicaragua. The people are not asking for a "hand out", rather a hand up.

Sincerely,

BRUCE B. JONES.

FOOTNOTES

[1] Doing Business in Nicaragua. American Chamber of Commerce of Nicaragua. Dec. 1993. Page 17, 1993 Foreign Economic Trends; Nicaragua. April, 1993, Economic/Commercial Section, U.S. Embassy, Managua. Page 5.

[2] 1993 Trade Act Report; Nicaragua. November 1992. Economic/Commercial Section, U.S. Embassy, Managua. Page 1. According to this report the Nicaraguan Ministry of Labor reported that unemployment in 1992 was only 18 percent, this figure simply is not credible. Nicaraguan Government estimates for 1993 do indicate 50 percent plus unemployment. See also Doing Business in Nicaragua. American Chamber of Commerce of Nicaragua. Dec. 1993. Page 61.

[3] Interview with Maximo Huertado Aviles, Banco Nacional de Desarrolo—El Muelle; Credit Director

[4] Interview with Edgard Lacayo V., CORNAP, Executive Director, Sector Pecuario

[5] La Ternera; FAGANIC. 3rd Edition. 1993. Page 21.

MENTORING SAVES MINORITY CHILDREN, NAS FINDS

HON. BARBARA-ROSE COLLINS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Miss COLLINS of Michigan. Mr. Speaker, saying that "The underrepresentation of minorities in the health and other professions has long cast a shadow over our Nation's efforts to develop a more representative and productive society," the National Academy of Sciences in a new report calls on many segments of society to take steps to increase the numbers of minorities in the health professions.

This important study calls our failures to encourage minorities to enter health professions leaks in the pipeline, in a chapter entitled, "Where the Leak Begins," the report notes that children begin their schooling with much curiosity about how the natural world works, but that by the fourth grade, minorities start to fall behind in science and math. Sometimes this starts as early as the second grade. To quote from the report:

African American students start school with test scores that fall within the same range as those of whites their age, but by the sixth grade, African Americans in many school districts are two full grade levels behind whites in achievement.

A central recommendation is to encourage mentoring, offered in a systematic way to students of all ages. The report notes:

Minorities who have stayed the educational course often credit someone—a parent, teacher, or mentor—for helping them succeed * * *. Mentoring releases talent and energy that would otherwise lie dormant.

I am very disturbed that we are losing children so early, but I am encouraged by the recognition of the value of mentoring. I have introduced H.R. 4186, a bill providing assistance for mentoring programs for minority youth. As the media drowns us with images of young minority men and women in trouble, we must take every step we can to provide supports and positive images for building self-confidence and self-esteem.

I hope the Members of the House will join me is passing a bill that with a few funds can bring great returns. The NAS study shows how we all have a responsibility and how these small steps can reap great rewards if we start early enough with our children.

A SALUTE TO ROBERT P. ARGENTINE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. COYNE. Mr. Speaker, I am pleased today to pay tribute to Robert P. Argentine, secretary-treasurer emeritus of the Carpenters' District Council of Western Pennsylvania, for his 50 years of continuous leadership in the United Brotherhood of Carpenters.

Robert Argentine is being honored in Pittsburgh on May 7, 1994, by the Carpenters' District Council of Western Pennsylvania for his many years of service to the cause of working men and women. He has been a tireless advocate for the rights of workers. A labor leader in Pennsylvania, Bob Argentine has played a major role in promoting the economic well-being of working men and women in our region.

As the United States prepares to compete in the global economy of the 21st-century, it is fitting for the House to recognize the contributions of individuals like Robert Argentine who have helped to make our country an economic superpower. He and his colleagues in the labor movement have fought steadfastly for the improvement of working conditions and opportunities for workers to share in the wealth generated by their labor. Individuals like Bob Argentine have provided the leadership needed in their communities to help raise living standards for both members of the labor movement and for all working Americans. He offers an inspiring example for working men and women who seek to build on the legacy of the American labor movement.

A native Pittsburgher, Robert Argentine has been a member of Carpenters' Local Union 142 since 1942. After attending the University of Pittsburgh School of Engineering and re-

ceiving two years of academic credit, Bob Argentine worked as a carpenter foreman and superintendent for various firms in Pittsburgh. He was selected to serve as business representative of the Carpenters' District Council of Western Pennsylvania and has held this position since 1954. He also served as executive business manager of the Carpenters' District Council of Western Pennsylvania from 1971 to 1993.

Bob Argentine has worked within the Carpenters' District Council of Western Pennsylvania to provide opportunities for working men and women. He has used his position as a business representative to open the door for countless workers who have sought good paying jobs. During periods of growth and recession, Bob Argentine has done his best to link together employers with skilled, qualified and dedicated working men and women.

Bob Argentine has also been a union leader at the State and national levels. He served as chairman of the Carpenters' Pension Fund; the Carpenters' Medical Plan; and the Carpenters' Annuity & Savings Fund from 1971 to 1993. Bob Argentine retired in 1993 from the position of vice president of the Pennsylvania AFL–CIO.

Bob Argentine has also been active in a variety of civic leadership positions in the Pittsburgh area and the Commonwealth of Pennsylvania. He has been a member of the Pennsylvania State Planning Commission and has also been a dynamic member of board of directors of the Port Authority of Allegheny County where he has served as chairman of the Construction Committee responsible for overseeing efforts to expand access to first-rate mass transit service. He has also served as second vice chairman of the Greater Pittsburgh Guild for the Blind and is a former member of the Bishop's Committee on Unemployment. In addition, Bob has been a member of the board of directors of Allegheny County Works, Inc., and a member of the Allegheny County Community College Advisory Committee. He is also a past member of the Blue Cross Board of Directors and a former member of the board of directors of QED Communications. Finally, Bob is a member of the Duquesne Council Knights of Columbus.

I know that Phyl Argentine has a right to be proud of her husband and the four outstanding children they have raised together: Robert Jr., who is a pediatrician; Dorthea Ann, who is married to an attorney in Washington, DC.; Peter, who is a producer of documentaries for PBS; and, Joseph, who recently received a doctorate in entomology and toxicology. I want to express here my strong regards for Bob Argentine and his family.

Mr. Speaker, I am pleased to offer this salute to Robert Argentine. All too often our Nation forgets the contributions of individuals like Bob Argentine who have helped to build our modern economy. It is highly appropriate that the House should provide an opportunity for this tribute to Bob Argentine and the working men and women of the United States of America.

DEFENSELESSNESS LIMITS OUR ABILITY TO ACT AGAINST NORTH KOREA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. HYDE. Mr. Speaker, North Korea stands firm in its resolve to develop nuclear weapons despite the Clinton administration's diplomacy and exhortation. The administration's current strategy of looking to the U.N. Security Council promises to be equally ineffective. Meanwhile, it has limited our ability to act by not funding the most effective defense against North Korea's nuclear threat—missile defense technology. The following article by Richard Perle in the May 3, 1994, edition of the Wall Street Journal reveals the dangerous course the administration has put us on by letting our defenses down while North Korea's threat has been building. I commend to my colleagues' attention the following:

[From the Wall Street Journal May 3, 1994]

THE BEST DEFENSE AGAINST NORTH KOREA

(By Richard Perle)

There are few things one can be certain about in international affairs these days, but I can think of two: (1) With or without international inspections, the North Koreans will not give up their nuclear weapons program; and (2) when they eventually get many nuclear weapons—and they will—we will wish we had a reliable ballistic missile defense, and we won't.

These expectations are not shared by the Clinton administration, which is facing important decisions regarding North Korea, as well as the future of the ballistic missile defense program started by Ronald Reagan more than a decade ago.

On the evidence to date, the Clinton administration is working harder, and much more effectively, to halt the development of our own missile defense system than it is to halt Kim Il Sung's nuclear weapons program. There is no other way to comprehend the administration's dithering on North Korea while devoting its meager ration of decisiveness to killing what remains of the Strategic Defense Initiative and cutting back sharply on other defensive systems.

RUTHLESS AND MONOMANIACAL

Despite its worsening poverty and post-Cold War isolation, North Korea still considers the development of nuclear weapons its highest priority. The North Korean "Manhattan Project" is run by Kim Il Sung's son and heir apparent, Kim Jong Il, who, if it can be imagined, is even more ruthless and monomaniacal than his father. Together they have relentlessly borne a huge financial burden, brushed aside American admonitions and scorned near-global opprobrium as they work to accumulate nuclear weapons.

There is not the slightest reason to suppose, or even hope, that North Korea will quit before it achieves success, which is now within reach. It is particularly foolish to believe that North Korea will be talked out of the nuclear weapons it is sacrificing so much to acquire. Kim Il Sung believes nuclear weapons are essential for his security and his ambitions to reunify Korea on his terms. He may also believe that there are billions of dollars to be earned by selling nuclear weapons in a market that until now has had no willing suppliers to satisfy a queue of eager potential buyers.

That diplomacy and exhortation alone will not suffice is hard to accept for an administration that tries to get by with words rather than deeds, redefinition rather than resolve. President Clinton's firm autumn stand, "North Korea cannot be allowed to develop a nuclear bomb," has gone the way of last winter's snow. In is place is a new objective—International Atomic Energy Agency inspections of those nuclear facilities that North Korea volunteers to identify. Such an inspection regime cannot reliably reveal, much less halt, the North Korean nuclear weapons program. And to accomplish even this modest purpose, the White House is looking again to its preferred diplomatic instrument—the United Nations Security Council, that engine of will and determination (ask any Serb).

But far worse than words without deeds is a dangerous pattern of words contradicted by deeds, as when U.S.-South Korean military exercises are called off or postponed as a concession to Kim Il Sung or when defensive Patriot missiles dispatched prudently—and vociferously—to protect American troops in South Korea are deliberately sent by slow ship.

After months of North Korean maneuvering and American backing and filling, we have failed to gain Kim Il Sung's consent to inspections that would not, in any case, prevent the covert continuation of the North Korean program or its quick resumption if it were temporarily halted.

Contemplating North Korea's potential bang with an American whimper, Under- secretary of State Lynn Davis last month summarized the administration's thinking: "Through diplomacy, we have made a serious effort to find out whether North Korea is willing to accept a nuclear-free Korean peninsula. . . . Our strategy if diplomacy fails takes us back to the U.N. Security council."

Whatever else the Security Council can do, it is not very good at stopping bombs or missiles (ask any Bosnian). That is a task for our armed forces. But this task is, unhappily, one they cannot now carry out.

It is not unreasonable to suppose that the specter of a nuclear-armed North Korea—to say nothing of its likely customers, Iran, Iraq and Libya—would cause the administration to think again about how we might defend against the missiles that Kim Il Sung or someone like him might someday aim at us, our allies or our troops abroad.

The wise decision to send Patriot missiles to South Korea proves again an important lesson of the Gulf War: In crisis as in war, missile defenses are much to be preferred to the abject vulnerability favored by the administration. That this lesson is so dimly perceived by the very team that ordered the Patriots to the rescue is striking commentary on the administration's failure to see the interconnections that distinguish a deliberate policy from a collection of unrelated reactions.

While decrying its lack of options for dealing with a nuclear-armed North Korea, the administration is out to throttle some of the most promising technologies for missile defense. Yet it is precisely this defenselessness that limits our freedom of action.

With help from its friends in Congress, the administration has decimated the missile defense budget while straitjacketing the development of promising defensive technologies on the grounds that they are not allowed under a narrow and controversial interpretation of the antiballistic missile treaty of 1972. It has reduced by 80% the amount of money projected by the Bush administration

for work on a nationwide defense system. More recently, it has proposed extending the ABM treaty, by now an artifact of the Cold War, to all of the former Soviet republics, thus diminishing greatly the possibility that it might one day be revised to allow us (and the Russians) to build nationwide defenses against emerging nuclear powers.

When it comes to killing missile defenses, an administration given to drift and vacillation has found an uncharacteristic sense of purpose.

The extraordinary thing about the opposition to an American strategic defense is its resilience. The now obsolete (and perhaps always misplaced) concern that the development of an American missile defense would deepen a U.S.-Soviet arms race has managed to survive the end of the Cold War and the dissolution of the Soviet Union with no loss of fervor.

UNCONVINCING THREATS

Administration success in ruling out the use of space-based components capable of intercepting missiles early in their flight will guarantee that we face future Kim Il Sungs without effective means of defense. It will also sacrifice some of the most promising options for theater defense. This will force us to rely on threats to use nuclear weapons in retaliation, as President Clinton has hinted we would do. But in nearly all contingencies such threats are unlikely to be convincing.

In the end, nuclear coercion, especially as part of a politico-military strategy, is bound to triumph over deterrence. For in the end, coercive threats coming from a Kim Il Sung who defied the world and managed to get a bomb are more likely to be believed than deterrent threats coming from an American president who decided we should not develop the means to intercept it.

SECOND ANNUAL STUDENT ART COMPETITION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. KING. Mr. Speaker, I rise to pay special tribute to the talented and hard-working young men and women who participated in my second annual Student Art Competition on April 30, 1994. The exceptional work submitted by 34 students from high schools across Nassau County, NY impressed me and a very distinguished panel of judges.

The third district competition was held in conjunction with "An Artistic Discovery," the nationwide arts program sponsored by the Congressional Arts caucus. I am very proud to support the mission of the Arts caucus to promote the arts and encourage the creative talents of young Americans.

Mr. Speaker, I am proud to report to my colleagues in the House of Representatives the results of the third district's art competition:

Winner: David Felice, Farmingdale High School.

Honorable Mention: Jeff Lohrius, Locust Valley High School; Stephen Herradora, Oceanside High School; William Blaschuk, Farmingdale High School.

Entrants: Christopher Barrett, Hicksville High School; Lisa Cohen, Plainview/Old Bethpage John F. Kennedy High School; Robert D'Amelio, Oceanside High School; Alexandria DiPietra, Plainview/Old Bethpage John F. Kennedy High School; Danny Escobar, Plainview/Old Bethpage John F. Kennedy High School; Neelofar Ghaznawi, Plainview/Old Bethpage John F. Kennedy High School; Kelly Hass, Seaford High School; Cara Karp, Oceanside High School; Illana Kasten, Oceanside High School; Elizabeth Kerr, Farmingdale High School; Brett Kitt, Oceanside High School; Lauren LaMonica, Oceanside High School; Gabriela Leganna, Farmingdale High School; Meredith LeRoux, Oyster Bay High School; Melanie Macioli, Oceanside High School; Josh Marlowe, Oceanside High School; Danielle Monsees, Hicksville High School; Jessica Milberg, Oceanside High School; Asa Mittman, Syosset High School; Jami Nuzzi, Farmingdale High School; Stephanie Occhipinti, Syosset High School; John Rasmussen, Hicksville High School; Leslie Pelikow, Plainview/Old Bethpage John F. Kennedy High School; Robert Ruggiero, Oceanside High School; Sadiya Sarij, Plainview/Old Bethpage John F. Kennedy High School; James Seaman, Long Beach High School; Kristopher Seluga, Seaford High School; Vanessa Taub, Lynbrook High School; Elizabeth Vineis, Syosset High School; Nicole Wong, Hicksville High School; Scott Yule, Seaford High School.

In addition to the participants, I want to pay tribute, recognize, and extend my sincere thanks to those whose hard work made the competition a success. Mrs. Linda Mondello of Hofstra University was a tremendous help to me and my staff as the cosponsor of this event. Her hard work and sense of commitment was truly inspiring. I also want to recognize the very distinguished panel of judges, Christos Hamawi, Maria Castellano, Aaron Michlin, and Krista Pfeiffer all of the Hofstra University Arts Alliance. They were faced with the difficult task of evaluating the entries and, I am very pleased to say, did a truly magnificent job. Each of these accomplished individuals has earned the thanks of the people of the third district.

Finally, Mr. Speaker, I would be remiss if I did not acknowledge the dozens of high school art instructors who dedicate themselves to encourage and nurture the creative talents of their students.

TRIBUTE TO HILDRETH "HAL" WALKER

HON. WALTER R. TUCKER III

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. TUCKER. Mr. Speaker, I rise today to pay tribute to a very special man. A man who has been at the forefront of some of the most cutting edge technology of our time. A man, Mr. Speaker, who is a true role model for the youth of this Nation, Mr. Hildreth "Hal" Walker.

Hal Walker began his career in the field of laser technology in 1964 at Korad Laser Systems, a division of the Union Carbide Corp. As a laser systems specialist Hal traveled throughout the United States and the world introducing advanced new laser technologies to the scientific community.

Hal is a 33-year veteran of the aerospace industry and has recently retired from Hughes Aircraft Co. where he was a part of the management team. While at Hughes Hal was also a part of the electro-optical and data systems group and participated in the development and placement of the first tactical laser target designator system into the inventory of the U.S. Army. This technology is currently on display at the Smithsonian Institution.

Since retiring from Hughes Aircraft Co., Hal has become the president of Tech Plus, a laser technology consulting group. Tech Plus has ties to international laser technology in Russia, Japan, and Canada. Tech Plus also has ties with major laser technology centers in the United States such as Lawrence Livermore.

Walker is also the chairman of the board and cofounder of the African-American Male Achievers Network, Inc. [A-MAN], a non-profit corporation, 501(C)(3). A-MAN is dedicated to the nurturing of young African-American male children, providing guidance, thus giving them the foundation that they will need to build pride and self-esteem, thus adding credence to the old African proverb "it takes a whole village to raise one child."

Mr. Speaker I rise to pay tribute to Hildreth "Hal" Walker, a true American success story and role model for the youth of today.

FEDERAL AGENCY ACCESS ACT INTRODUCED

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. DUNCAN. Mr. Speaker, I am introducing legislation today that would help all Americans by making our Federal agencies more accessible and thus more responsive to the people.

This legislation would require all Federal agencies to list a telephone number on their stationary.

It is my intent to have each Federal agency place a local or regional telephone number on their stationery.

It is my intent to have each Federal agency place a local or regional telephone number on their stationery. For example, any local or regional office with over 50 employees could place a telephone number on their stationery so that people living in these respective areas of the Country could contact the Federal agency with any concerns or questions they might have.

I know that there are many well intentioned Federal employees within our Government. However, I also believe that our Federal Government has gotten so big and so cumbersome that it has lost touch with the very people it is supposed to serve.

I had hoped that Federal agencies would take this upon themselves and become more available to the hardworking taxpayers who pay their salaries. Unfortunately, this is not the case.

The bureaucracy and the Congress are adding over 60,000 pages of fine print to the Fed-

eral Register each year. This is on top of the millions of laws, rules, and regulations we have already at the Federal, State, and local levels. Many small businessmen and businesswomen cannot keep up with all of these requirements and they are having a difficult time getting timely and responsive assistance from our enormous bureaucracy.

Social Security recipients, students, veterans, and many others cannot even contact the Federal bureaucrats who are supposed to be helping solve the problems that many Americans are having with their Federal Government.

Federal employees should be doing all they can to be more accessible and responsive to the people. I urge my colleagues to cosponsor this legislation so that we can help provide all Americans with greater accessibility to their Federal Government.

H.R. —

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 "Federal Agency Access Act of 1994".

SEC. 2. FEDERAL AGENCIES REQUIRED TO USE STATIONERY WITH TELEPHONE NUMBER.

The head of each Federal agency shall require, in the most cost effective manner practicable for the agency, that all written correspondence of the agency appear on stationery on which is printed the telephone number of the agency.

SEC. 3. REPORT.

Not later than 90 days after the date of the enactment of this Act, the head of each Federal agency shall report to the Congress a plan for complying with this Act.

THE TESTIMONY OF THE HONORABLE JAMES FLORIO BEFORE THE TEXAS NATURAL RESOURCES CONSERVATION COMMISSION

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. WILSON. Mr. Speaker, on Friday, April 15, 1994, a public hearing on a critical environmental issue facing my constituents, the citizens of Texas and all Americans was held before the Texas Natural Resources Conservation Commission. The subject of the hearing was a proposed strategy to more stringently regulate the burning of hazardous wastes in cement kilns. I am pleased that Texas under the able leadership of Gov. Ann Richards has recognized the need to lead the way in this area.

I commend to the attention of my colleagues in particular the comments of former New Jersey Governor Florio who appeared before the TNRCC on behalf of the Association for Responsible Thermal Treatment. Governor Florio's comments are especially pertinent because of his work on the Resource Conservation and Recovery Act and Superfund when he served as a member of this body.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION PUBLIC HEARING ON CEMENT KILN CONCEPT PAPERS, APRIL 15, 1994

Good morning Chairman Hall and Commissioners Reed and Garner, my name is Jim Florio. I am a former Governor of the State of New Jersey and a former member of the U.S. House of Representatives. As a Congressman, I was directly involved in drafting RCRA and the Hazardous and Solid Waste Amendments of 1984 and continue to have a strong interest in solid waste issues. I am appearing here this morning on behalf of the Association for Responsible Thermal Treatment, an organization of seven companies engaged in hazardous waste incineration.

At the outset, I would like to express my appreciation to the Commission for allowing me and other members of the public to offer our comments regarding the Commission's very important initiative regarding the burning of hazardous waste in cement kilns. I commend the Commission's commitment and leadership in addressing this issue which is not only very important to the citizens of this State but also important to citizens of other states where hazardous waste is being burned in cement kilns. I am hopeful that the Commission's commitment will translate into effective and practical measures for regulating the burning of hazardous wastes in cement kilns, which will set the standard to be followed by other states and the Environmental Protection Agency.

Congress enacted RCRA to establish a comprehensive, detailed and stringent program to properly monitor and regulate the generation, transportation and disposal of both solid and hazardous wastes. Congress specifically declared that: "It is the national policy of the United States that, wherever feasible, the generation of hazardous waste is to be reduced or eliminated as expeditiously as possible. Waste that is nevertheless generated should be treated, stored or disposed of so as to minimize the present and future threat to human health and the environment."

Consistent with this policy, commercial incinerators are carefully monitored, the burning processes are tightly regulated, and the ash residue is disposed of in a specially designed hazardous waste landfill. Unfortunately, over 60 percent of our Nation's liquid and solid hazardous wastes are being burned in cement kilns that are not subject to the same stringent requirements. These facilities instead are regulated as "interim status" facilities under the federal Boiler and Industrial Furnace rules, without strict standards to control the emissions resulting from the burning process and without a requirement that the resulting cement kiln dust be properly disposed in an environmentally safe landfill.

Under RCRA, we also intended to provide incentives for the reclamation of solvent wastes. Cement kilns are suppled by a system of fuel blenders. Many of these blenders use the solvent as a "carrier fluid" for low fuel value solid waste streams, like heavy metal contaminated sludges and soils. Contrary to our intent under RCRA, this "blending up" for burning discourages true recycling of high quality solvents. This loophole must be addressed not only at the state level but at the federal level. Fuel blenders operate with very little regulatory control under RCRA and are cause for public concern.

I believe it is imperative to move forward, without delay, to establish appropriate standards and regulations to ensure that the management of hazardous waste at fuel blending facilities and the burning of hazardous waste in cement kilns is properly managed under RCRA. This was certainly my intention when, as a Congressman, I helped draft this nation's hazardous waste law.

This Commission, in its March 15 Concept Papers, set forth a well devised and comprehensive approach to properly regulate the burning of hazardous wastes in cement kilns. Among other things, this approach included: (1) particulate and opacity limitations on air emissions from cement kilns burning hazardous waste; (2) clean hazardous waste fuel criteria; and (3) restrictions on cement kiln dust disposal. The Commission rightly recognized that it is important to regulate not only the types of hazardous wastes that are burned in cement kilns through the clean fuels concept but also the process itself and the cement kiln dust residues. As the Commission recognizes, cement kilns burning hazardous waste should be subject to the same regulatory requirements as are incinerators, for example, as regards the production of acid gases. Similarly, incinerators should be subject to the same requirements as are kilns. This approach is fully consistent with RCRA and would further enhance the objectives and intentions of Congress.

Of course, I recognize that others will not be fully supportive of the March Concept Papers. As a former Governor and Congressman. I realize that it is important for the Commission to fully review all competing interests and weigh the advantages and disadvantages of the policies in those papers. I am confident that ultimately the Commission will be led to the conclusion that it should adopt those policies.

I want to emphasize that there is a role in hazardous waste management for fuel blenders and other hazardous waste collectors, cement kilns, and incinerators. Fuel blenders must continue to handle and process high quality, high BTU liquid wastes for cement kilns. They and other collectors must continue their role of gathering waste and directing it to the appropriate treatment and disposal facility. We understand that small businesses may be concerned about outlets for their waste needs, but we see no need for this concern. Their waste needs will be handled as they are at present, with their waste being sent to the facility most appropriate for its disposal by, in all likelihood, the same company they are currently dealing with. The cement industry will also play an important role by providing additional treatment capacity for high quality, high BTU liquid waste. And waste that should go to fully permitted RCRA incinerators for treatment will end up where it belongs.

From my experience as Congressman, the March Concept Papers are on the right track. You should continue forward as expeditiously as possible to promulgate the regulatory standards outlined in them. I respect your courage and leadership, and I am hopeful that the initiative of this Commission will prompt other states and the federal government to follow the same course.

In closing, I would like to again thank the Commission for providing me with the opportunity to speak here today. Also, I would be happy to answer any questions that you may have.

TRIBUTE TO MYRLIE EVERS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. THOMPSON of Mississippi. Mr. Speaker, I stand today to recognize Mrs. Myrlie Evers for her many contributions to her community and the Nation. Mrs. Evers, the widow of slain civil rights leader, Medgar Evers, is a native of Vicksburg, MS. She attended Alcorn State University in Lorman, MS, and received her Bachelor of Arts degree from Pomona College in Claremont, CA.

Mrs. Evers in an author, public speaker, and former public official. She authored a book entitled "For Us the Living," which described her life with Medgar Evers and their experiences as active participants in the civil rights movement. In the State of California, she has served as a commissioner of public works for Los Angeles County. Mrs. Evers has also served as a member of the National Board of the NAACP. She is currently a member of the Board of Trustees of Medgar Evers College in Brooklyn, NY and a member of the Board of Trustees of Tougaloo College in Tougaloo, MS.

Since her husband's untimely death in 1963, Mrs. Evers along with her three children have worked diligently to bring her husband's assassin to justice. In 1964, the State of Mississippi prosecuted Medgar Evers' alleged assassin in two different trials. Each trial resulted in a mistrial because jurors failed to reach a verdict. However, Mrs. Evers never gave up her dream of securing justice in this case.

In 1989, a local Jackson, MS, newspaper published excerpts from the files of a defunct state agency that was created in the 1950's to maintain segregation. The paper reported that this agency had helped screen potential jurors in the 1964 cases against Medgar Evers' alleged assassin. This information led to a review of the murder case by local prosecutors and new witnesses came forward with new evidence regarding events surrounding the assassination. She was a major influence in encouraging the prosecutors to reopen this case.

During this period, prosecutors also discovered that there was no transcript of the original trial available. However, Mrs. Evers had a copy of the original trial transcript and presented the transcript to the district attorney's office of Hinds County, MS. A grand jury was convened and Byron de la Beckwith, the alleged assassin, was indicted and sent to jail without bond.

Beckwith subsequently appealed the State's refusal to allow him to go free on bond and alleged that a third trial would constitute double jeopardy as well as a denial of his right to a speedy trial. The Mississippi Supreme Court denied his appeal and a third trial commenced which resulted in his conviction in 1994 for the murder of Medgar Evers. He was sentenced to life in prison.

Over the last 30 years, Mrs. Evers has demonstrated a strong commitment to civil and human rights for all Americans. She recently donated the Evers family home in Jackson, MS, to Tougaloo College and the home will be converted into a museum to preserve the history of civil rights movement in Mississippi. In her role as a public speaker, Mrs. Evers continues to serve as a positive role model to young people. Mrs. Evers is to be commended for her outstanding contributions to our Nation.

CONGRATULATIONS TO LAMDA CHI ALPHA FRATERNITY

HON. CURT WELDON

OF PENNSYLVANIA

HON. JACK KINGSTON

OF GEORGIA

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. WELDON. Mr. Speaker, Mr. COLEMAN, Mr. KINGSTON, and I are honored to recognize the achievements of the Lambda Chi Alpha Fraternity in their recent North American Food Drive. The 140 chapters and colonies of Lambda Chi Alpha throughout the United States and Canada awoke early on November 6, 1993 and began "Brothers Feeding Others," a special project to collect nonperishable foods for local charities during a single weekend.

More than 250,000 pounds of canned and nonperishable food had been donated, collected by members of Lambda Chi Alpha, and distributed to hundreds of food banks and community centers. It was estimated that more than 7,000 members of the Lambda Chi Alpha Fraternity contributed 20,000 man-hours in completion of what has been called the largest single-day fraternity philanthropic project.

The food drive was not a new idea. During the holiday season each year, the Lambda Chi Alpha chapters collect canned food from area neighborhoods. The concept for the North American Food Drive was derived from this holiday tradition, but a new spin was added; ask all the chapters and colonies to complete their food drive projects during a single day. The result was a truly international event with great success. Not only did the brotherhood participate in a historic event, but they donated their time and energy to helping their own communities.

Throughout the day of November 6, 1993, Lambda Chis piled into cars to collect bags of nonperishable food left on door steps around their community. Earlier in the week, members placed notices on brown bags and distributed them in the community. Once the food was collected and weighed, the chapter delivered their supply to the charity of their choice. Most of the donations were given to community food banks, churches, and senior citizen centers.

Meanwhile, the Fraternity's International Headquarters in Indianapolis was buzzing with activity. Chapters telephoned throughout the day to report the total food collected and man-hours contributed. A telethon like atmosphere was created with a large thermometer tracking the international total of pounds of food collected. Chapters had the opportunity to compete for scholarships to benefit members who wish to participate in Fraternity leadership conferences.

So, we ask our colleagues in the House to join me in recognizing the Lambda Chi Alpha Fraternity, whose members demonstrate the promise that the future holds for our country.

THANKS, CELEBRITY READERS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. PAYNE of New Jersey. Mr. Speaker, I am honored to ask my colleagues to join me in congratulating an important program in the 10th Congressional District of New Jersey, the Celebrity Read Program. The program asks adults, both famous and not so famous, to come into the school system and read a passage to students about an important historical event involving people of color. The program then asks the participant to share a few of their life experiences with the class.

The program this year had 320 adult readers participate and they read to 12,000 students in 36 elementary schools. There are readers involved in this program who are corporate executives from New Jersey based corporations such as, Blue Cross and Blue Shield of New Jersey, Public Service Electric & Gas, Prudential, IBM, and many local politicians. Members of the Garden State Bar Association and judges from the superior courts were also readers. I believe the most important component of the celebrity read program is the fact that their definition of celebrity is local business people, entrepreneurs and everyday citizens from the community. They explain that "people from all walks of life and at various levels of accomplishment can serve as a source of inspiration to our inner city youth."

Some of the celebrity readers are not satisfied with only reading one day to the classes, they have decided to have a Celebrity Read Day at their place of business to expose the students to the real life world of work. The organizations that are taking it to this next level are: IBM, Prudential, Deloitte & Touche, and the Superior Courts of Essex County.

It warms my heart that in the 10th Congressional District of New Jersey there are organizations that are acting on the phrase "I believe the children are our future" and doing something to help them become prepared to take their rightful place. Thank you to the Celebrity Read Program and to the 200 Celebrity Readers for taking time to interact with the leaders of the next generation—our most valuable possession—our youth.

Thank you Mr. Speaker for allowing me this opportunity to share with my colleagues some of the exciting things we are doing in New Jersey to ensure our future.

REMEMBERING SPEAKER O'NEILL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. RICHARDSON. Mr. Speaker, since the passing of former Speaker Tip O'Neill earlier

this year, I have come across countless numbers of tributes about our former colleague.

While many citizens across our great Nation have spoken in glowing terms about Speaker O'Neill and his glorious career, I want to share with my colleagues one eloquent speech by Charlie Ferris which beautifully captures Speaker O'Neill, both as a person and as a public servant.

Mr. Ferris delivered the following speech to a large gathering at Boston College, the Speaker's alma mater, earlier this year.

A TRIBUTE TO THOMAS P. O'NEILL, JR.—ROBSHAM THEATER, BOSTON COLLEGE—FEBRUARY 3, 1994

After accepting the honor of participating in this afternoon of memory about Tip O'Neill, I wondered what I could add to the wonderful outpouring of emotion that has taken place since his passing—and especially those eulogies at St. John the Evangelist in North Cambridge three weeks ago. That funeral service lasted more than two hours and it wasn't a minute too long. It was a different experience for me—different than any other funeral I had attended, and I think it was so as well for most in that church who had known Tip. There was a deep sense of loss but no grief for what might have been. It was in the main a joyful celebration of an extraordinarily successful and meaningful life—and I don't think that can be explained simply as another case of the traditional Irish send-off for one of our own. It was the celebration of a giant who had lived long at the summit of life.

I had the great good fortune to work for three magnificent public figures after finishing law school here at BC in 1961. First, at Robert Kennedy's Justice Department, then with Mike Mansfield during his tenure as Senate Majority Leader, and then with Tip O'Neill when he was first Speaker of the House. All three happened to be Irish and Catholic; each so very different, so very strong; each who made lasting contributions to the fullness of America.

But each will be remembered in their own way. And with Tip, all of us who have been touched by him can tell stories that echo down familiar halls of history and memory and warm friendship. In all the stories, there is the glint of shining yet very human spirit. And that in essence is the mark of his life—it was a truly joyful experience.

But how does a freshman or sophomore at Boston College connect with Tip, a man who perhaps except in death never appeared on your cognitive screen? The class of '95 or '96 was in primary school when Tip O'Neill retired from public life. I still don't know who was Speaker of the House when I was in sixth grade, and never until this day have I even thought about finding out.

But for those at BC, there is a special meaning and connection. All the years of his life, wherever he was, Tip O'Neill never really left BC and, with the magnificent library that bears his name, he never will. And hopefully one of the memories recalled today might return to you on some future occasion as you enter that library, to remind you of a remarkable man who succeeded so fully in life by helping others up instead of climbing over them. He was a great, hearty, good man who did well. He was lucky, but he also had a gift of understanding that was close to genius. He lived in the arena of compromise—and better than anyone else, he understood when to take half a legislative loaf, knowing full well that the bakery would open again tomorrow. But his compromises were of timing, not of principle. What a tremendous and envious accounting of a life—to be so true to your values that reflections and reminiscences at your passing are not tinged with sadness by the regrets for at least some roads wrongly taken. Were the stars so perfectly fixed for Tip that his life in this respect was unique? I don't think so, but there was a nearly perfect alignment between his conduct and his belief.

Tip also had a keen appreciation of what was important. He has a sense of who he was and what he stood for very early in life. He had the great good fortune of knowing before he graduated from BC what he was going to do. As a senior in 1936, he didn't rely on the BC placement office for career counseling. His job that summer was to win a seat in the Massachusetts Legislature that Fall. He did, and he was in elected public life for the next 50 years. The people of North Cambridge and eventually their surrounding suburbs, including Boston, continued to employ him for half a century. Tip O'Neill never forgot who hired him and he never outgrew that constituency. He never became other than one of them, and he continued to listen to them decade after decade. And that is another attribute of Tip O'Neill. He has mastered the art of listening and he did it no differently in 1986 than in 1936.

The techniques of listening in politics are now high tech. The science of polling supposedly provides exquisitely accurate determinations of what the people think. But I never saw a poll as insightful as Tip O'Neill. And relying on polls displaces not only the need to listen as Tip did in his Saturday morning treks across his district, but the discomfort of feeling the pain. Tip never yielded to the temptation to insulate himself from the pain.

Even in his later years, when his daily schedule was dictated by the duties of Speaker, he still maintained the remarkable quality of conveying to the person he was with that there was no better use of his time at that moment. He could move through the Capitol building toward a meeting with even a President, be hailed by an ordinary and obviously untitled stranger, and he would stop and chat and not give any indication that there was anything more pressing or any other place he had to be. I never saw him look over the shoulder of the person he was talking to to see if he was missing an opportunity to talk with someone more important. He knew what was important and each person he met felt that impact as strongly as the grip of his handshake.

But it wasn't just in listening that Tip gave of himself. He had no sense of conservation in the use of his energy and personal capital. When he undertook your effort, he never held back because there might be a more worthy endeavor or more worthy supplicant next week or next month or because he might wear out his welcome. Every undertaking on behalf of another received the same intensity of effort. Tip never new what it was to be faint hearted. I suspect he must have flunked Latin when at BC because he never understood the meaning of "pro forma." When he championed your cause, it was his only cause and that was clearly and unambiguously conveyed upstream and downstream. Duplicity was a stranger to Tip his entire life.

Is there a better definition of genuineness? Is there a better predicate for developing the sense of loyalty?

A big part of your experience at BC will be to assemble your personal building blocks for a successful life? The desire to succeed is strong in all of us. It was in Tip! Those of you in school today have a journey ahead of you and if you are realistic, it is filed with uncertainty. Very few will know with the certainty of Tip O'Neill what you want to do when you graduate, what it is that will ultimately match your energies and your talents. And the desire to succeed and achieve will stay with you all the way. But your real challenge will be how you channel that energy in defining a fulfilling life. Tip O'Neill's course and his success and achievement were always rooted in service to others. He served the nation so well because he was so committed to serving his neighborhood—three generations of constituents in Cambridge and its surrounding area. And in his 50 year span of service, he never looked beyond his present job to greater opportunity. Greater opportunity came to him. His life was a legendary example of the best preparation for your next job is doing your present job well.

Tip had the good fortune of being positively influenced by his father, the Alderman, the Sewer Commissioner and the local leader of the Irish Community. From him he learned a concept of public responsibility that lighted his spirit throughout life. He was fortunate to be able to see clearly that he would follow in those footsteps and to rejoice that it was an honorable calling. The values he learned at home in North Cambridge and nurtured here at Chestnut Hill still reach across the years and could be summed up in scriptural command: feed the hungry, house the homeless and care for those in need—those the system passes by.

His good fortune never blurred his understanding of a simple but profound truth—a truth that is often overlooked in today's self-congratulatory pride—that none of us picks his or her own parents—nor the color of our eyes or our skin—and that those of us who, through no merit of our own, receive gifts of health, energy, family or just plain good luck, have a special obligation to others less fortunate. To spend time with Tip O'Neill was to be vaccinated against the disease of indifference.

But this quality of knowing who you are is a search that takes some more than a whole lifetime. Tip discovered very early who he was and was comfortable with himself, all the way from the wooden three-deckers to the pinnacle of the Speaker's rostrum. What a rare and wondrous boon; no wonder he left such a pathway of hope and decency and joy through his entire life. His comfort with himself and his work gave him the luxury not to waste personal energy on shoring up his image. Your image needs polishing only when a scrutinizing light needs to be reflected away.

Tip could mash syntax better than anyone I know. He appeared to relish this imperfection, especially since it almost seemed to enhance his ability to clearly and more credibly communicate where he stood and what counted in life. No one in North Cambridge could ever feel inhibited talking to Tip. He sat with Presidents and Kings but he made it a point to talk with them as he would his constituents.

There was no mistake where he stood on any issue. It was hard to get a mixed signal from Tip. And he was tough as nails in pursuit of his agenda. But why the absence of rancor in assessing Tip's life? It is not politeness.

As I read over the past three weeks the remarks of those in high office and the friends from childhood, there is a universal thread—it was a personal joy to know him, a celebration of life itself. All who met and knew Tip

considered him a friend. Not because he was weak or worked to please, but because he was strong enough to be open and always ready to laugh at pretense or foibles—even his own.

Bob Dole, the Senate Minority Leader, who came to Congress in 1960 and who has established a national reputation as a brutally honest assessor of political figures, commented that Tip O'Neill will go into history as one of the great political leaders. "I consider him one of my best friends in all the time I've been in Congress."

No different an assessment than John Gimigliano, his shoe repairman, and Frank Minelli, his barber, from North Cambridge, both of whom referred to him as their greatest friend.

In an era when the stereotypical politician is considered lean and slick, he was ruddy and shaggy. His hair was often in his eyes, but his vision was always clear. His heart was in the right place; his conscience was on call; his spirit was as tireless as it was vast. And when it left him, and his loss left such a void, all I could think was that so many others strive to be acclaimed as great, he never did—and he was—and his life will live on, for his example will outlast all our years.

So as the towers on these Heights now reach with his name to the heavens own Blue, we can all so more justly sing a proud refrain because he was a man whose heart was true.

LABORATORIES FOR ECONOMIC GROWTH

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. DREIER. Mr. Speaker, with the Federal Government's fiscal policy now paralyzed by the presumed economic trade-off between stimulating job creation and adding to the deficit, I thought my colleagues might like to see the following article. It outlines how the States are becoming the laboratories for tax initiatives that spur economic growth. The evidence accumulated by State pro-growth tax policies will ultimately affirm the long-held conviction that a reduction in the capital gains tax can expand economic growth without a loss of government revenue.

CAPITAL GAINS TAX CUTS LEAD TO PROSPERITY

(By John E. Berthoud)

While Washington, D.C., has shifted its policy initiatives away from economic growth and has instead focused on tax increases and federalizing health care, some states are picking up where Ronald Reagan left off and are fighting for a pro-growth fiscal agenda. A centerpiece of this movement for economic growth is the effort to cut and even eliminate state capital gains taxes.

The historical leader in the field of cutting state capital gains taxes is Wisconsin. For many years Wisconsin has excluded 60% of the value of any capital gain from taxation. Gov. Tommy Thompson (R.) sees this as a key reason for Wisconsin's economic health. Thompson repeatedly touts his capital gain break: "What a tremendous arrow in my quiver when I go out and talk to a business about Wisconsin." Thompson has long argued that "A Wisconsin that is competitive makes Wisconsin a good state to be in business."

Thompson's pro-growth tax policies have spawned followers. In 1989 Gov. Carroll Campbell (R.) pushed through a cut in South Carolina's capital gains tax almost in half, from 7% to 4% in four years, to offset the 1986 federal capital gains tax increase. "That substantial increase hurt those who want to sell a farm and retire on the proceeds, those who want to buy a smaller house after children are grown and those who need to sell stock for retirement income," according to Gov. Campbell. As a result of Campbell's tax-cutting policies, South Carolina has experienced impressive rates of economic growth and job creation.

Gov. Kirk Fordice (R.), recently rated by the Cato Institute as the governor with the second-best fiscal record (see HUMAN EVENTS, March 4, page 19), has made Mississippi the first state in the nation to completely eliminate capital gains taxation on in-state investments.

KIRK FORDICE'S 'MISSISSIPPI MIRACLE'

By signing his proposal into law March 23, Fordice has added yet one more achievement to a remarkable record of fiscal accomplishment. Fordice's conservative fiscal reforms have in turn created economic growth so robust as to earn the label the "Mississippi Miracle." Ranked first by *U.S. News & World Report* in economic performance, the state's unemployment rate is below 5% and their new business growth rate is fourth in the country. The elimination of the capital gains tax will only further the progress. Fordice notes that every $1 million in increased investment in Mississippi generates $2.2 million in economic growth and 120 new jobs.

While the United States as a whole stands to gain from lower taxes on capital gains, given interstate competition for business, states have an added incentive to lower capital gains taxes. And the greater economic activity spurred by lower capital gains taxes will generate enough state tax revenues to pay for the loss caused by the tax cut. Fordice notes, "The economic history of the United States demonstrates—repeatedly—that every time we cut taxes, government revenues actually increase substantially—abolishing the capital gains tax would encourage entrepreneurial activity, leading to the creation of private sector jobs, a noticeable improvement in our standard of living and a significant improvement in our economic climate."

Jude Wanniski sees elimination of the capital gains tax in the states as the key to economic growth in the 1990s. In Wanniski's mind, there are both political and policy reasons for putting capital gains tax elimination at the top of the state agendas. In the context of New Jersey's proposed 30% tax cuts, Wanniski states, "The problem she [Gov. Christine Todd Whitman] and her treasurer will have is that computers will tell her that she will lose all this revenue. She will have to find revenue offsets and savings and that will be very painful. The correct way to do it would be to eliminate the capital gains tax in year one. Then the revenue projections would be exceeded as people cash in more capital gains. First, do the easiest thing. The confidence would be built up in the legislature and the people. It's like a log jam in a river. You want to get the logs running."

BIPARTISAN COALITION'S PRO-GROWTH AGENDA

While the forward momentum on capital gains tax reduction may have shifted to the states, Washington has not completely forgotten the lessons of the "Seven Fat Years" and some are still working for a pro-growth agenda. A bipartisan coalition—headed by Senators Richard Shelby (D.-Ala.) and Connie Mack (R.-Fla.) and Representatives Dave Dreier (R.-Calif.) and Billy Tauzin (D.-La.)—has staked out new political ground by establishing the Zero Capital Gains Tax Caucus. Federal Reserve Chairman Alan Greenspan was one of the first to argue for a zero federal capital gains tax: "It is easier to make the case to eliminate it entirely than it is to merely reduce the rat . . . It is a direct tax on the nation's standard of living."

The caucus recently released a study by Gary and Aldona Robbins that examined the economic and revenue effects of different capital gains proposals. Elimination or reduction in the capital gains tax would have substantial economic benefits as well as positive dynamic revenue changes for the federal government. But it would also have tremendous dynamic revenue benefits for the states. The economic growth resulting from elimination of the federal capital gains tax would add $175 billion to state coffers over 1994-2000.

Thompson and Fordice have recognized the potential economic growth contained in the reduction or elimination of capital gains taxes. And for all the effort that has gone into cutting the federal capital gains tax, the nation may have to wait until the results from these "laboratories of democracy" make clear the relationship between lowering the capital gains tax burden and robust economic growth.

THE RISK ASSESSMENT IMPROVEMENT ACT

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. KLEIN. Mr. Speaker, I rise today to discuss an issue that is of great concern to the American people: environmental risk assessment.

I have introduced the Risk Assessment Improvement Act of 1994 in order to reform and revamp the current duplication and inconsistency in the area of risk assessment at the Environmental Protection Agency [EPA] and to ensure public health and safety. This legislation strengthens and coordinates the scientific methods used to calculate threats to human health and the environment and provides a basis for protecting the environment while preserving American jobs.

Environmental regulations are not doing the job they should. Threats to our health and safety—the health and safety of our children—are not being addressed because Government bureaucrats are not clear on real dangers or because valuable resources are being frittered away on nonproductive activity. At the same time unnecessary regulations are throwing roadblocks in the path of businesses and causing loss of jobs. We must establish a sound and scientific basis for a clear, consistent, and comprehensive environmental policy.

Confusion and lack of guidelines have resulted in varying uses of risk assessment. We must simply and clearly spell out what needs to be accomplished—namely, upholding health and safety considerations. As a step in the right direction, my legislation provides consistency to the way in which we address our environmental hazards.

Risk assessment is central to virtually all of our environmental laws. Unfortunately, many different standards exist because of the piecemeal fashion in which various environmental statues were passed in the 1970's and are reauthorized today. This leaves the EPA to deal with the cracks and voids that have formed as a result.

My legislation has three major provisions. First, it establishes a Director of Risk Assessment, who will bring together the variety of existing risk assessment initiatives spread throughout EPA. The Director will regularly develop and update risk assessment guidelines, establish principles for implementing these guidelines, regularly update guidance for risk characterization, and address risk assessment research and training needs.

Second, this bill establishes a pilot program using comparative risk analysis to rank the priority of various hazards. There is consensus that this pilot program is needed to rigorously test the use of comparative risk analysis for prioritizing EPA programs.

Finally, my bill calls on the Director of the Office of Science and Technology Policy to coordinate the way risks are looked at by different Government agencies. It is in the interests of good government that there is coordination of the mechanisms of risk assessment to ensure that agencies address similar risks in compatible ways and that all agencies are making use of state-of-the-art science. Also, the Director of OSTP will communicate these guidelines to State-level government in order to achieve consistency between different levels of government.

There already is a great deal of support for this legislation. Original cosponsors of Klein's legislation include: Congressional leaders on risk assessment DICK ZIMMER and KAREN THURMAN, as well as Science Committee Chairman GEORGE E. BROWN, JR., Merchant Marine and Fisheries Committee Chairman, GERRY STUDDS, and coordinator of the Conservative Democratic Forum CHARLIE STENHOLM. Also, I would like to acknowledge the support, leadership, and advice that I have received in drafting this legislation from Technology, Environment and Aviation Subcommittee Chairman TIM VALENTINE, a coauthor of the bill.

There is also a broad spectrum of support for the Risk Assessment Improvement Act from those outside of Government. At a March 9 hearing of the Technology, Environment and Aviation Subcommittee, Adam Finkel of the Center for Risk Management, Resources for the Future said, "I think with the help of this proposal, risk assessment at EPA can better serve both scientific integrity and more important social goals * * *".

At the same hearing, Ellen Silbergeld, senior scientist for the Environmental Defense Fund stated that, "The real problems with risk assessment have not been addressed * * * in legislation that has been proposed to date." In her written comments on the bill, Dr. Silbergeld states, "I strongly support [this] approach."

This legislation is not designed to settle all of the issues surrounding risk management, but it does begin to effectively address the problem. The establishment of sound scientific basis for conducting risk assessments is a first step that we must take before launching further initiatives. Consistency and guidelines will better enable agencies to assess the possible dangers to health and safety.

COMMEMORATING THE 100TH ANNIVERSARY OF THE DEATH OF THE LAST MEXICAN GOVERNOR OF CALIFORNIA, DON PIO DE JESUS PICO

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. TORRES. Mr. Speaker, I rise today to commemorate the 100th anniversary of the death of one of California's most remarkable historical figures, Don Pio de Jesus Pico, the last Mexican Governor of California.

Born on May 5, 1801, at the San Gabriel Mission, east of Los Angeles, Don Pio Pico witnessed and helped to shape nearly a century of California history. He died in Los Angeles on September 11, 1894. The fourth of ten children born to Jose Maria Pico and Maria Estaquilla Lopez, two of the 240 early colonists who came to El Pueblo de Los Angeles from Sinaloa, Mexico, on the famous Anza expedition of 1775, Don Pio Pico became an astute businessman, caring community leader and brilliant statesman.

Don Pio Pico was a self-made man who rose from extreme poverty to immense wealth. At 19 years of age, he began a small business to support his large family which was left penniless following the death of his father. Well known as a shrewd businessman, many ranchers and early settlers frequently asked for his assistance and advice in their own business dealings.

Shortly after embarking on his career as a shopkeeper, Don Pio Pico became frustrated with the military's tryanny and oppression of citizens. He led a series of revolts against the existing Mexican Government to ensure the freedom and livelihood of the Californios.

Don Pio Pico demonstrated his continued dedication to civic affairs as a member of the Government of Mexican California from 1828 until 1846. In 1845, Don Pio Pico was appointed Governor of Mexican California. His term ended on August 10, 1846, when the encroaching immigration of eastern settlers terminated Mexican rule and California became part of the United States.

He used his wealth and influence for the benefit of his community, contributing to California's early success in the fields of education, banking, and community development and served as member of the first Los Angeles City Council. Don Pio Pico built the widely-renowned Pico House in Los Angeles, and was a pioneer in California's first oil venture, which is now known as the Standard Oil Company of California.

Unfortunately, despite his tireless efforts in amassing a financial empire, Don Pio Pico died destitute at the age of 91. Business ventures gone awry, unpredictable weather and the unethical actions of other businessmen conspired to rapidly erode his fortune.

Not knowing the English language and relying on the kindness of human nature, Don Pio Pico signed what he believed to be a loan document, but which, in reality, was a paper swindling him out of all his properties. Don Pio Pico contested the validity of the deed. Although the State supreme court found that he had been defrauded, he had no legal recourse to recover his property valued at $200,000.00, and he died penniless. He is buried today at the Workman Temple family cemetary in the city of industry.

Mr. Speaker, I ask my colleagues to join me in acknowledging the many contributions that Don Pio de Jesus Pico, a man who epitomized America's pioneering spirit of hard work, innate intelligence and admirable perseverance.S0634

TRIBUTE TO ARDIE J. DILLEN OF ALTOONA, PA, THREE DECADES OF SERVICE IN BLAIR COUNTY

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1994

Mr. SHUSTER. Mr. Speaker, on February 28, 1994, Mr. Ardie J. Dillen of Altoona, PA concluded 27 years of service as president of Altoona Enterprises, Inc. During his tenure, hundreds of millions of dollars have been invested and countless jobs have been created and retained in the Altoona/Blair County community. Ardie has been a driving force behind the growth and expansion of businesses and industries that have transformed Altoona from an aging railroad town into a burgeoning hub of commerce. Under his leadership, the following are just a sample of his many achievements.

Development of the Peterson Industrial Park with the location of five companies within the complex.

Establishment and operation of the Altoona Area Incubator as a facility to promote entrepreneurial development for new and emerging businesses.

Development of the William W. Ward Industrial Park and the Tyrone Industrial Park.

Location of over 55 new manufacturing companies to the Blair County community.

Sponsorship by Altoona Enterprises, Inc. of over 100 projects under the Pennsylvania Industrial Development Authority [PIDA] program.

It has been my distinct privilege to work with Ardie Dillen and Altoona's business and civic leaders to mount this campaign for economic vitality. Together we have watched as old businesses have recreated themselves to compete in the 21st century, as small business grew into large businesses, as new industries discovered that the Altoona/Blair County was an attractive place to locate their plants and raise their families.

On Thursday, May 26, 1994, Ardie will be honored for his three decades of outstanding service. I am honored to join a very grateful Altoona/Blair County community in saluting Ardie Dillen's vision and his legendary dedication to the realization of his many goals and dreams for our region. Blair Countians will reap the extraordinary benefits of his works for generations to come.

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, May 5, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 6

9:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Technology Assessment, and the Library of Congress.
SD–116

Governmental Affairs
To hold hearings to examine health care information management.
SD–342

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the nominations of Alan S. Blinder, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System, Steven M. Wallman, of Virginia, to be a Member of the Securities and Exchange Commission, and Philip N. Diehl, of Texas, to be Director of the Mint, Department of the Treasury.
SD–538

Veterans' Affairs
To hold oversight hearings to examine how military research may be hazardous to veterans' health, focusing on lessons from the Cold War and the Persian Gulf War.
SD–106

MAY 10

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on implementation of the Administration's Climate Change Action Plan and the Energy Policy Act of 1992.
SD–366

Labor and Human Resources
Disability Policy Subcommittee
To hold hearings to examine certain issues relating to family support for families of children with disabilities.
SD–430

10:00 a.m.
Labor and Human Resources
Children, Family, Drugs and Alcoholism Subcommittee
To hold hearings to examine child safety issues.
SH–216

2:30 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Commodity Futures Trading Commission, the Farm Credit Administration, and the Food and Drug Administration, Department of Health and Human Services.
SD–116

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Corps of Engineers.
SD–192

Commerce, Science, and Transportation
To hold hearings on the nominations of Susan Ness, of Maryland, and Rachelle B. Chong, of California, each to be a Member of the Federal Communications Commission.
SR–253

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on the potential role of Federal reclamation projects in meeting the water supply needs of the Colonias in Texas.
SD–366

3:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Alan Sagner, of New Jersey, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.
SR–253

MAY 11

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Environment and Public Works
Clean Air and Nuclear Regulation Subcommittee
To hold hearings to examine the possible health effects to non-smokers of environmental tobacco smoke.
SD–406

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Park Service, Department of the Interior.
S–128, Capitol

Labor and Human Resources
Business meeting, to mark up S. 1981, the Orphan Drug Act Amendments, and S. 784, Dietary Supplement Health and Education Act, and to consider pending nominations.
SD–430

MAY 12

9:00 a.m.
Office of Technology Assessment
Board meeting, to consider pending business.
EF–100, Capitol

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on long-distance services.
SR–253

Energy and Natural Resources
To hold hearings on the Environmental Protection Agency's proposed renewable oxygenate standard.
SD–366

Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for the Federal Election Commission.
SR–301

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Corporation for National and Community Service.
SD–106

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1549, to revise the Act establishing Golden Gate National Recreation Area to provide for the management of the Presidio by the Secretary of the Interior, and S. 1639, to provide for the management of the portions of the Presidio under the jurisdiction of the Secretary of the Interior.
SD–366

MAY 13

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs, focusing on the global land mines crisis.
SH–216

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education.
SD–192

MAY 16

4:00 p.m.
Foreign Relations
To hold hearings on the nomination of Joseph R. Paolino, Jr., of Rhode Island, to be Ambassdor to the Republic of Malta.
S–116, Capitol

MAY 17

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on the Pacific Rim, NATO, and peacekeeping programs.
SD–192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs.
SD–138

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Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the earthquake disaster program.
SR-253

MAY 18

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1350, to revise the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions.
SR-253

10:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on S. 1614, authorizing funds through fiscal year 1998 for programs of the Child Nutrition Act and the National School Lunch Act.
SR-332

MAY 19

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veteran's Affairs, and the Selective Service System.
SD-106

MAY 20

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Veteran's Affairs and Housing and Urban Development, and independent agencies.
SD-138

MAY 24

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs, focusing on export promotion.
SD-138

MAY 25

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Interior.
S-128, Capitol

MAY 26

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine policy options for the disposition of excess weapons plutonium.
SD-366

Rules and Administration
Business meeting, to mark up S. 1824, Legislative Reorganization Act, H.R. 877, Smithsonian National African American Museum, an original bill authorizing appropriations for fiscal year 1995 for the Federal Election Commission, S. Res. 196, printing resolution for Aging Committee, an original resolution authorizing the purchase of 1995 wall calendars, H. Con. Res. 222, authorizing acceptance and placement of a bust in the Capitol, and other legislative business.
SR-301

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.
SD-106

JUNE 8

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings proposed budget estimates for fiscal year 1995 for the Department of Energy.
S-128, Capitol

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine water quality and quantity problems and opportunities facing the lower Colorado River area.
SD-366

JUNE 9

9:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To continue hearings on water quality and quantity problems and opportunities facing the lower Colorado River area.
SD-366

JULY 19

10:00 a.m.
Appropriations
Defense Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense.
SD-192