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WASHINGTON, WEDNESDAY, JANUARY 4, 1995

No. 1

House of Representatives

This being the day fixed by the 20th amendment to the Constitution for the annual meeting of the Congress of the United States, the Members-elect of the 104th Congress met in their Hall, and at 12 noon, were called to order by the Clerk of the House of Representatives, the Honorable Donald K. Anderson.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With gratefulness and praise and with a sense of duty and honor, we express our thanksgivings, O gracious God, that we have the opportunity to serve at this time and place. When we contemplate the demands of justice and the high calling to public service, we pray that Your spirit will illumine our minds, strengthen our resolve and give us hearts of wisdom, tolerance, and compassion. May each person be faithful to the vocation of Government service, that we will be good stewards of the resources of the land, hold to the standards of integrity and loyalty and do all those good things that honor You and serve people everywhere. May Your benediction, O God, that is new every morning and is with us in all the moments of life, continue to bless us and keep us in Your grace, now and evermore. As the prophet Micah has said, "And what does the Lord require of you, but to do justice, to love mercy, and to walk humbly with your God." Amen.

PLEDGE OF ALLEGIANCE

The CLERK. Will the Members-elect and their guests please remain standing and join with us in the Pledge of Allegiance to the Flag.

The Clerk 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.

The CLERK. Representatives-elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 103-395 for the meeting of the 104th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 428 seats in the 104th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

The Clerk lays before the House the following communication from the Secretary of the State of the State of Alabama.

STATE OF ALABAMA,
OFFICE OF THE SECRETARY OF STATE,
Montgomery, AL, December 19, 1994.
Hon. DONNALD K. ANDERSON,
Clerk,
U.S. House of Representatives,
Washington, DC.

DEAR MR. ANDERSON: According to the unofficial results of the election held on November 8, 1994, in the state of Alabama, the following individuals received a majority of the votes for a term of two years beginning on January 3, 1995, to the United States House of Representatives:

Sonny Gallahan—1st District.

Terry Everett—2nd District.

Glen Browder—3rd District.

Tom Beville—4th District.

Robert E. (Bud) Cramer, Jr.—5th District.

Spencer Bachus—6th District.

Earl F. Hilliard—7th District.

The official results and certificates of election will be transmitted to you as soon as I am authorized to do so. Should the official results differ from this in any way, I will notify you immediately.

Sincerely,

JIM BENNETT,
Secretary of State.

The CLERK. Without objection, the Representatives-elect from the State of Alabama will be allowed to record

their presence by electronic device and also to vote on the election of the speaker.

There was no objection.

The CLERK. Without objection, the Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The CLERK. Representatives-elect who have not obtained their voting ID cards may do so now in the Speaker's lobby.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1]

ANSWERED "PRESENT"—432

ALABAMA		
Beville	Hilliard	Everett
Browder	Bachus	
Cramer	Callahan	
ALASKA		
	Young	
ARIZONA		
Pastor	Kolbe	Shadegg
Hayworth	Salmon	Stump
ARKANSAS		
Dickey	Lambert-Lincoln	
Hutchinson	Thornton	
CALIFORNIA		
Baker	Farr	Packard
Becerra	Fazio	Pelosi
Beilenson	Filner	Pombo
Berman	Gallegly	Radanovich
Bilbray	Harman	Riggs
Bono	Herger	Rohrabacher
Brown	Horn	Roybal-Allard
Calvert	Hunter	Royce
Condit	Kim	Seastrand
Cox	Lantos	Stark
Cunningham	Lewis	Thomas
Dellums	Lofgren	Torres
Dixon	Martinez	Tucker
Dooley	Matsui	Waters
Doolittle	McKeon	Waxman
Dornan	Miller	Woolsey
Dreier	Mineta	
Eshoo	Moorhead	

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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	COLORADO			MISSOURI		Johnson, Sam Laughlin Ortiz	Smith Stenholm Stockman	Tejeda Thornberry Wilson
Allard Hefley	McInnis Schaefer	Schroeder Skaggs	Clay Danner Emerson	Gephardt Hancock McCarthy	Skelton Talent Volkmer			
	CONNECTICUT						UTAH	
DeLauro Franks	Gejdenson Johnson	Kennelly Shays		MONTANA Williams		Hansen	Orton	Waldholtz
	DELAWARE			NEBRASKA			VERMONT	
	Castle		Barrett	Bereuter	Christensen		Sanders	
	FLORIDA			NEVADA			VIRGINIA	
Bilirakis Brown Canady Deutsch Diaz-Balart Foley Fowler Gibbons	Goss Hastings Johnston McCollum Meek Mica Miller Peterson	Ros-Lehtinen Scarborough Shaw Stearns Thurman Weldon Young	Ensign	Vucanovich		Bateman Bliley Boucher Davis	Goodlatte Moran Payne Pickett	Scott Sisisky Wolf
				NEW HAMPSHIRE			WASHINGTON	
			Bass	Zeliff				
				NEW JERSEY				
			Andrews Franks Frelinghuysen LoBiondo Martini	Menendez Pallone Payne Roukema Saxton	Smith Torricelli Zimmer	Dicks Dunn Hastings	McDermott Metcalf Nethercutt	Smith Tate White
	GEORGIA						WEST VIRGINIA	
Barr Bishop Chambliss Collins	Deal Gingrich Kingston Lewis	Linder McKinney Norwood		NEW MEXICO		Mollohan	Rahall	Wise
			Richardson	Schiff	Skeen		WISCONSIN	
	HAWAII			NEW YORK		Barrett Gunderson Kleccka	Klug Neumann Obey	Petri Roth Sensenbrenner
Abercrombie	Mink		Ackerman Boehlert Engel Flake Forbes Frisa Hinchey Houghton Kelly King	LaFalce Lazio Lowey Maloney Manton McHugh McNulty Molinari Nadler Owens	Paxon Quinn Rangel Schumer Serrano Slaughter Solomon Towns Velazquez Walsh		WYOMING	
Chenoweth	Crapo						Cubin	
	ILLINOIS						□ 1230	
Collins Costello Crane Durbin Evans Ewing Fawell	Flanagan Gutierrez Hastert Hyde LaHood Lipinski Manzullo	Porter Poshard Reynolds Rush Weller Yates		NORTH CAROLINA			The CLERK. The quorum call dis-	
			Ballenger Burr Clayton Coble	Funderburk Hefner Heineman Jones	Myrick Rose Taylor Watt		closes that 432 Representatives-elect	
	INDIANA			NORTH DAKOTA			have responded to their names. A	
Burton Buyer Hamilton Hostettler	Jacobs McIntosh Myers Roemer	Souder Visclosky		Pomeroy			quorum is present.	
	IOWA			OHIO			ANNOUNCEMENT BY THE CLERK	
Ganske Latham	Leach Lightfoot	Nussle	Boehner Brown Chabot Creameans Gillmor Hall Hobson	Hoke Kaptur Kasich LaTourette Ney Oxley Portman	Pryce Regula Sawyer Stokes Traficant		The CLERK. The Clerk will state that	
Brownback Meyers	Roberts Tiahrt			OKLAHOMA		Lucas	credentials, regular in form, have been	
	KENTUCKY			OREGON			received showing the election of the	
Baesler Bunning	Lewis Rogers	Ward Whitfield	Brewster Coburn	Istook Largent			Honorable CARLOS ROMERO-BARCELÓ a	
	LOUISIANA			PENNSYLVANIA			Resident Commissioner from the Com-	
Baker Fields Hayes	Jefferson Livingston McCrery	Tauzin	Bunn Cooley	DeFazio Furse	Wyden		monwealth of Puerto Rico for a term o	
	MAINE			RHODE ISLAND			4 years beginning January 3, 1993; th	
Baldacci	Longley		Borski Clinger Coyne Doyle English Fattah Foglietta	Fox Gekas Goodling Greenwood Holden Kanjorski Klink	Mascara McDade McHale Murtha Shuster Walker Weldon		election of the Honorable ELEANOR	
Bartlett Cardin Ehrlich	Gilchrest Hoyer Mfume	Morella Wynn		SOUTH CAROLINA			HOLMES NORTON as Delegate from the	
	MASSACHUSETTS			SOUTH DAKOTA			District of Columbia; the election o	
Blute Frank Kennedy Markey	Meehan Moakley Neal Olver	Studds Torkildsen	Kennedy	Johnson			the Honorable VICTOR O. FRAZER a	
	MICHIGAN			TENNESSEE			Delegate from the Virgin Islands; the	
Barcia Bonior Camp Chrysler Conyers	Dingell Ehlers Hoekstra Kildee Knollenberg	Levin Rivers Stupak Smith Upton	Bryant Clement Duncan	Ford Gordon Hilleary	Quillen Tanner Wamp		election of the Honorable ENI F.H	
	MINNESOTA			TEXAS			FALEOMAVAEGA as Delegate from Amer	
Gutknecht Luther Minge	Oberstar Peterson Ramstad	Sabo Vento	Archer Armey Barton Bentsen Bonilla Bryant Chapman	Coleman Combest de la Garza DeLay Doggett Edwards Fields	Frost Geren Gonzalez Green Hall Jackson-Lee Johnson, E. B.		ican Samoa; and the election of th	
Montgomery Parker	Taylor Thompson	Wicker					Honorable ROBERT A. UNDERWOOD a	
							Delegate from Guam.	

□ 1230

The CLERK. The quorum call discloses that 432 Representatives-elect have responded to their names. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that credentials, regular in form, have been received showing the election of the Honorable CARLOS ROMERO-BARCELÓ as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 1993; the election of the Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia; the election of the Honorable VICTOR O. FRAZER as Delegate from the Virgin Islands; the election of the Honorable ENI F.H. FALEOMAVAEGA as Delegate from American Samoa; and the election of the Honorable ROBERT A. UNDERWOOD as Delegate from Guam.

FAREWELL REMARKS OF THE HONORABLE DONNALD K. ANDERSON

The CLERK. Ladies and gentlemen of the House, if you will indulge me for just one moment, I will shortly take leave of this Chamber after 35 years in your service, the last 8 in the high stewardship as your Clerk.

My heart is filled with the happy reflections of those years, a deep sense of fulfillment, and profound gratitude for your unfailing confidence and friendship. Indeed, I am grateful above all to the one Nation which affords opportunity for an ordinary citizen to achieve extraordinary responsibility. You will remain constantly in my thoughts and in my prayers that God will bless each of you in the work which you are about and may He forever prosper this House and the United States of America.

I bid you an affectionate farewell.

(Applause, the Members rising.)

TRIBUTE TO THE HONORABLE
DONNALD K. ANDERSON

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Clerk, before we proceed with the nominations for Speaker of the House, on behalf of Republican Members of the House, we want to thank you for your 35 years of service to this institution, and your 35 years of service to the American people. You have done your job ably on behalf of all Members on both sides of the aisle.

And to the other officers of the House, who have served the House so ably and the American people so ably, we want to thank them as well for their service in this House.

Farewell, and best wishes from all of us.

Mr. FAZIO. Will the gentleman yield?

Mr. BOEHNER. I yield to my friend, the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I appreciate my friend yielding.

I, too, would like to add a few words of tribute to our friend.

When the 103d Congress came to an official close on noon Tuesday, the House literally lived on for the next 24 hours in the person of the gentleman from Sacramento, CA, the Clerk of the House, Donald K. Anderson. In serving as the first presiding officer for the purpose of organizing the 104th Congress, he fulfilled his last ministerial duty to this institution. After four successive terms as Clerk and a career with the House that began as a Page when Dwight Eisenhower was President and Sam Rayburn sat in the Speaker's chair, Donn Anderson now leaves a distinguished career of public service.

On a personal level for many of us in this Chamber, it was only natural for Donn Anderson to have been the thread of continuity from one Congress to the next. For over 30 years, Donn has embodied every good virtue of this House. He has been its memory, its defender, its champion and often its conscience. He understood perhaps better than anyone here the meaning of the word "bipartisanship" and he lived it daily in his work with the Members. In his 8 years as the second highest ranking officer of the House, he worked tirelessly to move the House into the information age and so greatly benefited our constituents, the American people.

As chairman of the Subcommittee on Legislative Appropriations, I looked forward to our annual ritual of hearings knowing that I could always count on the Clerk for the most splendid testimony. Although Donn himself admitted to his preference for Victorian manners, there was nothing old-fashioned about the direction of his office. He was thoroughly modern in his vi-

sion for the future of the House, and he fought hard to keep us current with the times. Just as Donn could explain the artistic nuances of paintings in the Rotunda, he could just as easily give you the technical lowdown of cameras in this Chamber and on this floor. As the House moves forward today with the institutional reforms and the reorganization, we do so with the solid foundation left behind by Donn Anderson.

Perhaps in parting we can borrow a phrase from our late and great Speaker Tip O'Neill. He simply said on so many occasions, "So long, old pal."

Thank you, Donn Anderson.

ELECTION OF SPEAKER

The CLERK. The next order of business is the election of the Speaker of the House of Representatives for the 104th Congress.

Nominations are now in order.

The Clerk recognizes the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Clerk, as chairman of the Republican Conference, I am honored and privileged to welcome my colleagues and the American people to this historic day. We have been sent here—to the People's House—to write, together, a new chapter in our blessed Nation's history. There is great anticipation, excitement, and expectation in America about what this new chapter will say. To America I say, we shall write the chapter as you dictate it to us. This is your House and your will will be reflected in our actions.

As the first sentence of this new chapter, I am directed by the unanimous vote of the Republican Conference to present the name of the Honorable NEWT GINGRICH, a Representative-elect from the State of Georgia, for election to the Office of the Speaker of the House of Representatives for the 104th Congress.

The CLERK. The Clerk now recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Clerk, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the Office of the Speaker of the House of Representatives for the 104th Congress the name of the Honorable RICHARD A. GEPHARDT, a Representative-elect from the State of Missouri. I am proud to so make that nomination.

□ 1240

The CLERK. The Honorable NEWT GINGRICH, a Representative-elect from the State of Georgia, and the Honorable RICHARD A. GEPHARDT, a Representative-elect from the State of Missouri, have been placed in nomination.

Are there any further nominations?

There being no further nominations, the Clerk will appoint tellers.

The Chair appoints the gentleman from California [Mr. THOMAS], the gentleman from California [Mr. FAZIO], the gentlewoman from New Jersey [Mrs.

ROUKEMA], and the gentlewoman from Colorado [Mrs. SCHROEDER].

The tellers will come forward and take their seats at the desk in the front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 2]

GINGRICH—228

Allard	Franks (CT)	Mica
Archer	Franks (NJ)	Miller (FL)
Armey	Frelinghuysen	Molinari
Bachus	Frisa	Moorhead
Baker (CA)	Funderburk	Morella
Baker (LA)	Galleghy	Myers
Ballenger	Ganske	Myrick
Barr	Gekas	Nethercutt
Barrett (NE)	Gilchrest	Neumann
Bartlett	Gillmor	Ney
Barton	Gilman	Norwood
Bass	Goodlatte	Nussle
Bateman	Goodling	Oxley
Bereuter	Goss	Packard
Bilbray	Graham	Paxon
Bilirakis	Greenwood	Petri
Bliley	Gunderson	Pombo
Blute	Gutknecht	Porter
Boehlert	Hancock	Portman
Boehner	Hansen	Pryce
Bonilla	Hastert	Quillen
Bono	Hastings (WA)	Quinn
Brownback	Hayworth	Radanovich
Bryant (TN)	Hefley	Ramstad
Bunn	Heineman	Regula
Bunning	Herger	Riggs
Burr	Hilleary	Roberts
Burton	Hobson	Rogers
Buyer	Hoekstra	Rohrabacher
Callahan	Hoke	Ros-Lehtinen
Calvert	Horn	Roth
Camp	Hostettler	Roukema
Canady	Houghton	Royce
Castle	Hunter	Salmon
Chabot	Hutchinson	Sanford
Chambliss	Hyde	Saxton
Chenoweth	Inglis	Scarborough
Christensen	Istook	Schaefer
Chrysler	Johnson (CT)	Schiff
Clinger	Johnson, Sam	Seastrand
Coble	Jones	Sensenbrenner
Coburn	Kasich	Shadegg
Collins (GA)	Kelly	Shaw
Combest	Kim	Shays
Cooley	King	Shuster
Cox	Kingston	Skeen
Crane	Klug	Smith (MI)
Crapo	Knollenberg	Smith (NJ)
Cremeans	Kolbe	Smith (TX)
Cubin	LaHood	Smith (WA)
Cunningham	Largent	Solomon
Davis	Latham	Souder
DeLay	LaTourette	Spence
Diaz-Balart	Lazio	Stearns
Dickey	Leach	Stockman
Doolittle	Lewis (CA)	Stump
Dornan	Lewis (KY)	Talent
Dreier	Lightfoot	Tate
Duncan	Linder	Taylor (NC)
Dunn	Livingston	Thomas
Ehlers	LoBiondo	Thornberry
Ehrlich	Longley	Tiahrt
Emerson	Lucas	Torkildsen
English	Manzullo	Upton
Ensign	Martini	Vucanovich
Everett	McCollum	Waldholtz
Ewing	McCrery	Walker
Fawell	McDade	Walsh
Fields (TX)	McHugh	Wamp
Flanagan	McInnis	Weldon (FL)
Foley	McIntosh	Weldon (PA)
Forbes	McKeon	Weller
Fowler	Metcalf	White
Fox	Meyers	Whitfield

Wicker	Young (AK)	Zeliff
Wolf	Young (FL)	Zimmer

GEPHARDT—202

Abercrombie	Gonzalez	Ortiz
Ackerman	Gordon	Orton
Andrews	Green	Owens
Baesler	Gutierrez	Pallone
Baldacci	Hall (OH)	Pastor
Barcia	Hall (TX)	Payne (NJ)
Barrett (WI)	Hamilton	Payne (VA)
Becerra	Harman	Pelosi
Beilenson	Hastings (FL)	Peterson (FL)
Bentsen	Hayes	Peterson (MN)
Berman	Hefner	Pickett
Bevill	Hilliard	Pomeroy
Bishop	Hinchey	Poshard
Bonior	Holden	Rahall
Borski	Hoyer	Rangel
Boucher	Jackson-Lee	Reed
Brewster	Jacobs	Reynolds
Browder	Jefferson	Richardson
Brown (CA)	Johnson (SD)	Rivers
Brown (FL)	Johnson, E. B.	Roemer
Brown (OH)	Johnston	Rose
Bryant (TX)	Kanjorski	Roybal-Allard
Cardin	Kaptur	Rush
Chapman	Kennedy (MA)	Sabo
Clay	Kennedy (RI)	Sanders
Clayton	Kennelly	Sawyer
Clement	Kildee	Schroeder
Clyburn	Klecza	Schumer
Coleman	Klink	Scott
Collins (IL)	LaFalce	Serrano
Collins (MI)	Lambert-Lincoln	Sisisky
Condit	Lantos	Skaggs
Conyers	Laughlin	Skelton
Costello	Levin	Slaughter
Coyne	Lewis (GA)	Spratt
Cramer	Lipinski	Stark
Danner	Lofgren	Stenholm
de la Garza	Lowe	Stokes
Deal	Luther	Studds
DeFazio	Maloney	Stupak
DeLauro	Manton	Tanner
Dellums	Markey	Tauzin
Deusch	Martinez	Tejeda
Dicks	Mascara	Thompson
Dingell	Matsui	Thornton
Dixon	McCarthy	Thurman
Doggett	McDermott	Torres
Dooley	McHale	Torricelli
Doyle	McKinney	Towns
Durbin	McNulty	Trafficant
Edwards	Meehan	Tucker
Engel	Meek	Velazquez
Eshoo	Menendez	Vento
Evans	Mfume	Visclosky
Farr	Miller (CA)	Volkmer
Fattah	Mineta	Ward
Fazio	Minge	Waters
Fields (LA)	Mink	Watt (NC)
Filner	Moakley	Waxman
Flake	Mollohan	Williams
Foglietta	Montgomery	Wilson
Ford	Moran	Wise
Frank (MA)	Murtha	Woolsey
Frost	Nadler	Wyden
Furse	Neal	Wynn
Gedjenson	Oberstar	Yates
Geren	Obey	
Gibbons	Olver	

ANSWERED "PRESENT"—4

Gephardt	Parker
Gingrich	Taylor (MS)

□ 1310

The CLERK. If there are any Representatives-elect who did not answer the rollcall, they may come to the well and vote at this time.

The tellers agree in their tallies that the total number of votes cast is 434, of which the Honorable NEWT GINGRICH of the State of Georgia has received 228 and the honorable RICHARD A. GEPHARDT of the State of Missouri has received 202, with 4 voting "present."

Therefore, the Honorable NEWT GINGRICH of the State of Georgia is duly elected Speaker of the House of Representatives for the 104th Congress, having received a majority of the votes cast.

The Clerk would request visitors on the floor, most respectfully, including former members, to relinquish seats on the floor to Members-elect, prior to the presentation of the Speaker-elect.

□ 1320

The Clerk appoints the following committee to escort the Speaker-elect to the chair: The gentleman from Missouri [Mr. GEPHARDT], the gentleman from Texas [Mr. ARMEY], the gentleman from Texas [Mr. DELAY], the gentleman from Michigan [Mr. BONIOR], the gentleman from Ohio [Mr. BOEHNER], the gentleman from California [Mr. FAZIO], the gentleman from Georgia [Mr. COLLINS], the gentleman from Georgia [Mr. LEWIS], the gentleman from Georgia [Mr. BISHOP], the gentleman from Georgia [Mr. DEAL], the gentleman from Georgia [Mr. KINGSTON], the gentleman from Georgia [Mr. LINDER], the gentlewoman from Georgia [Ms. MCKINNEY], the gentleman from Georgia [Mr. BARR], the gentleman from Georgia [Mr. CHAMBLISS], and the gentleman from Georgia [Mr. NORWOOD].

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

The Doorkeeper announced the Speaker-elect of the House of Representatives of the 104th Congress, who was escorted to the chair by the committee of escort.

Mr. GEPHARDT. Mr. Speaker, let me say to the ladies and gentleman of the House that I first want to thank my Democratic colleagues for their support and their confidence. I noted we were a little short, but I appreciate your friendship and your support.

As you might imagine, this is not a moment that I had been waiting for. When you carry the mantle of progress, there is precious little glory in defeat. But sometimes we spend so much time lionizing the winners and labeling the losers, we lose sight of the victory we all share in this crown jewel of democracy.

You see, Mr. Speaker, this is a day to celebrate a power that belongs not to any political party, but to the people, no matter the margin, no matter the majority. All across the world, from Bosnia to Chechnya to South Africa, people lay down their lives for the kind of voice we take for granted. Too often the transfer of power is an act of pain and carnage, not one as we see today of peace and decency.

□ 1330

But here in the House of Representatives, for 219 years, longer than any democracy in the world, we heed the people's voice with peace and civility and respect. Each and every day, on this very floor, we echo the hopes and dreams of our people, their fears and their failures, their abiding belief in a better America.

We may not all agree with today's changing of the guard. We may not all like it, but we enact the people's will with dignity and honor and pride. In

that endeavor, Mr. Speaker, there can be no losers, and there can be no defeat.

Of course, in the 104th Congress there will be conflict and compromise. Agreements will not always be easy; agreements sometimes not even possible. However, while we may not agree on matters of party and principle, we all abide with the will of the people. That is reason enough to place our good faith and our best hopes in your able hands.

I speak from the bottom of my heart when I say that I wish you the best in these coming 2 years, for when this gavel passes into your hands, so do the futures and fortunes of millions of Americans. To make real progress, to improve real people's lives, we both have to rise above partisanship. We have to work together where we can and where we must.

It is a profound responsibility, one which knows no bounds in party or politics. It is the responsibility not merely for those who voted for you, not merely for those who cast their fate on your side of the aisle, but also for those who did not.

These are the responsibilities I pass, along with the gavel I hold, will hold in my hand, but there are some burdens that the Democratic Party will never cease to bear. As Democrats, we came to Congress to fight for America's hard-working middle-income families, the families who are working, often for longer hours, for less pay, for fewer benefits in jobs they are not sure they can keep.

We, together, must redeem their faith that if they work hard and they play by the rules they can build a better life for their children. Mr. Speaker, I want this entire House to speak for those families. The Democratic Party will. That mantle we will never lay to rest.

So with partnership but with purpose, I pass this great gavel of our Government. With resignation, but with resolve, I hereby end 40 years of Democratic rule of this House; with faith and with friendship and the deepest respect. You are now my Speaker, and let the great debate begin.

I now have the high honor and distinct privilege to present to the House of Representatives our new Speaker, the gentleman from Georgia, NEWT GINGRICH.

Mr. GINGRICH. Let me say first of all that I am deeply grateful to my good friend, DICK GEPHARDT. When my side maybe overreacted to your statement about ending 40 years of Democratic rule, I could not help but look over at Bob Michel, who has often been up here and who knows that everything DICK said was true. This is difficult and painful to lose, and on my side of the aisle, we have for 20 elections been on the losing side. Yet there is something

so wonderful about the process by which a free people decides things.

In my own case, I lost two elections, and with the good help of my friend VIC FAZIO came close to losing two others. I am sorry, guys, it just did not quite work out. Yet I can tell you that every time when the polls closed and I waited for the votes to come in, I felt good, because win or lose, we have been part of this process.

In a little while, I am going to ask the dean of the House, JOHN DINGELL, to swear me in, to insist on the bipartisan nature of the way in which we together work in this House. JOHN's father was one of the great stalwarts of the New Deal, a man who, as an FDR Democrat, created modern America. I think that JOHN and his father represent a tradition that we all have to recognize and respect, and recognize that the America we are now going to try to lead grew from that tradition and is part of that great heritage.

I also want to take just a moment to thank Speaker Foley, who was extraordinarily generous, both in his public utterances and in everything that he and Mrs. Foley did to help Marianne and me, and to help our staff make the transition. I think that he worked very hard to reestablish the dignity of the House. We can all be proud of the reputation that he takes and of the spirit with which he led the speakership. Our best wishes go to Speaker and Mrs. Foley.

I also want to thank the various house officers, who have been just extraordinary. I want to say for the public record that faced with a result none of them wanted, in a situation I suspect none of them expected, that within 48 hours every officer of this House reacted as a patriot, worked overtime, bent over backwards, and in every way helped us. I am very grateful, and this House I think owes a debt of gratitude to every officer that the Democrats elected 2 years ago.

This is a historic moment. I was asked over and over, how did it feel, and the only word that comes close to adequate is overwhelming. I feel overwhelmed in every way, overwhelmed by all the Georgians who came up, overwhelmed by my extended family that is here, overwhelmed by the historic moment. I walked out and stood on the balcony just outside of the Speaker's office, looking down the Mall this morning, very early. I was just overwhelmed by the view, with two men I will introduce and know very, very well. Just the sense of being part of America, being part of this great tradition, is truly overwhelming.

I have two gavels. Actually, DICK happened to use one. Maybe this was appropriate. This was a Georgia gavel I just got this morning, done by Dorsey Newman of Tallapoosa. He decided that the gavels he saw on TV weren't big enough or strong enough, so he cut down a walnut tree in his backyard, make a gavel, put a commemorative item on it, and sent it up here.

So this is a genuine Georgia gavel, and I am the first Georgia Speaker in over 100 years. The last one, by the way, had a weird accent, too. Speaker Crisp was born in Britain. His parents were actors and they came to the United States—a good word, by the way, for the value we get from immigration.

Second, this is the gavel that Speaker Martin used. I am not sure what it says about the inflation of Government, to put them side by side, but this was the gavel used by the last Republican Speaker.

I want to comment for a minute on two men who served as my leaders, from whom I learned so much and who are here today. When I arrived as a freshman, the Republican Party, deeply dispirited by Watergate and by the loss of the Presidency, banded together and worked with a leader who helped pave the way for our great party victory of 1980, a man who just did a marvelous job. I cannot speak too highly of what I learned about integrity and leadership and courage from serving with him in my freshman term. He is here with us again today. I hope all of you will recognize Congressman John Rhodes of Arizona.

□ 1340

I want to say also that at our request, the second person was not sure he should be here at all, then he thought he was going to hide in the back of the room. I insisted that he come on down front, someone whom I regard as a mentor. I think virtually every Democrat in the House would say he is a man who genuinely cares about, loves the House, and represents the best spirit of the House. He is a man who I studied under and, on whom I hope as Speaker I can always rely for advice. I hope frankly I can emulate his commitment to this institution and his willingness to try to reach beyond his personal interest and partisanship. I hope all of you will join me in thanking for his years of service, Congressman Bob Michel of Illinois.

I am very fortunate today. My mom and my dad are here, they are right up there in the gallery. Bob and Kit Gingrich. I am so delighted that they were both able to be here. Sometimes when you get to my age, you cannot have everyone near you that you would like to have. I cannot say how much I learned from my Dad and his years of serving in the U.S. Army and how much I learned from my Mother, who is clearly my most enthusiastic cheerleader.

My daughters are here up in the gallery, too. They are Kathy Lovewith and her husband Paul, and Jackie and her husband Mark Zyler. Of course, the person who clearly is my closest friend and my best adviser and whom I listened to about 20 percent more, I would get in less trouble, my wife Marianne, is in the gallery as well.

I have a very large extended family between Marianne and me. They are virtually all in town, and we have done our part for the Washington tourist season. But I could not help, when I

first came on the floor earlier, I saw a number of the young people who are here. I met a number of the children who are on the floor and the young adults, who are close to 12 years of age. I could not help but think that sitting in the back rail near the center of the House is one of my nephews, Kevin McPherson, who is 5. My nieces Susan Brown, who is 6, and Emily Brown, who is 8, and Laura McPherson, who is 9, are all back there, too. That is probably more than I was allowed to bring on, but they are my nieces and my nephews. I have two other nephews a little older who are sitting in the gallery.

I could not help but think as a way I wanted to start the Speakership and to talk to every Member, that in a sense these young people around us are what this institution is really all about. Much more than the negative advertising and the interest groups and all the different things that make politics all too often cynical, nasty, and sometimes frankly just plan miserable, what makes politics worthwhile is the choice, as DICK GEPHARDT said, between what we see so tragically on the evening news and the way we try to work very hard to make this system of free, representative self-government work. The ultimate reason for doing that is these children, the country they will inherit, and the world they will live in.

We are starting the 104th Congress. I do not know if you have every thought about this, but for 208 years, we bring together the most diverse country in the history of the world. We send all sorts of people here. Each of us could find at least one Member we thought was weird. I will tell you, if you went around the room the person chosen to be weird would be different for virtually every one of us. Because we do allow and insist upon the right of a free people to send an extraordinary diversity of people here.

Brian Lamb of C-SPAN read to me Friday a phrase from de Tocqueville that was so central to the House. I have been reading Remini's biography of Henry Clay and Clay, as the first strong Speaker, always preferred the House. He preferred the House to the Senate although he served in both. He said the House is more vital, more active, more dynamic, and more common.

This is what de Tocqueville wrote: "Often there is not a distinguished man in the whole number. Its members are almost all obscure individuals whose names bring no associations to mind. They are mostly village lawyers, men in trade, or even persons belonging to the lower classes of society."

If we include women, I do not know that we would change much. But the word "vulgar" in de Tocqueville's time had a very particular meaning. It is a meaning the world would do well to study in this room. You see, de Tocqueville was an aristocrat. He lived

in a world of kings and princes. The folks who come here do so by the one single act that their citizens freely chose them. I do not care what your ethnic background is, or your ideology. I do not care if you are younger or older. I do not care if you are born in America or if you are a naturalized citizen. Everyone of the 435 people have equal standing because their citizens freely sent them. Their voice should be heard and they should have a right to participate. It is the most marvelous act of a complex giant country trying to argue and talk. And, as DICK GEPHARDT said, to have a great debate, to reach great decisions, not through a civil war, not by bombing one of our regional capitals, not by killing a half million people, and not by having snipers. Let me say unequivocally, I condemn all acts of violence against the law by all people for all reasons. This is a society of law and a society of civil behavior.

Here we are as commoners together, to some extent Democrats and Republicans, to some extent liberals and conservatives, but Americans all. STEVE GUNDERSON today gave me a copy of the "Portable Abraham Lincoln." He suggested there is much for me to learn about our party, but I would also say that it does not hurt to have a copy of the portable F.D.R.

This is a great country of great people. If there is any one factor or acts of my life that trikes me as I stand up here as the first Republican in 40 years to do so. When I first became whip in 1989, Russia was beginning to change, the Soviet Union as it was then. Into my whip's office one day came eight Russians and a Lithuanian, members of the Communist Party, newspaper editors. They asked me, "What does a whip do?"

They said, "In Russia we have never had a free parliament since 1917 and that was only for a few months, so what do you do?"

I tried to explain, as DAVE BONIOR or TOM DELAY might now. It is a little strange if you are from a dictatorship to explain you are called the whip but you do not really have a whip, you are elected by the people you are supposed to pressure—other members. If you pressure them too much they will not reelect you. On the other hand if you do not pressure them enough they will not reelect you. Democracy is hard. It is frustrating.

So our group came into the Chamber. The Lithuanian was a man in his late sixties, and I allowed him to come up here and sit and be Speaker, something many of us have done with constituents. Remember, this is the very beginning of perestroika and glasnost. When he came out of the chair, he was physically trembling. He was almost in tears. He said, "Ever since World War II, I have remembered what the Americans did and I have never believed the propaganda. But I have to tell you, I did not think in my life that I would be able to sit at the center of freedom."

It was one of the most overwhelming, compelling moments of my life. It struck me that something I could not help but think of when we were here with President Mandela. I went over and saw RON DELLUMS and thought of the great work RON had done to extend freedom across the planet. You get that sense of emotion when you see something so totally different than you had expected. Here was a man who reminded me first of all that while presidents are important, they are in effect an elected kingship, that this and the other body across the way are where freedom has to be fought out. That is the tradition I hope that we will take with us as we go to work.

Today we had a bipartisan prayer service. FRANK WOLF made some very important points. He said, "We have to recognize that many of our most painful problems as a country are moral problems, problems of dealing with ourselves and with life."

□ 1350

He said character is the key to leadership and we have to deal with that. He preached a little bit. I do not think he thought he was preaching, but he was. It was about a spirit of reconciliation. He talked about caring about our spouses and our children and our families. If we are not prepared to model our own family life beyond just having them here for 1 day, if we are not prepared to care about our children and we are not prepared to care about our families, then by what arrogance do we think we will transcend our behavior to care about others? That is why with Congressman GEPHARDT's help we have established a bipartisan task force on the family. We have established the principle that we are going to set schedules we stick to so families can count on time to be together, built around school schedules so that families can get to know each other, and not just by seeing us on C-SPAN.

I will also say that means one of the strongest recommendations of the bipartisan committee, is that we have 17 minutes to vote. This is the bipartisan committee's recommendations, not just mine. They pointed out that if we take the time we spent in the last Congress where we waited for one more Member, and one more, and one more, that we literally can shorten the business and get people home if we will be strict and firm. At one point this year we had a 45-minute vote. I hope all of my colleagues are paying attention because we are in fact going to work very hard to have 17 minute votes and it is over. So, leave on the first bell, not the second bell. OK? This may seem particularly inappropriate to say on the first day because this will be the busiest day on opening day in congressional history.

I want to read just a part of the Contract With America. I don't mean this as a partisan act, but rather to remind all of us what we are about to go through and why. Those of us who

ended up in the majority stood on these steps and signed a contract, and here is part of what it says:

On the first day of the 104th Congress the new Republican majority will immediately pass the following reforms aimed at restoring the faith and trust of the American people in their government: First, require all laws that apply to the rest of the country also to apply equally to the Congress. Second, select a major, independent auditing firm to conduct a comprehensive audit of the Congress for waste, fraud or abuse. Third, cut the number of House committees and cut committee staffs by a third. Fourth, limit the terms of all committee chairs. Fifth, ban the casting of proxy votes in committees. Sixth, require committee meetings to be open to the public. Seven, require a three-fifths majority vote to pass a tax increase. Eight, guarantee an honest accounting of our federal budget by implementing zero baseline budgeting.

Now, I told DICK GEPHARDT last night that if I had to do it over again we would have pledged within 3 days that we will do these things, but that is not what we said. So we have ourselves in a little bit of a box here.

Then we go a step further. I carry the T.V. Guide version of the contract with me at all times.

We then say that within the first 100 days of the 104th Congress we shall bring to the House floor the following bills, each to be given full and open debate, each to be given a full and clear vote, and each to be immediately available for inspection. We made it available that day. We listed 10 items. A balanced budget amendment and line-item veto, a bill to stop violent criminals, emphasizing among other things an effective and enforceable death penalty. Third was welfare reform. Fourth, legislation protecting our kids. Fifth was to provide tax cuts for families. Sixth was a bill to strengthen our national defense. Seventh was a bill to raise the senior citizens' earning limit. Eighth was legislation rolling back Government regulations. Ninth was a commonsense legal reform bill, and tenth was congressional term limits legislation.

Our commitment on our side, and this is an absolute obligation, is first of all to work today until we are done. I know that is going to inconvenience people who have families and supporters. But we were hired to do a job, and we have to start today to prove we will do it. Second, I would say to our friends in the Democratic Party that we are going to work with you, and we are really laying out a schedule working with the minority leader to make sure that we can set dates certain to go home. That does mean that if 2 or 3 weeks out we are running short we will, frankly, have longer sessions on Tuesday, Wednesday, and Thursday. We will try to work this out on a bipartisan basis to, in a workmanlike way, get it done. It is going to mean the busiest early months since 1933.

Beyond the Contract I think there are two giant challenges. I know I am a partisan figure. But I really hope

today that I can speak for a minute to my friends in the Democratic Party as well as my own colleagues, and speak to the country about these two challenges so that I hope we can have a real dialog. One challenge is to achieve a balanced budget by 2002. I think both Democratic and Republican Governors will say we can do that but it is hard. I do not think we can do it in a year or two. I do not think we ought to lie to the American people. This is a huge, complicated job.

The second challenge is to find a way to truly replace the current welfare state with an opportunity society.

Let me talk very briefly about both challenges. First, on the balanced budget I think we can get it done. I think the baby boomers are now old enough that we can have an honest dialog about priorities, about resources, about what works, and what does not work. Let me say I have already told Vice President GORE that we are going to invite him to address a Republican conference. We would have invited him in December but he had to go to Moscow, I believe there are grounds for us to talk together and to work together, to have hearings together, and to have task forces together. If we set priorities, if we apply the principles of Edwards Deming and of Peter Drucker we can build on the Vice President's reinventing government effort and we can focus on transforming, not just cutting. The choice becomes not just do you want more or do you want less, but are there ways to do it better? Can we learn from the private sector, can we learn from Ford, IBM, from Microsoft, from what General Motors has had to go through? I think on a bipartisan basis we owe it to our children and grandchildren to get this Government in order and to be able to actually pay our way. I think 2002 is a reasonable timeframe. I would hope that together we could open a dialog with the American people.

I have said that I think Social Security ought to be off limits, at least for the first 4 to 6 years of the process, because I think it will just destroy us if we try to bring it into the game. But let me say about everything else, whether it is Medicare, or it is agricultural subsidies, or it is defense or anything that I think the greatest Democratic President of the 20th century, and in my judgment the greatest President of the 20th century, said it right. On March 4, 1933, he stood in braces as a man who had polio at a time when nobody who had that kind of disability could be anything in public life. He was President of the United States, and he stood in front of this Capitol on a rainy March day and he said, "We have nothing to fear but fear itself." I want every one of us to reach out in that spirit and pledge to live up to that spirit, and I think frankly on a bipartisan basis. I would say to Members of the Black and Hispanic Caucuses that I would hope we could arrange by late spring to genuinely share districts.

You could have a Republican who frankly may not know a thing about your district agree to come for a long weekend with you, and you will agree to go for a long weekend with them. We begin a dialog and an openness that is totally different than people are used to seeing in politics in America. I believe if we do that we can then create a dialog that can lead to a balanced budget.

But I think we have a greater challenge. I do want to pick up directly on what DICK GEPHARDT said, because he said it right. No Republican here should kid themselves about it. The greatest leaders in fighting for an integrated America in the 20th century were in the Democratic Party. The fact is, it was the liberal wing of the Democratic Party that ended segregation. The fact is that it was Franklin Delano Roosevelt who gave hope to a Nation that was in distress and could have slid into dictatorship. Every Republican has much to learn from studying what the Democrats did right.

But I would say to my friends in the Democratic Party that there is much to what Ronald Reagan was trying to get done. There is much to what is being done today by Republicans like Bill Weld, and John Engler, and Tommy Thompson, and George Allen, and Christy Whitman, and Pete Wilson. There is much we can share with each other.

We must replace the welfare state with an opportunity society. The balanced budget is the right thing to do. But it does not in my mind have the moral urgency of coming to grips with what is happening to the poorest Americans.

I commend to all Marvin Olasky's "The Tragedy of American Compassion." Olasky goes back for 300 years and looked at what has worked in America, how we have helped people rise beyond poverty, and how we have reached out to save people. He may not have the answers, but he has the right sense of where we have to go as Americans.

□ 1400

I do not believe that there is a single American who can see a news report of a 4-year-old thrown off of a public housing project in Chicago by other children and killed and not feel that a part of your heart went, too. I think of my nephew in the back, Kevin, and how all of us feel about our children. How can any American read about an 11-year-old buried with his Teddy bear because he killed a 14-year-old, and then another 14-year-old killed him, and not have some sense of "My God, where has this country gone?" How can we not decide that this is a moral crisis equal to segregation, equal to slavery? How can we not insist that every day we take steps to do something?

I have seldom been more shaken than I was after the election when I had breakfast with two members of the Black Caucus. One of them said to me, "Can you imagine what it is like to

visit a first-grade class and realize that every fourth or fifth young boy in that class may be dead or in jail within 15 years? And they are your constituents and you are helpless to change it?" For some reason, I do not know why, maybe because I visit a lot of schools, that got through. I mean, that personalized it. That made it real, not just statistics, but real people.

Then I tried to explain part of my thoughts by talking about the need for alternatives to the bureaucracy, and we got into what I think frankly has been a pretty distorted and cheap debate over orphanages.

Let me say, first of all, my father, who is here today, was a foster child. He was adopted as a teenager. I am adopted. We have relatives who were adopted. We are not talking out of some vague impersonal Dickens "Bleak House" middle-class intellectual model. We have lived the alternatives.

I believe when we are told that children are so lost in the city bureaucracies that there are children who end up in dumpsters, when we are told that there are children doomed to go to schools where 70 or 80 percent of them will not graduate, when we are told of public housing projects that are so dangerous that if any private sector ran them they would be put in jail, and the only solution we are given is, "Well, we will study it, we will get around to it," my only point is that this is unacceptable. We can find ways immediately to do things better, to reach out, break through the bureaucracy and give every young American child a better chance.

Let me suggest to you Morris Schectman's new book. I do not agree with all of it, but it is fascinating. It is entitled "Working Without a Net." It is an effort to argue that in the 21st century we have to create our own safety nets. He draws a distinction between caring and caretaking. It is worth every American reading.

He said caretaking is when you both-er me a little bit, and I do enough, I feel better because I think I took care of you. That is not any good to you at all. You may be in fact an alcoholic and I just gave you the money to buy the bottle that kills you, but I feel better and go home. He said caring is actually stopping and dealing with the human being, trying to understand enough about them to genuinely make sure you improve their life, even if you have to start with a conversation like, "If you will quit drinking, I will help you get a job." This is a lot harder conversation than, "I feel better. I gave him a buck or 5 bucks."

I want to commend every Member on both sides to look carefully. I say to those Republicans who believe in total privatization, you cannot believe in the Good Samaritan and explain that as long as business is making money we can walk by a fellow American who is hurt and not do something. I would say to my friends on the left who believe

there has never been a government program that was not worth keeping, you cannot look at some of the results we now have and not want to reach out to the humans and forget the bureaucraticacies.

If we could build that attitude on both sides of this aisle, we would be an amazingly different place, and the country would begin to be a different place.

We have to create a partnership. We have to reach out to the American people. We are going to do a lot of important things. Thanks to the House Information System and Congressman VERN EHLERS, as of today we are going to be on line for the whole country, every amendment, every conference report. We are working with C-SPAN and others, and Congressman GEPHARDT has agreed to help on a bipartisan basis to make the building more open to television, more accessible to the American people. We have talk radio hosts here today for the first time. I hope to have a bipartisan effort to make the place accessible for all talk radio hosts of all backgrounds, no matter their ideology. The House Historian's office is going to be more aggressively run on a bipartisan basis to reach out to Close Up, and to other groups to teach what the legislative struggle is about. I think over time we can and will this Spring rethink campaign reform and lobbying reform and review all ethics, including the gift rule.

But that isn't enough. Our challenge shouldn't be just to balance the budget or to pass the Contract. Our challenge should not be anything that is just legislative. We are supposed to, each one of us, be leaders. I think our challenge has to be to set as our goal, and maybe we are not going to get there in 2 years. This ought to be the goal that we go home and we tell people we believe in: that there will be a Monday morning when for the entire weekend not a single child was killed anywhere in America; that there will be a Monday morning when every child in the country went to a school that they and their parents thought prepared them as citizens and prepared them to compete in the world market; that there will be a Monday morning where it was easy to find a job or create a job, and your own Government did not punish you if you tried.

We should not be happy just with the language of politicians and the language of legislation. We should insist that our success for America is felt in the neighborhoods, in the communities, is felt by real people living real lives who can say, "Yes, we are safer, we are healthier, we are better educated, America succeeds."

This morning's closing hymn at the prayer service was the Battle Hymn of the Republic. It is hard to be in this building, look down past Grant to the Lincoln Memorial and not realize how painful and how difficult that battle hymn is. The key phrase is, "As he died

to make men holy, let us live to make men free."

It is not just political freedom, although I agree with everything Congressman GEPHARDT said earlier. If you cannot afford to leave the public housing project, you are not free. If you do not know how to find a job and do not know how to create a job, you are not free. If you cannot find a place that will educate you, you are not free. If you are afraid to walk to the store because you could get killed, you are not free.

So as all of us over the coming months sing that song, "As he died to make men holy, let us live to make men free," I want us to dedicate ourselves to reach out in a genuinely non-partisan way to be honest with each other. I promise each of you that without regard to party my door is going to be open. I will listen to each of you. I will try to work with each of you. I will put in long hours, and I will guarantee that I will listen to you first. I will let you get it all out before I give you my version, because you have been patient with me today, and you have given me a chance to set the stage.

But I want to close by reminding all of us of how much bigger this is than us. Because beyond talking with the American people, beyond working together, I think we can only be successful if we start with our limits. I was very struck this morning with something Bill Emerson used, a very famous quote of Benjamin Franklin, at the point where the Constitutional Convention was deadlocked. People were tired, and there was a real possibility that the Convention was going to break up. Franklin, who was quite old and had been relatively quiet for the entire Convention, suddenly stood up and was angry, and he said:

I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth, that God governs in the affairs of men, and if a sparrow cannot fall to the ground without His notice, is it possible that an empire can rise without His aid?

At that point the Constitutional Convention stopped. They took a day off for fasting and prayer.

Then, having stopped and come together, they went back, and they solved the great question of large and small States. They wrote the Constitution, and the United States was created. All I can do is pledge to you that, if each of us will reach out prayerfully and try to genuinely understand each other, if we will recognize that in this building we symbolize America, and that we have an obligation to talk with each other, then I think a year from now we can look on the 104th Congress as a truly amazing institution without regard to party, without regard to ideology. We can say, "Here, America comes to work, and here we are preparing for those children a better future."

Thank you. Good luck and God bless you.

Let me now call on the gentleman from Michigan [Mr. DINGELL].

(Applause, the Members rising.)

□ 1410

I am now ready to take the oath of office. I ask the dean of the House of Representatives, the Honorable JOHN D. DINGELL of Michigan, to administer the oath of office.

Mr. DINGELL then administered the oath of office to Mr. GINGRICH of Georgia, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

(Applause, the Members rising.)

SWEARING IN OF MEMBERS

The SPEAKER. According to the precedent, the Chair will swear in all Members of the House at this time and, without objection, the Members from the State of Alabama will also be sworn in at this time, there being no contest as to their elections.

There was no objection.

The SPEAKER. If the Members will rise, the Chair will now administer the oath of office.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

Congratulations, the gentlemen and gentlewomen are now Members of the 104th Congress.

MAJORITY LEADER

Mr. BOEHNER. Mr. Speaker, as chairman of the Republican conference, I am directed by that conference to officially notify the House that the gentleman from Texas, the Honorable RICHARD K. ARMEY, has been selected as the majority leader of the House.

MINORITY LEADER

Mr. FAZIO. Mr. Speaker, as chairman of the Democratic caucus, I have been directed to report to the House that the Democratic Members have selected as minority leader the gentleman from Missouri, the Honorable RICHARD A. GEPHARDT.

MAJORITY WHIP

Mr. BOEHNER. Mr. Speaker, as chairman of the Republican conference, I am directed by that conference to notify the House officially that the Republican Members have selected as our majority whip the gentleman from Texas, the Honorable TOM DELAY.

MINORITY WHIP

Mr. BOEHNER. Mr. Speaker, as chairman of the Democratic caucus, I have been directed to report to the House that the Democratic members have selected as minority whip the gentleman from Michigan, the Honorable David E. Bonior.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, CHIEF ADMINISTRATIVE OFFICER, AND CHAPLAIN

Mr. BOEHNER. Mr. Speaker, I offer a privileged resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That Robin H. Carle, of the Commonwealth of Virginia, be, and she is hereby, chosen Clerk of the House of Representatives;

That Wilson S. Livingood, of the Commonwealth of Virginia, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That Scott M. Faulkner, of the State of West Virginia, be, and he is hereby, chosen Chief Administrative Officer of the House of Representatives; and

That Reverend James David Ford, of the Commonwealth of Virginia, be, and he is hereby, chosen Chaplain of the House of Representatives.

Mr. FAZIO. Mr. Speaker, I have an amendment to the resolution, but I request there be a division of the question on the resolution so that we may have a separate vote on the Chaplain.

□ 1420

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

AMENDMENT OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer an amendment to the remainder of the resolution offered by the gentleman from Ohio [Mr. BOEHNER].

The Clerk read as follows:

Amendment offered by Mr. FAZIO: That Thomas O'Donnell, of the State of Maryland, be, and he is hereby, chosen Clerk of the House of Representatives;

That George Kundanis, of the District of Columbia, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives; and

That Marti Thomas, of the District of Columbia, be, and she is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentleman from Ohio [Mr. BOEHNER].

The remainder of the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair will now swear in the officers of the House. The officers will come forward, please.

The officers-elect presented themselves at the bar of the House and took the oath of office.

The SPEAKER. The gentlemen and gentlewomen are now Members of the 104th Congress. Congratulations.

NOTIFICATION TO SENATE OF ORGANIZATION OF THE HOUSE

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 2) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that NEWT GINGRICH, a Representative from the State of Georgia, has been elected Speaker; and Robin H. Carle, a citizen of the Commonwealth of Virginia, has been elected Clerk of the House of Representatives of the One Hundred Fourth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 3) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Texas [Mr. ARMEY], and the gentleman from Missouri [Mr. GEPHARDT].

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 4) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected NEWT GINGRICH, a Representative from the State of Georgia, Speaker; and Robin H. Carle, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives of the One Hundred Fourth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER IMMEDIATE CONSIDERATION OF HOUSE RESOLUTION ADOPTING THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 104TH CONGRESS

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it be in order immediately to consider in the House a resolution adopting the rules of the House of Representatives for the 104th Congress; that the resolution be considered as read; that the resolution be debatable initially for 30 minutes, to be equally divided and controlled by the majority leader and the minority leader, or their designees; that the previous question be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question, except that the question of adopting the resolution shall be divided among nine parts, to wit: Each of the eight sections of title I, and then title II; each portion of the divided question shall be debatable separately for 20 minutes, to be equally divided and controlled by the majority leader and the minority leader, or their designees, and shall be disposed of in the order stated, but if the yeas and nays are ordered on the question of adopting any portion of the divided question, the Speaker may postpone further proceedings on that question until a later time during the consideration of the resolution; and, pending the question of adopting the ninth portion of the divided question, it shall be in order to move the previous question thereon, and if the previous question is ordered, to move that the House commit the resolution to a select committee, with or without instructions, and that the previous question be considered as ordered on the motion to commit to final adoption without intervening motion.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BONIOR. Reserving the right to object, Mr. Speaker, under my reservation I would like to ask the gentleman

from Texas [Mr. ARMEY] several questions about his unanimous-consent request.

First of all, does the gentleman's request allow us to offer an amendment to ban gifts by lobbyists?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I say to the gentleman, You are entitled under the rules to offer a germane amendment in your motion to commit if it is ruled by the Parliamentarian that such an amendment is germane.

Mr. BONIOR. Further reserving the right to object, Mr. Speaker, I would propound to my distinguished friend from Texas another question:

Is your request an open amendment process which allows Members the opportunity to offer germane amendments? We have the opportunity to offer germane amendments?

Mr. ARMEY. If the gentleman would yield, I am advised by the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, that the rule is more open than any we have ever had in the past.

Mr. BONIOR. Is the gentleman saying that no amendments are in order under the request and this is a closed rule?

Mr. ARMEY. If the gentleman would yield, there are plenty of amendments in order.

Mr. BONIOR. Does this afford the minority a right to offer an amendment, I would ask the gentleman from Texas?

Mr. ARMEY. Mr. Speaker, if the gentleman would yield, I am again advised by the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, that my colleague can include any amendment he wants in the motion to commit so long as it meets the test of germaneness.

Mr. BONIOR. Will we have time to debate the motion to commit?

Mr. ARMEY. I believe under the rules of the House it is a nondebateable motion.

Mr. BONIOR. So we can offer the motion and we cannot debate it?

Mr. ARMEY. If the gentleman would yield, there will be about 3½ hours of debate, and it is the judgment of this Member that there will be plenty of opportunity within that time since time will be allocated to the minority for debate purposes to make the points that the gentleman might want to make related to their motion to commit.

□ 1430

It is a common practice that we used many times when we were in the minority exercising our prerogative to make a motion to commit.

Mr. BONIOR. Mr. Speaker, it is my understanding we will not be able to offer amendments on the motion the gentleman has put forward, and that we will not be able, for instance, to offer the amendment that we wish to offer on the gift ban.

In fact, I would ask another question of my friend. Does this request envision a division of the open-amendment process for the Congressional Accountability Act to be considered at the end of the day?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Perhaps at this point I might address the Speaker and express my wonderment as to whether or not the gentleman is going to make an objection.

Mr. BONIOR. Mr. Speaker, reserving my right to object, let me just say that given that the gentleman has informed the House that he is requesting two completely closed rules, two gag rules, I might add, on the first day of the Congress, I object.

The SPEAKER. An objection has been heard.

The Chair now recognizes the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, by direction of the House Republican Conference, since there is no Committee on Rules yet, and the Committee on Rules has not met yet to organize and will not until tomorrow, by direction of the Republican Conference, I call up a privileged resolution and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 6) adopting the Rules of the House of Representatives for the One Hundred Fourth Congress. The resolution shall be considered as read. The resolution shall be debatable initially for 30 minutes to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except as specified in sections 2 and 3 of this resolution.

SEC. 2. The question of adopting the resolution shall be divided among nine parts, to wit: each of the eight sections of title I; and title II. Each portion of the divided question shall be debatable separately for 20 minutes, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees, and shall be disposed of in the order stated.

SEC. 3. Pending the question of adopting the ninth portion of the divided question, it shall be in order to move that the House commit the resolution to a select committee, with or without instructions. The previous question shall be considered as ordered on the motion to commit to final adoption without intervening motion.

The SPEAKER. The resolution is a matter of privilege. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the distinguished minority leader, or in this case the minority

whip, or his designee, pending which I yield myself such time as I may consume.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. SOLOMON. Mr. Speaker, the resolution before us is a special rule authorized by the Republican Conference providing for the consideration of a resolution adopting the rules of the House for the 104th Congress.

While such a special rule is not unprecedented, I think the last time it was done was back in 1893. So this is an unusual situation. We have never before had an objection to the rules being brought up by unanimous consent.

As returning Members are aware, ordinarily the resolution adopting House rules at the beginning of a Congress is considered as privileged in the House and subject to just 1 hour of debate, with no amendments, and on up-or-down vote following the vote on the previous question and any motion to commit the resolution.

This special rule allows for a different and more expansive consideration of the House rules resolution.

First, instead of just 1 hour of debate, which is customary in this House and traditional over the years, certainly all of the years I have been here, it provides for a total of 3½ hours of debate, equally divided and controlled by the majority and the minority party.

Second, instead of just one vote on adopting the resolution, the special rule allows for nine separate votes, not counting a vote on committing the resolution. I would again call this to the attention of the Members on that side of the aisle. It allows for nine separate votes, not counting a vote on committing the resolution, which I assume the minority would be offering.

This time will be divided as follows:

First, there will be 30 minutes of general debate on the resolution, equally divided between the majority and the minority.

Second, there will follow 20 minutes of debate each on the eight sections contained in title I of the resolution, and that is the Contract with America: The Bill of Accountability Act.

Mr. Speaker, each of these sections will be subject to a separate vote under an automatic division of the question.

Third, there will be additional 20 minutes of debate on title II of the resolution, containing an additional 23 sections, followed by a separate vote on title II. That is nine votes altogether.

It would be in order for the minority, prior to the final vote on adopting title II of this bill, to offer a motion to commit the resolution.

However, I want to point out that this special rule does not allow for a separate previous question vote on title II. So if the minority wishes to have a previous question vote to alter

the terms of this procedure and make in order additional amendments, it must defeat the previous question on this special rule. They have that prerogative.

We are allowing the minority its traditional previous question vote through this rule, but we are not being so generous as to allow the minority two previous question votes. We are going to be here until 10:30, 11:30, possibly even 2 o'clock in the morning, and we want to expedite this as quickly as possible.

I would also point out in that same regard that the previous question is automatically ordered on the adoption of each of the eight sections in title I.

That means that there will be no separate previous question votes on those sections, nor will there be an opportunity to commit any of those sections, with or without instructions.

That does not mean, Mr. Speaker, that the minority will be precluded in its final motion to commit on title II from revisiting any matter that has been adopted in title I. They can still take that opportunity, if they wish. On the contrary, all of the rules of the House that have been adopted to that point are still subject to further amendment in any motion to commit, and any additional amendments to House rules will be in order as well.

In conclusion, Mr. Speaker, we have designed in this procedure the fairest and most open process on a House rules resolution in over a century in this House. We have allowed over three times as much debate as is usual on opening day, and nine times as many votes.

We will be giving Members on both sides of the aisle an opportunity to separately vote on each of the nine items contained in our Contract with America as embodied in title I. And the minority will retain its usual right to alter this procedure further if it defeats the previous question on this rule, and it will retain its usual right to commit the resolution with a final amendment at the conclusion of debate on title II.

I therefore, Mr. Speaker, urge adoption of this special rule.

Mr. Speaker, I reserve the balance of my time, perhaps for a colloquy with the minority whip.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last November, the American people voted for change.

They sent a message to this House, a message of anger and frustration.

We, in our party, have heard that message, the message of working families whose incomes are squeezed, working families who are tired of business as usual, who feel that no one speaks for them.

In the days and weeks and months ahead, we, in the Democratic Party intend to be their voice.

When tax cuts are proposed, we intend to make sure that it is working

families who benefit, not the wealthiest few.

In our efforts to balance the budget, we intend to make sure that our seniors are not robbed of their right to Social Security or Medicare, that our children are not deprived of their right to education and practical training for good jobs.

And we intend to make sure that when we talk about reforming this House, those reforms are real, concrete, and that they make a difference. We have seen the symbols of change today. In what is the greatest tribute to, this, the world's greatest democratic institution, the gavel has changed hands. Power has shifted.

The Republican Party has promised an agenda of reform. We, Democrats intend to make sure they keep their promises. Today, we deal with the rules of this House. These issues may seem arcane, removed from the lives of average Americans. But what we do today sends a powerful signal. For today, we define the rules and standards that we, as Members of Congress, are determined to live by.

Most Democrats will support most of the reforms that are being offered. Some of them were our own reforms, reforms that were blocked last year, in a cynical move for partisan advantage by the Republican Party. Some of them are of little consequence. Whether they pass or not makes little difference. But, none of these reforms go far enough. They stop short. They are just window dressing, hiding the real shift in power the Republicans intend to bring about.

The American people voted for change last November. They did not vote to create a Congress that is for sale to the highest bidder. They voted for change. But they did not vote for a Congress where leaders take care of their own private profits before they take care of the public business.

They voted for change. But they did not vote for a Congress that is beholden to multimillionaires. And they did not vote to allow Members of Congress to trade on the public trust, and become millionaires themselves. They did not vote for a Congress that is entangled with special interests or tied to the powerful concerns of foreign corporations.

The American people did not vote to open the doors of Congress to the Power Rangers or the powers that be, but to the power of the average American. With this paltry package of reforms, the Republican Party has shown that they just don't get the message.

We are about to witness the biggest takeover by special interests in the history of the U.S. Congress, and this so-called reform package does nothing to stop it. This rules package is nothing more than a string of broken promises.

After the years of whining and complaining on the Republican side about the damages to democracy of closed rules, what is the first thing they offer

us? A closed rule. Not just one closed rule, but a closed rule within a closed rule.

Where is democracy, where is open debate, where is the free flow of ideas? Not one amendment will be able to be offered to anything the Republicans do today. Not one amendment.

This would not matter so much, if the Republicans had offered us real reform. But their package leaves out the single most important effort that could help stop the influence of special interests, a ban on gifts from lobbyists.

Last year, the Republicans ran from reform, and blocked passage of the gift ban bill in the Senate. This year, they are going even further. With this closed rule, with this gag rule, they have prevented a gift ban from being offered as a separate amendment.

We need to defeat the previous question on this gag rule, to provide an open rule that will allow us to get to the real issues of reform, including a ban on gifts from special interests.

This is essentially the same gift ban provision that was passed overwhelmingly last year, Republicans claimed to be for it then, now that they are in control, it is time to get real about reform, and pass this ban on gifts.

In recent weeks, it has become clear that there is a serious loophole in even this major reform. We have discovered that there are backdoors to getting gifts. And one of these back doors is through book deals, with lucrative advances and multimillion dollar royalty contracts.

I will be urging my colleagues to defeat the previous question so that we can offer an open rule which will allow an amendment to directly address this issue of whether a Member of Congress should be allowed to earn millions of dollars in book royalties while employed at the taxpayers expense.

We intend to try to offer an amendment that would cap royalties from any individual book to one-third of a Member's annual salary.

Let me make this very clear: by making this proposal today, we are not trying to discourage Members from writing books. Public officials all the way back to ancient Greece have written books, including many esteemed Members of this body.

But at the same time, no Member should be able to use the prestige of this office to cut a special deal.

No Member of Congress should be allowed to use this office—this public trust—for personal gain. No Member of Congress should make a book deal in one day that equals far more than the average American family earns in their entire lifetime.

A one-third cap on royalties is reasonable. It is more than generous. The public expects us to do no less.

We were not elected to this body to get rich; we're here to do the people's business and that is a full time job.

It is important today that we send the word out across America that we are serious about reform, that this

Congress is not for sale, our offices are not open to the highest bidder.

A vote for the previous question and for this gag rule is a vote to shut out real reform. It is a vote to fling open the doors to special interests. It is a vote to continue the old order.

I urge my colleagues, especially those of you for whom this is your very first vote, those of you who ran on the promise of reform, do not side with the special interest. Let us open the door to real reform. Vote no on the previous question and let's come back with a rule that will allow us to ban gifts from lobbyists and to limit the royalties of Members of Congress.

This House of Representatives is not for sale. Say no to gifts. Say no to excessive book deals. Support an open rule.

□ 1440

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, let me yield myself such time as I might consume just briefly.

Mr. Speaker, I would just like to point out to my good friend, the gentleman from Michigan [Mr. BONIOR], and he is a good friend and I have deep respect for him, but I believe, DAVID, that you were a member of the task force on the ethics bipartisan task force that allowed Members to take book royalties from legitimate book firms back, what year was that, back in 1981 or 1982, I believe. 1989, it was even more recent.

But let me just address this rule business, because when Speaker GINGRICH called me before him when we were going to talk about the formation of the new Committee on Rules, he instructed me, along with the other eight Republicans that will make up that committee to be as open and fair and accountable as we possibly can. As the gentleman knows, in recent years under the past two Speakers, we have gone to almost a totally structured rule process, where Members on both sides of the aisle have literally been gagged. The House was not allowed to work its will.

The gentleman knows that conservative Democrats on your side of the aisle complained bitterly about it, people like the gentleman from Minnesota, Tim Penny, and the gentleman from Louisiana, BILL TAUZIN, and others, because they were not allowed to offer amendments on this floor.

Speaker GINGRICH has asked me to be as open and fair as we possible can, and to reverse the fact that 70 percent of all of the rules that came to this floor last year were closed or structured or restricted rules. He has asked us to try to make an open rule process the norm, and not the exception. We are going to do that. I am going to follow his instructions. Now, at this point, let me yield to a Member who served on the Speaker's task force to reform this House. I had the privilege of serving with him. We developed these kinds of reforms that we are offering here

today, 8 of them in the contract for America, 23 in title II, all of which are additional reforms to the existing 1993 Democrat rules package that is here.

Mr. Speaker, I yield such time as he may consume to a very distinguished member of the committee, the gentleman from California [Mr. DREIER].

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

□ 1450

Mr. DREIER. I thank my friend, the gentleman from Glens Falls, the soon to be chairman of the Committee on Rules, for yielding me this time, Mr. Speaker.

Let me just say that as I have listened to the words from my very dear friend, the gentleman from Mount Clemens, MI [Mr. BONIOR], who has described this as a closed rule, I have to say that it is absolutely preposterous to claim that what is clearly the most open rule on an opening day in recent congressional history is closed. Now, in the past we have regularly seen basically a single up-or-down vote, but as Speaker GINGRICH said in his remarks earlier, we are going to be today casting votes on eight different provisions, providing Members with the opportunity to look at virtually every aspect of the preamble of our contract with America.

As I listen to the arguments about a closed rule here, I cannot help but think about the fact that nearly every single week during the second session of the 103d Congress I stood right there at that desk and asked the majority leader, the gentleman from Missouri [Mr. GEPHARDT], or his representative, the gentleman from Michigan [Mr. BONIOR], or the gentleman from Maryland [Mr. HOYER], or another Member when we could expect the congressional reform package to get to the House floor.

Mr. Speaker, the response was regularly "Well, we are hoping that we will be able to get it up first in early spring of 1994." Then it was late spring, then early summer, then midsummer then before we adjourned for August, and then after August it was before we adjourned. As we all know very well, at the end of the 103d Congress, we got a little speck and nothing more than that when we passed this rule calling for congressional compliance.

It seems to me that as we look at this issue, this issue is a very important one which we have struggled to get our friends who were formerly in the majority to bring to the House floor, and because of their recalcitrance on the issue of congressional reform over the past 2 years, we are on the opening day bringing these reforms as expeditiously as we possibly can. Why? Because we have debated these throughout virtually every campaign. On every measure that dealt with the issue of congressional reform, I attempted to defeat the previous question, to make in order our congressional reform package, which again had

been promised for consideration by the leadership in the past.

I believe very strongly that this rule is going to allow us to have free, fair, and open debate on this extraordinarily important issue, on this extraordinarily important day. I say we have got to get the job of congressional reform completed and completed today, so that we can do what the American people are anticipating from us in the next 100 days.

Mr. BONIOR. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, I would say to the gentleman from California, [Mr. DREIER], he also stood at that desk over there every single day and he condemned closed rules as being a violation of the democratic process, and he promised that if he were in charge we would never again see closed rules.

And where are we today? The first day of the first session of Congress, when you are finally in charge, and the very first rule you bring to the House is a closed rule. Now I would just have to say to the gentlemen from California and New York, Mr. DREIER and Mr. SOLOMON, it is a curious thing to see on the first day of the House these two gentlemen, who took up so much of our time talking about closed rules, to be the authors of a closed rule on the first day of this Congress.

It is indeed also curious that, after so much talk about reform, that they would bring to the House floor today a set of rules that excludes any reference to reform of the process we have today under which lobbyists are permitted to buy gifts, meals, and thinly disguised vacation trips for Members of Congress.

I must say it is especially curious inasmuch as in October the Speaker of the House, Mr. GINGRICH, was on "Meet the Press" saying, and I quote, "I am prepared to pass a bill that bans lobbyists from dealing with Members of Congress in terms of gifts."

Yet here we are on the first day, the first opportunity to do it, and not only is it not a part of the Republican package, we are prohibited from even offering an amendment to the Republican package to prohibit lobbyists from buying gifts, free meals, and thinly disguised vacations for Members of Congress.

They will not allow us to offer that amendment for a very simple reason, because they know that it would pass overwhelmingly.

The Speaker and his leadership allies fought tooth and nail last year to kill the ban on gifts from lobbyists. They tried to keep the bill from being considered in the House, and when that failed, they encouraged a Senate filibuster which succeeded in killing it,

even though twice it passed the House of Representatives overwhelmingly and with a bipartisan majority. They said they were against it because somehow or another it interfered with the grass-roots lobbying.

I have an amendment which we will bring up when this previous question is defeated, which says that gifts will no longer be permitted to be given to Members of Congress in the forms of meals, free trips, free costly golf vacations or anything else from members of the lobby, from the lobbyists.

I urge the new Republican Members, today you will decide whether you are in lock-step with this new Republican majority and the Speaker, or you are committed to the public. If you are committed to the public, vote against the previous question. Let us do the public's business today and prohibit lobbyists from giving gifts, free meals, free vacations, free golf trips, and all other manner of freebies to Members of the House of Representatives.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Texas mentioned lockstep. Yes, we Republicans are in lockstep. We are in lockstep with the message that was sent by the American people on November 8, and we are going to accomplish the things they asked us to do.

That means shrinking the size of this Congress by one-third, eliminating 600 jobs, and setting the example for what we will do when we take up the 100 days Contract With America in which we will shrink Government and we will grow the private sector. That is what we are laying the groundwork here today for.

Mr. Speaker, I yield 2½ minutes to the very distinguished member from Sanibel, FL [Mr. GOSS], a member of the Committee on Rules.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I thank the very distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], for yielding me this time.

It is the 4th of January, but it seems like the 4th of July, to me. It is Independence Day. It is Independence Day in this House, as we begin to set ourselves free from the shackles of what America knows is the status quo, business as usual.

I hardly need to remind my colleagues about the Dark Ages, when committee chairmen zealously perpetuated their turfs; when Members missed committee meetings because votes were taken by proxy; when committee meetings could be held in the dead of the night behind closed doors, sometimes locked closed doors, locked to the minority; when Members could come to this floor and apparently wilfully disclose classified information without admonition; when large tax bills could pass on the slimmest of

margins and huge spending packages could slide through on a voice vote.

The excesses of Congresses past are well documented. On November 8, Americans sent a message. Well, Mr. Speaker, message received. Limiting the terms of committee chairmen, banning proxy voting, establishing truth in budgeting, reducing staff, opening up and streamlining the committee process, mandating recorded votes on spending bills, these changes today will make this a more responsive and responsible House. By laying this groundwork for a new beginning, we take the first concrete steps toward earning back the trust of the people that we are here to serve.

I am pleased that this rules package includes a simple but important requirement that Members wishing access to classified material sign an oath of secrecy, a powerful change that should increase Members' awareness and accountability where national security is at stake.

At the same time, we are taking major steps to bring sunshine into the daily workings of this House's business and to ensure individual Members' accountability for all of their actions. All around, this is a balanced package of substantive change.

It is not exclusive. There will be more, and I invite the distinguished gentleman from Texas [Mr. BRYANT] to join me in sponsoring my bill that bans lobbyist-paid travel, if he wants further reform. This is the beginning step.

I urge all of my colleagues to join me in support of these new rules today. It is not the final thing, but it is the most important thing we are going to do, because it is going to show America we are serious about making the changes. Of course, there will be more oncoming. Today it is a good agenda. It is an American agenda, and it is today's agenda, so let us pass it.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Texas [Ms. SHEILA JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I am a proud new Member of the 104th Congress, and I want to speak just for a moment to my fellow new Members, because we all campaigned for reform. I urge you, do not get cold feet.

I come armed with the Constitution of the United States of America that says "We, the people of the United States, in order to form a more perfect Union," among other things, "secure the blessings of liberty to ourselves and our posterity," not to Congress, not to individual congressional Members, but the people want for themselves the right to live and the right to know that their Congress is not owned and bought.

□ 1500

The American people want reform, not phony reform but real reform. They want to know that the ties of special interests are now really broken. They want to know that the days of

free meals and free trips and special privileges are over. They are angry and we did hear their voices. We the Democratic Members heard their voices in November, and today we want to start fresh and anew talking about reform. But we need to go a lot further. If we want to send a real signal that we are really changing Washington, we need to ban gifts from lobbyists and special interests. As Members of Congress, we should not be using public office for private gain. We are here to make change, not to protect the old order. Let us begin by having an open debate. What is wrong with amendments allowing us to raise the voice of the American people? No more closed rules, no more status quo. Let the American people realize that we are not for sale.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

I would just point out to the gentlewoman, I know she is a freshman Member, but in the last Congress, the 103d Congress, 70 percent of every rule that came to this floor under Speaker Foley was a restricted, closed, or modified rule. We are reversing that through your order, sir, and we will have open rules in this House. We will have openness, fairness, and accountability.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LINDER], the very distinguished new member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding.

I would like to point out that it is clear what the theme of the day is from your side and, that is, gifts from lobbyists and that is going to appeal not to the people in this body but to the people watching this on C-SPAN.

It is worth noting that after 40 years of rule, including the last 2 when the Democrats had control of both the House and the Senate and also the White House, that this should have been able to have been passed. But this rule is not about gifts from lobbyists. That is a bill to come. This rule does not include amendments for campaign finance reform or parking at Washington National or indeed paid travel from lobbyists. This rule has to do with process, process of how Congress acts, the committees, the staffs, the way we budget. We will deal with those issues at a later date in separate bills. We have done that in the past. We have cooperated in trying to get campaign finance reform to the floor, in trying to get lobbying reform to this House, all in stand-alone, individual bills. Let us be honest about it.

We understand your point of view in the minority, trying to distract Americans' attention from the issue of the day, which is passing a rule by which we live for the next 2 years. This rule deals with process, how Congress conducts itself. Let us contain our comments to that point.

Mr. BONIOR. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. DOGGETT].

(Mr. DOGGETT asked and was given permission to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, like our Republican colleagues as a new Member of this Congress, I came seeking constructive change, and of that change I was most eager to join with our Republican colleagues the concept of opening this House.

Yet at this first opportunity for change, this Republican rules package fails. I do not know what they call a rule in California or New York where you get no amendment and no alternative, but in Texas we call that closed government.

You propose two completely closed rules, two rules that do not allow one new Member, one old Member, one Republican, one Democrat to offer any amendment to this package. More than that, you have done what is unprecedented perhaps in the history of this country, and that is to provide a closed rule within a bill that is brought up under a closed rule.

This is not open government. This is not reform. It is more closed government as usual. This is barring the door, slamming the door shut and actually then barring that door for people to participate in the process of democracy.

It was only a few months ago that the distinguished gentleman from California [Mr. DREIER] suggested that when a closed rule is foisted on this House, the Members are denied the opportunity to represent their constituents. That is no less true today.

You have said that this is a new chapter in the history of this House, but you have made it an edited, indeed a censored chapter. You have said you have changed the course of business in this House, but I would submit, to use the words of the distinguished gentleman from New York, that it is merely shortchange.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume, just to say to Members on that side of the aisle how refreshing it is now to see Members from the Democratic Party standing up and fighting for those minority rights that we fought for for 40 years on this floor. We welcome you into this debate and we are going to open up this House today.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. REGULA], one of the senior Members of this House.

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, today is truly a momentous occasion. After serving in the minority for 11 terms, new and historic horizons are being opened as Republicans become the majority party in the House of Representatives for the first time in 40 years.

We are beginning the first day of the 104th Congress with a full schedule of much-needed internal reforms in the House of Representatives. We will vote

on eight separate reforms including a reduction of committee staff by one-third, requiring that committee meetings be open to the public and requiring that members of committees be present for votes in their committees.

This new openness in the committee process is important because it is the first step in establishing the accountability that the American people are demanding of the Congress. The most important decisions on legislation are often made during committee deliberations. Members of committees become experts in the areas of the committee's jurisdiction and other Members rely on their judgment.

One of the most important reforms we are voting on today is the ban of proxy voting in committees. Proxy voting allows another Member to cast a vote on legislation for a Member who is absent. Of the 22 standing committees in the last Congress, only 4 banned absentee voting. I am a member of the Appropriations Committee which has never allowed the use of proxy voting. All Members should be present to vote on issues before the committee.

Accountability to the American public begins in the committee system by Members being present for meetings and votes, and those meetings being open to the public. We must assure all of our constituents of the seriousness with which we approach our work of deliberating the issues of importance to our country. Only then can the integrity of the Congress be reestablished.

Today's action can be defined in five words: "Accountability in the People's House."

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield 1 minute to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise to voice my opposition to the closed rule on the Republican rules package. This package contains many important reforms that I support, but it does not contain the most crucial reform, a ban on gifts from lobbyists. The gift ban is central to our ability to break the bond between the special interests and the Congress. That is what the public clamored for, separate special interests from the institution of the Congress.

The Democratic proposal would ban all gifts to Members of Congress. It bans meals, entertainment, and travel. It says no more business as usual.

On this first day of the 104th Congress when so many hopes are pinned on people reclaiming their Government, it is tie to end the special interests' influence over Congress. It is time to say no. No to dinners, no to golf junkets, no to the old style perks and privileges. The only privilege we need is the privilege to serve in this body.

The new Republican majority claims that they are leading a revolution to reform this institution. That is what they told the American public. But keeping closed rules, protecting perks and privileges is just more hypocrisy.

Support real change. Open the rule and support a gift ban.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, there is a reason why the Republicans oppose the Democratic rules change in this closed rule. Our rules change makes every rules change proposed by the Republicans today pale in comparison. Theirs are plastic and papier mache. Ours have the hard steel of real change because they address the key issue of the integrity of Congress.

Today as we speak on this floor with a few Members, so many others are enjoying this wonderful first day of service in Congress. They came here promising to represent their districts, not the special interests. Our rules change addresses that straightforwardly. It prohibits and limits any gifts from lobbyists and special interest groups so that new Members and old Members alike will not be ensnared in these special interest tangles. And equally important, Mr. Speaker, it closes or at least restricts a dangerous loophole.

By the rules of the House I cannot go out and give a speech and earn one dollar. But I can go out, and in the name of writing a book, supposedly earn legally millions of dollars. That kind of ridiculous loophole puts this House in jeopardy and every Member of it.

I would suggest that we stick with the Democratic changes and defeat the previous question.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to a very distinguished new Member, the gentleman from South Carolina [Mr. GRAHAM].

(Mr. GRAHAM asked and was given permission to revise and extend his remarks.)

Mr. GRAHAM. Mr. Speaker, I came from South Carolina, a State that a few years ago sent about 18 people to jail because they took shirts, they took shoes, they took golf trips, and they sold their vote. If Members want to reform me, I challenge them to do so. But everything in its time. For 40 years Democrats have had control of this body to do that.

What the American people need to know, and what I want constituents to know at home is what we are talking about doing the first day is to change the way this institution operates. NEWT GINGRICH, the new Speaker of the House, has done something that no Speaker of the House has ever done in this body, Republican or Democrat. He has instituted a measure to limit his own term as Speaker. I congratulate him for doing that. Leadership and reform begins at the top, and that is what he has demonstrated, and on behalf of the freshman class we thank him for doing something other than talk.

Also in this rule is a provision that would limit committee chairmen to

serve 6 years. If we want to change America, that is a great place to start, and that is what we are talking about today, changing this institution to breathe new life into it.

Mr. Speaker, ideas do matter, and they are going to have a new day.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, approximately 1 hour ago you addressed every Member of this body and the House, you addressed the entire United States of America and you said this is the 104th Congress. Think of it, 208 years. For 208 years, Mr. Speaker, we have existed under the rule of the majority.

Two hundred eight years ago, Mr. Speaker, as a student of history you know that the Constitutional Convention adopted the Constitution rejecting the Articles of Confederation that have a super majority requirement. By a rules change, with no committee hearings, with only 20 minutes of debate, you want to strike a blow at the most fundamental tenet of constitutional principle: rule of the majority, and revert to the Articles of Confederation.

Mr. Speaker, how can you do this on the first day of your tenure in office?

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Cleveland, OH [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it is hard not to be somewhat amused by the shenanigans that are going on on the floor right now when we are being told that we are completely shackling the rights of the minority by not allowing them to have the central reform that should be in this rules package; that is, the gift and lobby reform.

It has to be pointed out that for 40 years Democrats have had the opportunity to pass this fundamental gift and lobby reform, and yet they have not been able to do it in a timely way that got through both the House and the Senate and was signed into law. For them now to claim that somehow, somehow this is preventing them from doing this when they know substantively we will get to this later, the question I have is why did they choose the gift and lobby reform as opposed to fundamental campaign finance reform, that is the elimination of special interest contributions. They know and I know that about \$250,000 plus goes into every single incumbent's campaign on a cyclical basis. That is real influence that is being purchased by special interest groups, and yet there is only one group, one group in the entire Congress, not the House Republicans, not the Senate Democrats, not the Senate Republicans that do not want to limit that genuine purchasing of influence, and that group is the House Democrats.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me refresh my friend from Cleveland's memory. We did pass

the gift rule ban last Congress and it was killed in the other body by the Republican Party.

I also would like to refresh my friend's memory and suggest to him that we did pass campaign finance reform and it was killed also by Republicans.

Mr. HOKE. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I will not yield at this point. I would yield in a second to my friend using his time.

So we have complied with the wishes of the American people on two basic, fundamental reforms which is banning gifts and reducing the influence of outside interests in campaign reform. We passed them in this House not very long ago, a few months ago, sent them over to the Senate and they were killed by Republicans.

Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina [Mrs. CLAYTON].

Mr. DREIER. Mr. Speaker, I yield 5 seconds to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I rise in support of congressional reform and in support of several parts of the proposed rules package. No Member in this Chamber has a premium on what's best for this Nation. We all have a contract with America.

The contract to which each Member is bound, is to work in the best interests of the American people.

On election day, we offered our services to this great country, and voters from Rocky Mount, NC, to the Silicone Valley of California, accepted our offer. We all have a contract with America.

That contract involves being open to the challenge of change. I will vote for several of the reforms offered in this rules package. However, I will vote against those proposals that are considered dangerous to the stability of the American people or undermine the Constitution of this country.

We must get beyond partisan politics and move to the high ground of principle—serving all Americans.

But, real reform must include an end to gag rules. There are important amendments that would be offered, amendments designed to improve and perfect this rules package, but Members are muzzled because the majority has insisted on a closed rule for this debate.

No Member can offer an amendment such as the gift ban. That is an issue that we debated and supported last Congress. As I am informed, the gift ban we passed would have included royalties from books. If we are to be leaders, we must also lead in following the rules under which we are governed. In this House, we have resolved that no Member should be enriched beyond what the people pay. That resolve should not end with the Speaker, it should begin with him.

I will support those thoughtful reforms that have been offered by the majority. But, I will continue to stand

up as part of the loyal opposition when I believe pomposity, audacity and duplicity confront us.

No party or person has an exclusive on such things as family values and personal responsibility. Those are standards I absolutely hold dear. And no party or person should be able to take the right to speak and participate from any of us. Too many have sacrificed for that precious liberty. We all, 435 Representatives, have a contract with America. Let no one forget.

Mr. DREIER. Mr. Speaker, as we continue with this freest and most open debate in congressional history, I yield 2 minutes to my friend, the gentleman from Greensboro, NC [Mr. COBLE].

□ 1520

Mr. COBLE. I thank the gentleman from Claremont, CA, for having yielded me this time.

Reform the House? We Republicans have previously engaged in this exercise of attempting to reduce the number of staff positions and the number of committees. So this is not a case of first impression.

But each time we proposed these reductions, they fell upon deaf ears, and the Democrat leadership rejected our attempts to streamline the Congress, and in so doing serve as better stewards for taxpayers.

During this session, pending passage of this proposal today, there will be 25 fewer subcommittees, 3 fewer standing committees. This will save taxpayers hundreds of thousands of dollars.

I am advised that we have eliminated 80 positions on one committee alone. I am not uncaring nor insensitive about this result, but these positions should never have been created in the first place. In applying retroactive psychology, Mr. Speaker, if our Democrat leadership friends had accepted our previous proposals which would have saved taxpayers millions of dollars, we Republicans may not be in the majority today.

But in this town, pride of authorship is jealously guarded, and many people are reluctant to permit any good change unless they can claim the credit therefor.

Today we Republicans again are offering proposals of change which we have previously attempted to no avail. On this day, Mr. Speaker, we will, indeed, prevail.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, the American people sent us a message in November. They want less government, less bureaucracy, more ethics, and more accountability. They did not vote for arrogant government, and they did not vote for coronations of any one party or individual.

This rule is a gag rule, no amendments to the Republican rules package. While the Speaker's first statement was gracious, the first act of this new Republican majority is not about re-

form. It is about congressional retreat. For all of their talk about reforming the old guard, Republicans today are doing something that probably no other Congress in history has ever done. They have proposed a closed rule within a bill brought up under a closed rule.

Mr. Speaker, let us have openness and accountability.

Mr. DREIER. Mr. Speaker, as we continue with the most open and free debate in the history of congressional history on any opening day, I yield 2 minutes to my very good friend, the gentleman from Glenwood Springs, CO [Mr. MCINNIS], a new member of the Committee on Rules.

Mr. MCINNIS. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, you know, we are talking about today new management versus old management, and it is often tough for old management to get used to the new management ideas. So what you have to do on the old management side of the aisle, you have to take a look and say, "How are we going to debate these rascals over there that want new management, that want accountability to the American people? How can we explain the fact we have allowed ghost voting, that we have had poor management for 40 years, allowed misleading budget information, allowed mostly closed rules, 70 percent last year? How can we explain to the American people there is no sunshine law in Congress? How can we explain these things so those rascals under the new management do not disclose the problems the American people recognized this last November?" The way you do it is you bring in distraction. You do not talk about the positive elements of this rule, which are manifold, elimination of committee staff, no more ghost voting, no more false budget numbers. You have got to bring in distraction.

So let us talk about gifts. I guess if it was your rule change maybe we ought to talk about inherited money and see if we have the same kind of merits.

Do not distract us. Work for improvement. Work for progress. Join the new management.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There are to be no demonstrations in the gallery. Those in the gallery are here as guests of the House.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to this closed rule.

I agree with many of the reforms, but there are many, many opportunities for us to perfect this package. We are passing up an opportunity to close forever the huge ethical loophole in congressional activities, the potential for compromise by special interests. We

can do so by banning gifts and by restricting the benefits from lobbyists and by restricting the benefits one can receive from our writings as we do now from our speeches.

The American people sent us a message in November. They said they wanted personal accountability. They certainly do not wish for us to enrich ourselves as we serve them.

Let us seize this opportunity to clean up this huge ethical loophole and truly reform congressional activities on this first open day of the debate of the 104th Congress.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, Members of the House, as a Member of this House on the Democratic side of the aisle who for 20 years never brought a bill to the floor under a closed rule, I am sure that I speak with credibility that this change is supposed to be about opening up this debate, and in fact that has not happened.

The test is not whether this is more open than what we did on opening day. The test is whether or not this rule is open or closed, and this rule is, in fact, closed.

What is your fear of having an open rule on congressional reform? That we would overreform the House of Representatives? Hard to conceive of that. What is your fear of having an open rule when you in fact have the votes to beat down any amendment that you do not like? What is your fear, that we would overreform? I do not think so.

Your fear is we would offer what is not in here. The point is this: It is what you do not put in these rules that disturbs us and disturbs the American public, and that is breaking the link between lawyers, lobbyists, money, and legislators, ending the gifts that can be given to legislators and recognizing when the freshman Members took the oath here today, they were given a voting card, not a right to receive gifts to NFL games, to lunches and to dinners.

Mr. DREIER. Mr. Speaker, as we continue with debate on the most open, open reform package that has come to this floor on an opening day, I yield 30 seconds to a very hard-working member of the Joint Committee on the Organization of Congress, my friend and classmate, the gentleman from Cape Girardeau, MO [Mr. EMERSON].

(Mr. EMERSON asked and was given permission to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding me this time.

You know, I have been somewhat amused sitting here listening to our colleagues on the minority side talking about open rules. I hope members of the American public know that we are in the process of reforming the Rules of the House of Representatives here today, that are going to bring a higher

level of reform to this body than it has experienced in generations.

I am amused by some of the rhetoric here and chagrined really at what I consider to be the nitpicking. It ill serves you, I think, to be so petty in your quibbling when we are bringing about major reform to this body.

Mr. BONIOR. Well, with all due respect to my friend—and he is my friend—the gentleman from Missouri, breaking the ban and the link between lobbyists and lawyers and the power in this town in this institution we do not consider as petty.

Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, if the debate is free, and truly free, then why cannot we offer significant amendments for reform?

Here is a list of what we can vote for; there is not a list of what we cannot vote for, because you will not permit us to offer certain amendments, and I offer this observation.

But today there is no longer an opportunity for Members to fully participate in offering amendments to reform the House as it should be reformed. Students of history should note BOB WISE did not say this, the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON] said that on opening day of 1991.

Why is it that those who say they want change—and we all want change—will not permit us to bring to this floor a ban on gifts from lobbyists, a ban on dinners from lobbyists? Is this something radical? It has passed the House twice before. Why can we not bring to the floor the amendment to limit royalties and address another area of concern to the House? If you want change, then you have to vote for it. If you want change, then you have to work for it. If you want change, then you have to let true change flourish, and you have to let us offer these amendments.

This is not true change, this is not reform that you are doing. You said you wanted open rules; make them open.

Mr. DREIER. Mr. Speaker, as we continue debate under the most open process in congressional history, I yield 1½ minutes to my friend, the gentleman from Roanoke, VA [Mr. GOODLATTE].

Mr. GOODLATTE. I thank the gentleman for yielding.

Mr. Speaker, this is a new day in the people's House, and a new day calls for new rules, and we are going to deliver those today.

Let me say to our friends on the other side of the aisle who are claiming our reforms today do not go far enough, for 40 years you ran this place behind closed doors, keeping every perk, privilege, and partisan advantage. Now, suddenly, you are trying to tell the American people you have now become reformers. Well, I realize everyone should have ambitious New

Year's resolutions, but this one is just too hard to swallow. Today, despite the resistance from the minority party, we are going to bring more reform to the House in 12 hours than the other party brought in 40 years of iron-fisted rule.

We are wiping out three full standing committees and over 20 subcommittees; we are slashing bloated committee staffs, imposing term limits on the Speaker and committee chairmen and eliminating proxy voting.

Finally, we are going to start making Congress live by the laws that American businesses and families live by. I think I can speak for many Americans when I say it is about time.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The gallery will not participate in the proceedings of the House. The gallery may watch as guests of the House.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am sorry that the gentleman who just spoke could not join us today, as he was one who in fact did vote on the gift ban in the last Congress when the issue was before us. I am sorry he did not join us today, when this party in fact has real power but I guess that is not in the cards.

Mr. Speaker, for purposes of debate only, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. MASCARA].

Mr. MASCARA. I thank the gentleman from Michigan for yielding to me.

Mr. Speaker, I too am proud to be a Member of the 104th Congress. Like many of my new colleagues, I campaigned on the issue of reform. I want to urge other Members to not get cold feet now.

Our task today is very simple: It is to prove to the American people that we care more about the public interest than we do about the special interests; it is to provide that Congress is not for sale.

Mr. Speaker, we are not royalty and, therefore, we do not need gifts. We do not need free trips or free meals or special privileges. We are stewards of the public trust. Our constituents elected us to work hard, to make tough decisions, and to stand up for what is right.

As Members of Congress, we represent the public interest, not private profits.

We are here to make change, not to protect the old order. Let us begin by having an open debate about the real needs of our constituents. No more closed rules, no more status quo.

Mr. DREIER. Mr. Speaker, as we proceed with the most open debate in congressional history, I would like to yield 1 minute to my friend, the gentleman from Ocala, FL [Mr. STEARNS].

Mr. STEARNS. I thank the gentleman.

Good afternoon, Mr. Speaker—it is a wonderful afternoon.

I thank my colleague from California.

My colleague from Florida on the other side of the aisle talked about seizing the opportunity. He agrees with a lot of the reforms that we are going to present here shortly, but he is complaining about the parliamentary procedure. So I say to him why did he not, he and his party, bring all of these forward during the last 40 years? Let us take this opportunity to look at one of these, the Congressional Accountability Act, that we are going to pass here on opening day.

What we are saying is that it will not be business as usual around here, and we intend to make Congress operate in a more fair and open manner.

Thomas Jefferson said, "When a man assumes public trust, he should consider himself as public property." By enacting this new set of rules for the House, we are stating unequivocally we believe in practicing what we preach.

We must continue providing the bold and decisive leadership that brought us to this moment here in history.

I urge my colleague from Florida who talked about seizing the opportunity: Let us move forward.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume, just to answer my friend the gentleman from Florida [Mr. STEARNS]. He raised the issue why did we not do this before? In fact, we did the very reform that the gentleman from Florida spoke about, and that was congressional accountability.

We authored the legislation, we passed it in this body. It was killed by the Republicans in the other body. We came back, incorporated it in a rule which was governable for the rest of the session.

So, to suggest to this Chamber and to the folks who are listening that we did not do that is just not the case.

Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from California [Mr. BECERRA].

(Mr. BECERRA asked and was given permission to revise and extend his remarks.)

Mr. BECERRA. Mr. Speaker and Members, I do not think this is a debate about whether this is the most open of open rules or closed rules in the history of this Congress, because it is a completely closed rule.

If I had in my hand today an amendment to try to preserve for us the right to ban the gifts from lobbyists, I would not be able to do that right now. So let me quote to you some words that I think are most eloquently stated, back in May 25, 1993, "With closed rules, voices all across America are silenced. Republicans want the people to have choices, and that can only be done by having open rules." Those very eloquent words were uttered by our new Speaker, Mr. NEWT GINGRICH.

I would urge all of my colleagues in this House to recognize the words uttered by our new Speaker, that we should have open rules. This is a closed rule, it is not a good way to start this first year of this new Congress.

Mr. DREIER. Mr. Speaker, as we continue with the most open debate in congressional history on opening day, I yield 1½ minutes to the chairman emeritus of the Committee on Rules, my friend the gentleman from Kingsport, TN [Mr. QUILLEN].

(Mr. QUILLEN asked and was given permission to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, I thank the gentleman for yielding me this time. I have been a member of the House for 32 years and a member of the Rules Committee for 30 of those years, always in the minority until now. I have probably spoken out on the House floor against closed rules more times than any other Member of this body.

But even as a member of the minority, I have always believed that there were certain issues such as this that should be decided under a restricted or closed rule. To the best of my recollection, the resolutions establishing the rules of the House have been considered under a completely closed rule—with a straight up or down vote. This rule will allow Members the opportunity to vote on nine separate portions of the rules package. This is certainly a much more open process than any that I have seen in my 32 years.

I think the minority should appreciate that the Republican majority chose to open up consideration of this rules package instead of following the traditional closed process that the Democrats embraced and promoted when they controlled the House.

Mr. BONIOR. Mr. Speaker, I have one speaker remaining.

□ 1540

Mr. DREIER. Mr. Speaker, I yield 30 seconds to the gentleman from Omaha, NE [Mr. CHRISTENSEN], a new Member who has joined us.

(Mr. CHRISTENSEN asked and was given permission to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, as a new Member of the Republican majority, I look forward to working with my colleagues in the Democrat Party to make sure that these reforms come to place, but we have to remember that the American people sent us to do change. They sent us here to send a message and to make sure that the opening day activities included in the Contract With America were enacted, and that is making Congress live under the same laws that the rest of the American people have to live under. That is cutting one out of every three congressional staffers, and that is looking at an audit and getting that started.

What I ask is: "Let's get to the business the American people sent us here to do, and that's the Contract With America."

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Miami, FL [Mr. DIAZ-BALART], a new member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I admit that there are great parliamentary debaters on the other side of the aisle. Accordingly, I submit that they must do much better than this, to divert the attention of the American people from what we are doing today. What we are doing today is requiring all laws that apply to the rest of the country to apply to Congress. We are cutting the number of committee staff by a third. We are limiting the terms of committee chairs and subcommittee chairmanships to 6 years. We are banning the scandalous practice, scandalous practice, called proxy voting where Members did not have to go to a committee, and then the chairman, even if they did not have anybody there, did not have any of the Democrats there, they would ultimately win because he had the proxies of all the Members here, truly scandalous, profoundly undemocratic, conduct. That is what we are banning today. That is what we are doing in these rules.

And what the Democrats now are saying is, "Ah." They are using the parliamentary tactic of there is the Christmas gift for all children in the world is missing from this rules package. It is not going to work. That is not going to divert the attention of the American people from what we are doing today, and they are going to know what we are doing, they deserve what we are doing, and we are going to do it today.

Mr. BONIOR. Mr. Speaker, I yield the balance of my time to the distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT].

The SPEAKER. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 4¼ minutes.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise to urge every Member of the House to vote "no" on the previous question and "yes" on the motion to commit.

The Republican leadership would have us believe that they can pass eight or nine bills in a flurry of legislative accomplishment and debate.

In fact, there can be no debate; there can be no discussion; there can be no effort to amend, or strengthen, or truly consider any of their proposals.

This is what we call a closed rule. That means that unless you support every dot and comma in the Republican agenda, it is a closed discussion. And as far as serious public policy is concerned, it is a closed door.

That is a tragedy, because the American people deserve more than rubber-stamp Republicanism.

That is why we must reject this rule, and open the crucial issue of congressional reform to discussion and improvement.

The fact is, Democrats do not want to defeat this rules package. We want real reform. That is why many of the proposals being made today—such as making Congress abide by the laws it writes—have already been passed by

the House. And that is why Democrats fought for even tougher reforms, such as a bill to curb the influence of lobbyists, which the Republicans defeated.

The Republican reforms are all well and good—but they simply do not go far enough. They are a handful of procedural and administrative changes here in the House. Many of them are positive. Many of them deserve wide, bipartisan support—and they will have it.

But they do not touch the real problem: the rampant hand of special interests here on Capitol Hill.

If the Republicans were serious about attacking special interests, why would they fight the Democratic proposal to ban gifts from lobbyists?

Do we want to go along and get along, by rubber-stamping this closed rule? Or do we want to rein in the special interests by defeating the rule, and having a real debate about reform?

I urge the latter course. But at the same time, we must all recognize a broader point.

All of this Republican talk of reform—as necessary as it may be, and as productive as it may be—is ultimately a distraction from the real job at hand.

Improving the lives of the hard-working, middle-class families who have seen their incomes erode, and their standard of living slide, for 15 painful years.

No one should pretend that these narrow procedural changes will do anything to raise incomes, to restore economic security, to revive hope and faith in America's future.

And for that matter, no one should pretend that the Contract With America, with its huge tax cuts for the wealthy, and inevitable explosion of the Federal deficit—will improve people's lives, either.

Come back to my district in St. Louis. Meet some of the families where the husband works during the day, the wife works at night, and they barely ever see each other. Meet some of the families that have given up every minute of family time working two, three, even four jobs—and still cannot make ends meet.

Then ask yourself whether some new procedural change can make a difference in their lives.

My colleagues, I urge you to vote "no" on the previous question, and vote "yes" on the motion to commit, so we can have serious congressional reform. And then let us get down to the real business of the people.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from California [Mr. DREIER] is recognized for 1 minute.

Mr. DREIER. Mr. Speaker, let me say with all due respect to my colleagues that I have never heard such preposterous arguments in my entire 14 years as a Member of this House, and let me say that this clearly is the most open debate that we have ever experienced on opening day in the history of the U.S. Congress. It is exactly what

Speaker GINGRICH has called for, and it is exactly what we are creating.

Now, over the past 2 years I had the privilege, mostly during calendar year 1993, to work with my friends, the gentleman from New York [Mr. SOLOMON], the gentleman from Pennsylvania [Mr. WALKER], the gentleman from Missouri [Mr. EMERSON], the gentleman from Colorado [Mr. ALLARD], the gentleman from Washington [Ms. DUNN] as Republican members of the Joint Committee on the Organization of Congress. We were charged with dealing with major reform in this institution. Reform in this institution is going to help working Americans because we are, by nearly 25 percent, reducing the number of committees in this place so we do not have 109 committees and subcommittees with jurisdiction over the Pentagon, 52 subcommittees and full committees with jurisdiction over programs dealing with children and families, and 92 subcommittees and committees dealing with the Environmental Protection Agency. We are creating an institution that is more accountable.

Unfortunately, Mr. Speaker, the majority in years past has prevented us from having the opportunity to even consider those things. On this opening day we are doing it. We are doing it under the most open process in the history of this institution, and I thank my friends for joining with us.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BONIOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to enunciate a clear policy with respect to the conduct of electronic votes.

As Members are aware, clause 5 of rule XV provides that Members shall have not less than 15 minutes in which to answer an ordinary rollcall vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. On occasion, the Chair has announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

The Chair desires that those examples be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly

ly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock.

Although no occupant of the chair would prevent a Member who is in the well of the Chamber before the announcement of the result from casting his or her vote, each occupant of the chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber.

□ 1550

The vote was taken by electronic device, and there were—yeas 232, nays 199, not voting 3, as follows:

[Roll No. 3]

YEAS—232

Allard	English	Lazio
Archer	Ensign	Leach
Arney	Everett	Lewis (CA)
Bachus	Ewing	Lewis (KY)
Baker (CA)	Fawell	Lightfoot
Baker (LA)	Fields (TX)	Linder
Ballenger	Flanagan	Livingston
Barr	Foley	LoBiondo
Barrett (NE)	Forbes	Longley
Bartlett	Fowler	Lucas
Barton	Fox	Manzullo
Bass	Franks (CT)	Martini
Bateman	Franks (NJ)	McCollum
Bereuter	Frelinghuysen	McCrery
Bilbray	Frisa	McDade
Bilirakis	Funderburk	McHugh
Bliley	Galleghy	McInnis
Blute	Ganske	McIntosh
Boehlert	Gekas	McKeon
Boehner	Gilcrest	Metcalf
Bonilla	Gillmor	Meyers
Bono	Gilman	Mica
Brewster	Goodlatte	Miller (FL)
Brownback	Goodling	Molinari
Bryant (TN)	Goss	Moorhead
Bunn	Graham	Morella
Bunning	Greenwood	Myers
Burr	Gunderson	Myrick
Burton	Gutknecht	Nethercutt
Buyer	Hall (TX)	Neumann
Callahan	Hancock	Ney
Calvert	Hansen	Norwood
Camp	Hastert	Nussle
Canady	Hastings (WA)	Oxley
Castle	Hayworth	Packard
Chabot	Hefley	Paxon
Chambliss	Heineman	Petri
Chenoweth	Herger	Pombo
Christensen	Hilleary	Porter
Chrysler	Hobson	Portman
Clinger	Hoekstra	Pryce
Coble	Hoke	Quillen
Coburn	Horn	Quinn
Collins (GA)	Hostettler	Radanovich
Combest	Houghton	Ramstad
Coolley	Hunter	Regula
Cox	Hutchinson	Riggs
Crane	Hyde	Roberts
Crapo	Inglis	Rogers
Cremeans	Istook	Rohrabacher
Cubin	Johnson (CT)	Ros-Lehtinen
Cunningham	Johnson, Sam	Roth
Davis	Jones	Roukema
Deal	Kasich	Royce
DeLay	Kelly	Salmon
Diaz-Balart	Kim	Sanford
Dickey	King	Saxton
Doolittle	Kingston	Scarborough
Dornan	Klug	Schaefer
Dreier	Knollenberg	Schiff
Duncan	Kolbe	Seastrand
Dunn	LaHood	Sensenbrenner
Ehlers	Largent	Shadegg
Ehrlich	Latham	Shaw
Emerson	LaTourette	Shays

Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent

Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp

Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—199

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez

NOT VOTING—3

Bishop
Gingrich
Jackson-Lee

□ 1605

Mr. STUMP and Mr. DICKEY changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

MOTION TO COMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to commit.

The SPEAKER. The Clerk will report the motion to commit.

The Clerk read as follows:

H. RES. —

Mr. BONIOR moves to commit the resolution H.Res. to a select committee composed of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendment:

Strike all after the resolving clause and insert:

That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H.Res.) adopting the Rules of the House of Representatives for the One Hundred Fourth Congress, [captioned Committee Print on H.Res.], bearing the date of January 4, 1995], as modified by the amendment printed in section 4 of this resolution. The resolution, as modified, shall be debatable initially for 30 minutes to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the resolution, as modified, to final adoption without intervening motion or demand for division of the question except as specified in sections 2 and 3 of this resolution.

Sec. 2. The question of adopting the resolution, as modified, shall be divided among ten parts, to wit: each of the nine sections of title I; and then title II. Each portion of the divided question shall be debatable separately for 20 minutes, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees, and shall be disposed of in the order stated.

Sec. 3. Pending the question of adopting the tenth portion of the divided question, it shall be in order to move that the House commit the resolution, as modified, to a select committee, with or without instructions. The previous question shall be considered as ordered on the motion to commit to final adoption without intervening motion.

Sec. 4. At the end of Title I add the following new section:

Sec. (109). The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto as may otherwise have been adopted, are adopted as the Rules of the One Hundred Fourth Congress, with the following amendment:

BAN ON GIFTS FROM LOBBYISTS

(a) Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

“4. (a)(1) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a paid lobbyist, a lobbying firm (a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity), or an agent of a Foreign principal (as defined in the foreign Agents Registration Act of 1938).

“(2) The prohibition in subparagraph (1) includes the following:

“(A) Anything provided by a lobbyist or a foreign agent which the Member, officer, or employee has reason to believe is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent.

“(B) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee.

“(C) A charitable contribution (as defined in section 170(c) of the Internal Revenue

Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

“(D) A contribution or other payment by a lobbyist, a lobbying firm, or a foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

“(E) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a Member, officer, or employee.

“(F) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

“(3) The following are not gifts subject to the prohibition in subparagraph (1):

“(A) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

“(B) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

“(C) Food or refreshments of nominal value offered other than as part of a meal.

“(D) Benefits resulting from the business, employment, or other outside activities of the spouse of a Member, officer, or employee, if such benefits are customarily provided to others in similar circumstances.

“(E) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

“(F) Informational materials that are sent to the office of a Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

“(4)(A) A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the Member, officer, or employee shall not be subject to the prohibition in subparagraph (1).

“(B) A gift shall not be considered to be given for a nonbusiness purpose if the Member, officer, or employee has reason to believe the individual giving the gift will seek—

“(i) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

“(ii) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

“(C) In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

“(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

“(ii) Whether the Member, officer, or employee has reason to believe the gift was purchased by the individual who gave the item.

“(iii) Whether the Member, officer, or employee has reason to believe the individual who gave the gift also at the same time gave

the same or similar gifts to other Members, officers, or employees.

“(b) In addition to the restriction on receiving gifts from paid lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

“(c)(1) 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.

“(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

“(d) The restrictions in paragraph (b) shall not apply to the following:

“(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

“(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

“(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Committee on Standards of Official Conduct shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

“(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Committee on Standards of Official Conduct.

“(5) Any food or refreshments which the recipient reasonably believes to have a value of less than \$20.

“(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

“(7) Food, refreshments, lodging, and other benefits—

“(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

“(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

“(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a

fundraising or campaign event sponsored by such an organization.

“(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

“(9) 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.

“(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

“(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

“(12) 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.

“(13) Food, refreshments, 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 Standards of Official Conduct.

“(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

“(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

“(16) Bequests, inheritances, and other transfers at death.

“(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

“(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

“(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

“(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

“(21) 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.

"(22) A plaque, trophy, or other memento of modest value.

"(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

"(e)(1) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the 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 the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

"(3) Except as prohibited by paragraph (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, except that 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, the provision of local transportation, or the provision of food, refreshments, 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 food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(f) No Member, officer, or employee may accept a gift the value of which exceeds \$250 on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1995 unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

"(g)(1) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (d)(5) on a periodic basis, to the extent necessary to adjust for inflation.

"(2) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

"(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"(h)(1)(A) Except as prohibited by paragraph (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 this paragraph, if the Member, officer, or employee—

"(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

"(B) For purposes of clause (A), 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 Member or officer under whose direct supervision the employee works and shall include—

"(A) the name of the 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 employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(4) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(A) includes reasonable expenses that are necessary for travel—

"(i) for a period not exceeding 4 days including travel time within the unanimous consent or 7 days in addition to travel outside the United States; and

"(ii) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States,

unless approved in advance by the Committee on Standards of Official Conduct;

"(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (A);

"(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event; and

"(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to

a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the officer or employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

"(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are received."

SEC. . LIMITATION ON ROYALTY INCOME.

(a) LIMITATION.—Clause 3 of rule XLVII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(g) In calendar year 1995 or thereafter, a Member, officer, or employee of the House may not—

"(1) receive any copyright royalties for any work—

"(A) unless the royalty is received from an established publisher pursuant to usual and customary contractual terms;

"(B) unless the total amount of such royalties for that work does not exceed one-third of that individual's annual pay as a Member, officer, or employee for the year in which the contract is entered into; and

"(C) without the prior notification and approval of the contract for that work by the Committee on Standards of Official Conduct; or

"(2) receive any advance payment for any such work."

(b) CONFORMING AMENDMENT.—Clause 3(e)(5) of rule XLVII of the Rules of the House of Representatives is amended to read as follows:

"(5) copyright royalties."

(c) EFFECTIVE DATE.—The amendments made by this resolution shall apply only to copyright royalties received by any Member, officer, or employee of the House after adoption of this resolution pursuant to any contract entered into while that individual is such a Member, officer, or employee.

□ 1610

Mr. SPRATT (during the reading). Mr. Speaker, I ask unanimous consent that the motion to commit be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. BONIOR. Mr. Speaker, reserving the right to object, and I will not object, the point I want to make is that this is a question on the gift ban and on the book royalty at this point.

Mr. Speaker, I withdraw my reservation of objection.

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I would just say to the gentleman, we have just been handed a 20-page document here. This is the motion to recommit?

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, this is the motion to commit.

Mr. SOLOMON. To commit?

Mr. BONIOR. If the gentleman will yield further, yes. This is what we were talking about for the last hour, the ban on gifts from lobbyists and book royalties.

Mr. SOLOMON. I do not know how that, with no debate, Mr. Speaker, we are going to have time to even know the details of this.

I would urge a no vote.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will yield, the gentleman makes a good point about debate. Would the gentleman agree to unanimous consent for about 20 minutes to debate this? Then we can discuss it.

Mr. Speaker, I ask unanimous consent for an additional 20 minutes.

Mr. SOLOMON. Mr. Speaker, I would move regular order.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a unanimous-consent request. What happened to my unanimous-consent request?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object—

Mr. SPRATT. Mr. Speaker, there is a unanimous-consent request to dispense with the reading of the 20-page motion.

The SPEAKER. That is the pending request. There can only be one request pending at a time.

Mr. VOLKMER. Mr. Speaker, reserving the right to object, it is apparent to me that, as one who has been here for several years and has seen what has gone on in past first days of the Congress, I attempted and my staff attempted, beginning back in December, to get a copy of the proposed new House rules for this Congress. We have not been able to.

Mr. THOMAS of California. Regular order, Mr. Speaker.

Mr. VOLKMER. I am reserving the right to object.

The SPEAKER. The gentleman may not reserve the right to object if regular order is requested.

Is there objection to the request to dispense with the reading?

Does the gentleman still tender his request?

Mr. SPRATT. What I seek, Mr. Speaker, is that we dispense with the reading of the motion.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I object.

The SPEAKER. The Member was not on his feet, and it was not timely.

The question is on the motion to commit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BONIOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Members are reminded that this is a 15-minute vote, with a maximum of 2 additional minutes.

The vote was taken by electronic device, and there were—yeas 196, nays 235, not voting 3, as follows:

[Roll No. 4]

YEAS—196

Abercrombie	Gordon	Owens
Ackerman	Green	Pallone
Andrews	Gutierrez	Parker
Baldacci	Hall (OH)	Pastor
Barcia	Hamilton	Payne (NJ)
Barrett (WI)	Harman	Payne (VA)
Becerra	Hastings (FL)	Pelosi
Beilenson	Hefner	Peterson (FL)
Bentsen	Hilliard	Peterson (MN)
Berman	Hinchev	Pickett
Bevill	Holden	Pomeroy
Bishop	Hoyer	Poshard
Bonior	Jackson-Lee	Rahall
Borski	Jacobs	Rangel
Boucher	Jefferson	Reed
Browder	Johnson (SD)	Reynolds
Brown (CA)	Johnson, E. B.	Richardson
Brown (FL)	Johnston	Rivers
Brown (OH)	Kanjorski	Roemer
Bryant (TX)	Kaptur	Rose
Cardin	Kennedy (MA)	Roybal-Allard
Chapman	Kennedy (RI)	Rush
Clay	Kennelly	Sabo
Clayton	Kildee	Sanders
Clement	Klecza	Sawyer
Clyburn	Klink	Schroeder
Coleman	LaFalce	Schumer
Collins (IL)	Lambert-Lincoln	Scott
Collins (MI)	Lantos	Serrano
Condit	Levin	Sisisky
Conyers	Lewis (GA)	Skaggs
Costello	Lipinski	Skelton
Coyne	Lofgren	Slaughter
Cramer	Lowe	Spratt
Danner	Luther	Stark
de la Garza	Maloney	Stenholm
DeFazio	Manton	Stokes
DeLauro	Markey	Studds
Dellums	Martinez	Stupak
Deutsch	Mascara	Taylor (MS)
Dicks	Matsui	Tejeda
Dingell	McCarthy	Thompson
Dixon	McDermott	Thornton
Doggett	McHale	Thurman
Doyle	McKinney	Torres
Durbin	McNulty	Torricelli
Edwards	Meehan	Towns
Engel	Meek	Trafficant
Eshoo	Menendez	Tucker
Evans	Mfume	Velazquez
Farr	Miller (CA)	Vento
Fattah	Mineta	Visclosky
Fazio	Minge	Volkmer
Fields (LA)	Mink	Ward
Filner	Moakley	Waters
Flake	Mollohan	Watt (NC)
Foglietta	Montgomery	Waxman
Ford	Moran	Williams
Frank (MA)	Murtha	Wilson
Frost	Nadler	Wise
Furse	Neal	Woolsey
Gedjenson	Oberstar	Wyden
Gephardt	Obey	Wynn
Geren	Olver	Yates
Gibbons	Ortiz	
Gonzalez	Orton	

NAYS—235

Allard	Burr	Dickey
Archer	Burton	Dooley
Armey	Buyer	Doolittle
Bachus	Callahan	Dornan
Baessler	Calvert	Dreier
Baker (CA)	Camp	Duncan
Baker (LA)	Canady	Dunn
Ballenger	Castle	Ehlers
Barr	Chabot	Ehrlich
Barrett (NE)	Chambliss	Emerson
Bartlett	Chenoweth	English
Barton	Christensen	Ensign
Bass	Clinger	Everett
Bateman	Coble	Ewing
Bereuter	Coburn	Fawell
Bilbray	Collins (GA)	Fields (TX)
Bilirakis	Combest	Flanagan
Bilev	Cooley	Foley
Blute	Cox	Forbes
Boehlert	Crane	Fowler
Boehner	Crapo	Fox
Bonilla	Creameans	Franks (CT)
Bono	Cubin	Franks (NJ)
Brewster	Cunningham	Frelinghuysen
Brownback	Davis	Frisa
Bryant (TN)	Deal	Funderburk
Bunn	DeLay	Gallegly
Bunning	Diaz-Balart	Ganske

Gekas	Lewis (CA)	Salmon
Gilchrest	Lewis (KY)	Sanford
Gillmor	Lightfoot	Saxton
Gilman	Linder	Scarborough
Goodlatte	Livingston	Schaefer
Goodling	LoBiondo	Schiff
Goss	Longley	Seastrand
Graham	Lucas	Sensenbrenner
Greenwood	Manzullo	Shadegg
Gunderson	Martini	Shaw
Gutknecht	McCollum	Shays
Hall (TX)	McCrery	Shuster
Hancock	McDade	Skeen
Hansen	McHugh	Smith (MI)
Hastert	McInnis	Smith (NJ)
Hastings (WA)	McIntosh	Smith (TX)
Hayes	McKeon	Smith (WA)
Hayworth	Metcalfe	Solomon
Hefley	Meyers	Souder
Heineman	Mica	Spence
Herger	Miller (FL)	Stearns
Hilleary	Molinari	Stockman
Hobson	Moorhead	Stump
Hoekstra	Morella	Talent
Hoke	Myers	Tanner
Horn	Myrick	Tate
Hostettler	Nethercutt	Tauzin
Houghton	Neumann	Taylor (NC)
Hunter	Ney	Thomas
Hutchinson	Nussle	Thornberry
Hyde	Oxley	Tiahrt
Inglis	Packard	Torkildsen
Istook	Paxon	Upton
Johnson (CT)	Petri	Vucanovich
Johnson, Sam	Pombo	Waldholtz
Jones	Porter	Walker
Kasich	Portman	Walsh
Kelly	Pryce	Wamp
Kim	Quillen	Weldon (FL)
King	Quinn	Weldon (PA)
Kingston	Radanovich	Weller
Klug	Ramstad	White
Knollenberg	Regula	Whitfield
Kolbe	Riggs	Wicker
LaHood	Roberts	Wolf
Largent	Rogers	Young (AK)
Latham	Rohrabacher	Young (FL)
LaTourette	Ros-Lehtinen	Zeliff
Laughlin	Roth	Zimmer
Lazio	Roukema	
Leach	Royce	

NOT VOTING—3

Chrysler Gingrich Norwood

□ 1626

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes 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—yeas 251, nays 181, not voting 2, as follows:

[Roll No. 5]

YEAS—251

Allard	Bilirakis	Callahan
Archer	Bliley	Calvert
Armey	Blute	Camp
Bachus	Boehlert	Canady
Baessler	Boehner	Castle
Baker (CA)	Bonilla	Chabot
Baker (LA)	Bono	Chambliss
Ballenger	Boucher	Chenoweth
Barr	Brewster	Christensen
Barrett (NE)	Browder	Chrysler
Bartlett	Brownback	Clinger
Barton	Bryant (TN)	Coble
Bass	Bunn	Coburn
Bateman	Bunning	Collins (GA)
Bereuter	Burr	Combest
Bevill	Burton	Condit
Bilbray	Buyer	Cooley

Cox Hunter
Cramer Hutchinson
Crane Hyde
Crapo Inglis
Cremeans Istook
Cubin Johnson (CT)
Cunningham Johnson, Sam
Danner Jones
Davis Kasich
Deal Kelly
DeLay Kim
Diaz-Balart King
Dickey Kingston
Doolittle Klug
Dornan Knollenberg
Dreier Kolbe
Duncan LaHood
Dunn Largent
Ehlers Latham
Ehrlich LaTourette
Emerson Lazio
English Leach
Ensign Lewis (CA)
Everett Lewis (KY)
Ewing Lightfoot
Fawell Linder
Fields (TX) Livingston
Flanagan LoBiondo
Foley Longley
Forbes Lucas
Fowler Manzullo
Fox Martini
Franks (CT) McCollum
Franks (NJ) McCrery
Frelinghuysen McDade
Frisa McHugh
Funderburk McInnis
Gallegly McIntosh
Ganske McKeon
Gekas Metcalf
Geren Meyers
Gilchrest Mica
Gillmor Miller (FL)
Gilman Molinari
Goodlatte Montgomey
Goodling Moorhead
Goss Morella
Graham Murtha
Greenwood Myers
Gunderson Myrick
Gutknecht Nethercutt
Hall (TX) Neumann
Hancock Ney
Hansen Norwood
Hastert Nussle
Hastings (WA) Orton
Hayworth Oxley
Hefley Packard
Heineman Parker
Herger Paxon
Hilleary Peterson (MN)
Hobson Petri
Hoekstra Pickett
Hoke Pombo
Horn Porter
Hostettler Portman
Houghton Pryce

NAYS—181

Abercrombie DeLauro
Ackerman Dellums
Andrews Deutsch
Baldacci Dicks
Barcia Dingell
Barrett (WI) Dixon
Becerra Doggett
Beilenson Dooley
Bentsen Doyle
Berman Durbin
Bishop Edwards
Bonior Engel
Borski Eshoo
Brown (CA) Evans
Brown (FL) Farr
Brown (OH) Fattah
Bryant (TX) Fazio
Cardin Fields (LA)
Chapman Filner
Clay Flake
Clayton Foglietta
Clement Ford
Clyburn Frank (MA)
Coleman Frost
Collins (IL) Furse
Collins (MI) Gejdenson
Conyers Gephardt
Costello Gibbons
Coyne Gordon
de la Garza Green
DeFazio Gutierrez

Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wickler
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Oliver

Gingrich

Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skeltton
Slaughter

NOT VOTING—2

Gonzalez

□ 1643

Messrs. ORTIZ, FATTAH, and SKELTON changed their vote from “yea” to “nay.”

So the resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed Resolutions of the following titles, in which the concurrence of the House is requested:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

S. RES. 11

Resolved, That the House of Representatives be notified of the election of the Honorable Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore of the Senate.

S. RES. 12

Resolved, That the House of Representatives be notified of the election of the Honorable Sheila P. Burke, of California, as Secretary of the Senate.

RULES OF THE HOUSE

Mr. ARMEY. Mr. Speaker, pursuant to the resolution just agreed to, I call up House Resolution 6 and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 6 is as follows:

H. RES. 6

Resolved,

TITLE I. CONTRACT WITH AMERICA: A BILL OF ACCOUNTABILITY

SEC. 101. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendments:

Committee, Subcommittee, and Staff Reforms

(a) COMMITTEE STAFF REDUCTIONS.—In the One Hundred Fourth Congress, the total number of staff of House committees shall be at least one-third less than the corresponding total in the One Hundred Third Congress.

(b) SUBCOMMITTEE REDUCTIONS.—In clause 6 of rule X, amend paragraph (d) to read as follows:

“(d) No committee of the House shall have more than five subcommittees (except the Committee on Appropriations, which shall have no more than thirteen; the Committee on Government Reform and Oversight, which shall have no more than seven; and the Committee on Transportation and Infrastructure, which shall have no more than six).”.

(c) CONSOLIDATED COMMITTEE STAFF AND BIENNIAL FUNDING.—

(1) In clause 5(a) of rule XI, amend the first sentence to read as follows: “Whenever any committee, commission, or other entity (except the Committee on Appropriations) is to be granted authorization for the payment of its expenses (including all staff salaries) for a Congress, such authorization initially shall be procured by one primary expense resolution reported by the Committee on House Oversight.”.

(2)(A) In clause 5(b) of rule XI, amend the first sentence to read as follows: “After the date of adoption by the House of any such primary expense resolution for any such committee, commission, or other entity for any Congress, authorization for the payment of additional expenses (including staff salaries) in that Congress may be procured by one or more supplemental expense resolutions reported by the Committee on House Oversight, as necessary.”.

(B) In clause 5(c)(1) of rule XI—

(i) strike “the contingent fund” and insert “committee salary and expense accounts”; (ii) strike “any year” and insert “any odd-numbered year”; and

(iii) strike “for that year” and insert “for that Congress”.

(C) In clause 5(c)(2) of rule XI, strike “the contingent fund” and insert “committee salary and expense accounts”.

(D) In clause 5(f)(1) of rule XI—

(i) strike “the contingent fund” and insert “committee salary and expense accounts”; and

(ii) strike “of each year” and insert “in each odd-numbered year”.

(3)(A) INTERIM FUNDING RULE.—For the purposes of implementing this section, and notwithstanding the provisions of clause 5(f) of rule XI, at the beginning of the One Hundred Fourth Congress, the committees established by this resolution are authorized, pending the adoption of the primary expense resolution for the One Hundred Fourth Congress, to expend such sums as are necessary to pay compensation for staff services performed for, or to pay other expenses of, the committee consistent with its planned reductions in committee staff.

(B) Notwithstanding any provision of clause 5(f) of rule XI, payments thereunder during the One Hundred Fourth Congress may be made only on vouchers signed by a Member elected as chairman of the committee concerned in the One Hundred Fourth Congress and approved by the Committee on House Oversight, or, in the case of late expenses of any committee from the One Hundred Third Congress not reestablished by the Rules of the One Hundred Fourth Congress, on vouchers signed by the chairman of the Committee on House Oversight.

(4) In clause 5 of rule XI, amend paragraph (d) to read as follows:

“(d) From the funds made available for the appointment of committee staff pursuant to any primary or additional expense resolution, the chairman of each committee shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the committee, and that the minority party is fairly treated in the appointment of such staff.”.

(5)(A) In clause 6(a)(1) of rule XI, amend the first sentence to read as follows: “Subject to subparagraph (2) and paragraph (f), each standing committee may appoint, by majority vote of the committee, not more than thirty professional staff members from the funds provided for the appointment of committee staff pursuant to primary and additional expense resolutions.”.

(B) In clause 6(a)(2) of rule XI, amend the first sentence by striking “six persons” and inserting “ten persons (or one-third of the total professional committee staff appointed under this clause, whichever is less)”.

(C) In clause 6(a) of rule XI, strike subparagraphs (3) through (5);

(D) In clause 6 of rule XI, amend paragraph (b) to read as follows:

“(b)(1) The professional staff members of each standing committee—

“(A) may not engage in any work other than committee business during congressional working hours; and

“(B) may not be assigned any duties other than those pertaining to committee business.

“(2) This paragraph does not apply to any staff designated by a committee as ‘associate’ or ‘shared’ staff who are not paid exclusively by the committee, provided that the chairman certifies that the compensation paid by the committee for any such employee is commensurate with the work performed for the committee, in accordance with the provisions of clause 8 of rule XLIII.

“(3) The use of any ‘associate’ or ‘shared’ staff by any committee shall be subject to the review of, and to any terms, conditions, or limitations established by, the Committee on House Oversight in connection with the reporting of any primary or additional expense resolution.

“(4) The foregoing provisions of this clause do not apply to the Committee on Appropriations.”.

(E) In clause 6(c) of rule XI strike “, clerical and investigating” and insert “and investigative”.

(F) In clause 6(d) of rule XI, strike “and the Committee on Budget”.

(G)(i) In clause 6(f) of rule XI, strike “, or a minority clerical staff member under paragraph (b),” and strike “or paragraph (b), as applicable”.

(ii) In clause 6(f) of rule XI, strike “or the clerical staff, as the case may be,”.

(H) In clause 6(g) of rule XI, strike “or (b)” in both places it appears.

(I) In clause 6 of rule XI, amend paragraph (h) to read as follows:

“(h) Paragraph (a) shall not be construed to authorize the appointment of additional professional staff members of a committee pursuant to a request under such paragraph

by the minority party members of that committee if ten or more professional staff members provided for in paragraph (a)(1) who are satisfactory to a majority of the minority party members, are otherwise assigned to assist the minority party members.”.

(J) In clause 6(i) of rule XI, strike “paragraphs (a)(2) and (b)(2)” and insert “paragraph (a)(2)”.

SEC. 102. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendments:

Truth-in-Budgeting Baseline Reform

(a) In clause 2(l)(3)(B) of rule XI (relating to cost estimates in committee reports) insert before the semicolon the following: “, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law”.

(b) In clause 7(a) of rule XIII (relating to required cost estimates in committee reports)—

(1) strike “and” at the end of the subparagraph (1);

(2) strike the period at the end of the paragraph and insert “; and”; and

(3) add the following new subparagraph at the end:

“(3) when practicable, a comparison of the total estimated funding level for the relevant program (or programs) with the appropriate levels under current law.”.

SEC. 103. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendments:

Term Limits for Speaker, Committee and Subcommittee Chairmen

(a) In clause 7 of rule I, insert “(a)” after “7.” and add the following new paragraph at the end:

“(b) No person may serve as Speaker for more than four consecutive Congresses, beginning with the One Hundred Fourth Congress (disregarding for this purpose any service for less than a full session in any Congress).”.

(b) In clause 6(c) of rule X, insert after the first sentence the following: “No Member may serve as the chairman of the same standing committee, or as the chairman of the same subcommittee thereof, for more than three consecutive Congresses, beginning with the One Hundred Fourth Congress (disregarding for this purpose any service for less than a full session in any Congress).”.

SEC. 104. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendments:

Proxy Voting Ban

(a) In clause 2 of rule XI, amend paragraph (f) to read as follows:

“Prohibition against proxy voting

“(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy.”.

(b) In clause 2(e)(1) of rule XI, strike “and whether by proxy or in person,” in the third sentence.

SEC. 105. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendments:

Committee Sunshine Rules

(a) In rule clause 2(g)(1) of rule XI—

(1) insert “, including to radio, television, and still photography coverage, except as provided by clause 3(f)(2),” after “public” the first place it appears;

(2) insert “because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House” after “public” the second place it appears; and

(3) strike “, or to any meeting that relates solely to internal budget or personnel matters”.

(b) In clause 2(g)(2) of rule XI—

(1) insert “, including to radio, television, and still photography coverage,” after “public” the first place it appears; and

(2) insert “, would compromise sensitive law enforcement information,” after “would endanger national security” in both places it appears.

(c) In clause 3(d) of rule XI strike “is a privilege made available by the House and”.

(d) In clause 3 of rule XI, amend paragraph (e) to read as follows:

“(e) Whenever a hearing or meeting conducted by any committee or subcommittee of the House is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, except as provided in paragraph (f)(2). A committee or subcommittee chairman may not limit the number of television or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).”.

SEC. 106. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendments:

Limitations on Tax Increases

(a) THREE-FIFTHS VOTE REQUIRED FOR TAX INCREASE MEASURES AND AMENDMENTS.—In clause 5 of rule XXI, add the following new paragraph at the end:

“(c) No bill or joint resolution, amendment, or conference report carrying a Federal income tax rate increase shall be considered as passed or agreed to unless so determined by a vote of not less than three-fifths of the Members voting.”.

(b) PROHIBITION ON RETROACTIVE TAX INCREASES.—In clause 5 of rule XXI (as amend-

ed by (a) above), add the following new paragraph at the end:

"(d) It shall not be in order to consider any bill, joint resolution, amendment, or conference report carrying a retroactive Federal income tax rate increase. For purposes of this paragraph a Federal income tax rate increase is retroactive if it applies to a period beginning prior to the enactment of the provision."

SEC. 107. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendment:

Comprehensive House Audit

During the One Hundred Fourth Congress, the Inspector General, in consultation with the Speaker and the Committee on House Oversight, shall coordinate, and as needed contract with independent auditing firms to complete, a comprehensive audit of House financial records and administrative operations, and report the results in accordance with rule VI.

SEC. 108. The Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendment:

Consideration of the "Congressional Accountability Act"

It shall be in order at any time after the adoption of this resolution to consider in the House, any rule of the House to the contrary notwithstanding, the bill (H.R. 1) to make certain laws applicable to the legislative branch of the Federal Government, if offered by the majority leader or a designee. The bill shall be debatable for not to exceed one hour, to be equally divided and controlled by the majority leader and the minority leader or their designees. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

TITLE II. GENERAL

Resolved, That the Rules of the House of Representatives of the One Hundred Third Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Third Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Fourth Congress, with the following amendments:

Administrative Reforms

SEC. 201. (a) ABOLITION OF THE OFFICE OF DOORKEEPER; ELECTION OF CHIEF ADMINISTRATIVE OFFICER.—In rule II, strike "Doorkeeper" each place it appears and insert "Chief Administrative Officer".

(b) ADDITIONAL DUTIES OF CLERK.—In rule III ("Duties of Clerk"), add the following new clauses at the end:

"7. In addition to any other reports required by the Speaker or the Committee on House Oversight, the Clerk shall report to the Committee on House Oversight not later than forty-five days following the close of each semiannual period ending on June 30 or on December 31 on the financial and oper-

ational status of each function under the jurisdiction of the Clerk. Each report shall include financial statements, a description or explanation of current operations, the implementation of new policies and procedures, and future plans for each function.

"8. The Clerk shall fully cooperate with the appropriate offices and persons in the performance of reviews and audits of financial records and administrative operations."

(c) Amend rules IV, V, and VI to read as follows:

"RULE IV.

"DUTIES OF THE SERGEANT-AT-ARMS.

"1. It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings, to maintain order under the direction of the Speaker or Chairman, and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk, execute the commands of the House, and all processes issued by authority thereof, directed to him by the Speaker.

"2. The symbol of his office shall be the mace, which shall be borne by him while enforcing order on the floor.

"3. He shall enforce strictly the rules relating to the privileges of the Hall and be responsible to the House for the official conduct of his employees.

"4. He shall allow no person to enter the room over the Hall of the House during its sittings; and fifteen minutes before the hour of the meeting of the House each day he shall see that the floor is cleared of all persons except those privileged to remain, and kept so until ten minutes after adjournment.

"5. In addition to any other reports required by the Speaker or the Committee on House Oversight, the Sergeant-at-Arms shall report to the Committee on House Oversight not later than forty-five days following the close of each semiannual period ending June 30 or on December 31 on the financial and operational status of each function under the jurisdiction of the Sergeant-at-Arms. Each report shall include financial statements, a description or explanation of current operations, the implementation of new policies and procedures, and future plans for each function.

"6. The Sergeant-at-Arms shall fully cooperate with the appropriate offices and persons in the performance of reviews and audits of financial records and administrative operations."

"RULE V.

"CHIEF ADMINISTRATIVE OFFICER.

"1. The Chief Administrative Officer of the House shall have operational and financial responsibility for functions as assigned by the Speaker and the Committee on House Oversight, and shall be subject to the policy direction and oversight of the Speaker and the Committee on House Oversight.

"2. In addition to any other reports required by the Speaker or the Committee on House Oversight, the Chief shall report to the Committee on House Oversight not later than forty-five days following the close of each semiannual period ending on June 30 or December 31 on the financial and operational status of each function under the jurisdiction of the Chief. Each report shall include financial statements, a description or explanation of current operations, the implementation of new policies and procedures, and future plans for each function.

"3. The Chief shall fully cooperate with the appropriate offices and persons in the performance of reviews and audits of financial records and administrative operations.

"RULE VI.

"OFFICE OF INSPECTOR GENERAL.

"1. There is established an Office of Inspector General.

"2. The Inspector General shall be appointed for a Congress by the Speaker, the majority leader, and the minority leader, acting jointly.

"3. Subject to the policy direction and oversight of the Committee on House Oversight, the Inspector General shall be responsible only for—

"(a) conducting periodic audits of the financial and administrative functions of the House and joint entities;

"(b) informing the Officers or other officials who are the subject of an audit of the results of that audit and suggesting appropriate curative actions;

"(c) simultaneously notifying the Speaker, the majority leader, the minority leader, and the chairman and ranking minority party member of the Committee on House Oversight in the case of any financial irregularity discovered in the course of carrying out responsibilities under this rule;

"(d) simultaneously submitting to the Speaker, the majority leader, and the chairman and ranking minority party member of the Committee on House Oversight a report of each audit conducted under this rule; and

"(e) reporting to the Committee on Standards of Official Conduct information involving possible violations by any Member, officer, or employee of the House of any rule of the House or of any law applicable to the performance of official duties or the discharge of official responsibilities which may require referral to the appropriate Federal or State authorities pursuant to clause 4(e)(1)(C) of rule X."

(d) In clause 3 of rule X, strike paragraph (j).

(e) In clause 4(d) of rule X—

(1) strike "Committee on House Administration" and insert "Committee on House Oversight";

(2) strike subparagraphs (2) and (3), insert "and" after "House;" in subparagraph (1), redesignate paragraph (4) as paragraph (2), and amend paragraph (2), as so redesignated, to read as follows:

"(2) providing policy direction for, and oversight of, the Clerk, Sergeant-at-Arms, Chief Administrative Officer, and Inspector General."

(f) In clause 7 of rule XIV, strike "Sergeant-at-Arms and Doorkeeper are" and insert "Sergeant-at-Arms is".

Changes in Committee System

SEC. 202. (a) THE COMMITTEES AND THEIR JURISDICTION.—Clause 1 of rule X of the Rules of the House of Representatives is amended to read as follows:

"1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows:

"(a) **Committee on Agriculture.**

"(1) Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"(2) Agriculture generally.

"(3) Agricultural and industrial chemistry.

"(4) Agricultural colleges and experiment stations.

"(5) Agricultural economics and research.

"(6) Agricultural education extension services.

"(7) Agricultural production and marketing and stabilization of prices of agricultural products, and commodities (not including distribution outside of the United States).

"(8) Animal industry and diseases of animals.

- "(9) Commodities exchanges.
- "(10) Crop insurance and soil conservation.
- "(11) Dairy industry.
- "(12) Entomology and plant quarantine.
- "(13) Extension of farm credit and farm security.
- "(14) Inspection of livestock, and poultry, and meat products, and seafood and seafood products.
- "(15) Forestry in general, and forest reserves other than those created from the public domain.
- "(16) Human nutrition and home economics.

- "(17) Plant industry, soils, and agricultural engineering.
- "(18) Rural electrification.
- "(19) Rural development.
- "(20) Water conservation related to activities of the Department of Agriculture.

"(b) Committee on Appropriations.

- "(1) Appropriation of the revenue for the support of the Government.
 - "(2) Rescissions of appropriations contained in appropriation Acts.
 - "(3) Transfers of unexpended balances.
 - "(4) The amount of new spending authority (as described in the Congressional Budget Act of 1974) which is to be effective for a fiscal year, including bills and resolutions (reported by other committees) which provide new spending authority and are referred to the committee under clause 4(a).
- The committee shall include separate headings for 'Rescissions' and 'Transfers of Unexpended Balances' in any bill or resolution as reported from the committee under its jurisdiction specified in subparagraph (2) or (3), with all proposed rescissions and proposed transfers listed therein; and shall include a separate section with respect to such rescissions or transfers in the accompanying committee report. In addition to its jurisdiction under the preceding provisions of this paragraph, the committee shall have the fiscal oversight function provided for in clause 2(b)(3) and the budget hearing function provided for in clause 4(a).

"(c) Committee on Banking and Financial Services.

- "(1) Banks and banking, including deposit insurance and Federal monetary policy.
- "(2) Bank capital markets activities generally.
- "(3) Depository institution securities activities generally, including the activities of any affiliates, except for functional regulation under applicable securities laws, not involving safety and soundness.
- "(4) Economic stabilization, defense production, renegotiation, and control of the price of commodities, rents, and services.
- "(5) Financial aid to commerce and industry (other than transportation).
- "(6) International finance.
- "(7) International financial and monetary organizations.
- "(8) Money and credit, including currency and the issuance of notes and redemption thereof; gold and silver, including the coinage thereof; valuation and revaluation of the dollar.
- "(9) Public and private housing.
- "(10) Urban development.

- "(d)(1) **Committee on the Budget**, consisting of the following Members:

"(A) Members who are members of other standing committees, including five Members who are members of the Committee on Appropriations, and five Members who are members of the Committee on Ways and Means;

"(B) one Member from the leadership of the majority party; and

"(C) one Member from the leadership of the minority party.

No Member other than a representative from the leadership of a party may serve as a

member of the Committee on the Budget during more than four Congresses in any period of six successive Congresses (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress), except that an incumbent chairman or ranking minority member having served on the committee for four Congresses and having served as chairman or ranking minority member of the committee for not more than one Congress shall be eligible for reelection to the committee as chairman or ranking minority member for one additional Congress.

"(2) All concurrent resolutions on the budget (as defined in section 3 of the Congressional Budget Act of 1974), other matters required to be referred to the committee under titles III and IV of that Act, and other measures setting forth appropriate levels of budget totals for the United States Government.

"(3) Measures relating to the congressional budget process, generally.

"(4) Measures relating to the establishment, extension, and enforcement of special controls over the Federal budget, including the budgetary treatment of off-budget Federal agencies and measures providing exemption from reduction under any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(5) The committee shall have the duty—

"(A) to report the matters required to be reported by it under titles III and IV of the Congressional Budget Act of 1974;

"(B) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the House on a recurring basis;

"(C) to request and evaluate continuing studies of tax expenditures; to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the House on a recurring basis; and

"(D) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties.

"(e) Committee on Commerce.

- "(1) Biomedical research and development.
- "(2) Consumer affairs and consumer protection.

"(3) Health and health facilities, except health care supported by payroll deductions.

"(4) Interstate energy compacts.

"(5) Interstate and foreign commerce generally.

"(6) Measures relating to the exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including all fossil fuels, solar energy, and other unconventional or renewable energy resources.

"(7) Measures relating to the conservation of energy resources.

"(8) Measures relating to energy information generally.

"(9) Measures relating to (A) the generation and marketing of power (except by federally chartered or Federal regional power marketing authorities), (B) the reliability and interstate transmission of, and rate-making for, all power, and (C) the siting of generation facilities; except the installation of interconnections between Government waterpower projects.

"(10) Measures relating to general management of the Department of Energy, and the management and all functions of the Federal Energy Regulatory Commission.

"(11) National energy policy generally.

"(12) Public health and quarantine.

"(13) Regulation of the domestic nuclear energy industry, including regulation of research and development reactors and nuclear regulatory research.

"(14) Regulation of interstate and foreign communications.

"(15) Securities and exchanges.

"(16) Travel and tourism.

The committee shall have the same jurisdiction with respect to regulation of nuclear facilities and of use of nuclear energy as it has with respect to regulation of nonnuclear facilities and of use of nonnuclear energy. In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight functions under clause 2(b)(1)), such committee shall have the special oversight functions provided for in clause (3)(h) with respect to all laws, programs, and Government activities affecting nuclear and other energy, and nonmilitary nuclear energy and research and development including the disposal of nuclear waste.

"(f) Committee on Economic and Educational Opportunities.

"(1) Child labor.

"(2) Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital.

"(3) Convict labor and the entry of goods made by convicts into interstate commerce.

"(4) Food programs for children in schools.

"(5) Labor standards and statistics.

"(6) Measures relating to education or labor generally.

"(7) Mediation and arbitration of labor disputes.

"(8) Regulation or prevention of importation of foreign laborers under contract.

"(9) United States Employees' Compensation Commission.

"(10) Vocational rehabilitation.

"(11) Wages and hours of labor.

"(12) Welfare of miners.

"(13) Work incentive programs.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(c) with respect to domestic educational programs and institutions, and programs of student assistance, which are within the jurisdiction of other committees.

"(g) Committee on Government Reform and Oversight.

"(1) The Federal Civil Service, including intergovernmental personnel; the status of officers and employees of the United States, including their compensation, classification, and retirement.

"(2) Measures relating to the municipal affairs of the District of Columbia in general, other than appropriations.

"(3) Federal paperwork reduction.

"(4) Budget and accounting measures, generally.

"(5) Holidays and celebrations.

"(6) The overall economy, efficiency and management of government operations and activities, including Federal procurement.

"(7) National archives.

"(8) Population and demography generally, including the Census.

"(9) Postal service generally, including the transportation of the mails.

"(10) Public information and records.

"(11) Relationship of the Federal Government to the States and municipalities generally.

"(12) Reorganizations in the executive branch of the Government.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its oversight functions under clause 2(b)(1) and (2)), the committee shall have the function of performing the duties and conducting the studies which are provided for in clause 4(c).

"(h) Committee on House Oversight.

"(1) Appropriations from accounts for committee salaries and expenses (except for the

Committee on Appropriations), House Information Systems, and allowances and expenses of Members, House officers and administrative offices of the House.

"(2) Auditing and settling of all accounts described in subparagraph (1).

"(3) Employment of persons by the House, including clerks for Members and committees, and reporters of debates.

"(4) Except as provided in clause 1(q)(11), matters relating to the Library of Congress and the House Library; statutory and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts.

"(5) Except as provided in clause 1(q)(11), matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(6) Expenditure of accounts described in subparagraph (1).

"(7) Franking Commission.

"(8) Matters relating to printing and correction of the Congressional Record.

"(9) Measures relating to accounts of the House generally.

"(10) Measures relating to assignment of office space for Members and committees.

"(11) Measures relating to the disposition of useless executive papers.

"(12) Measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.

"(13) Measures relating to services to the House, including the House Restaurant, parking facilities and administration of the House office buildings and of the House wing of the Capitol.

"(14) Measures relating to the travel of Members of the House.

"(15) Measures relating to the raising, reporting and use of campaign contributions for candidates for office of Representative in the House of Representatives, of Delegate, and of Resident Commissioner to the United States from Puerto Rico.

"(16) Measures relating to the compensation, retirement and other benefits of the Members, officers, and employees of the Congress.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the function of performing the duties which are provided for in clause 4(d).

"(i) Committee on International Relations.

"(1) Relations of the United States with foreign nations generally.

"(2) Acquisition of land and buildings for embassies and legations in foreign countries.

"(3) Establishment of boundary lines between the United States and foreign nations.

"(4) Export controls, including non-proliferation of nuclear technology and nuclear hardware.

"(5) Foreign loans.

"(6) International commodity agreements (other than those involving sugar), including all agreements for cooperation in the export of nuclear technology and nuclear hardware.

"(7) International conferences and congresses.

"(8) International education.

"(9) Intervention abroad and declarations of war.

"(10) Measures relating to the diplomatic service.

"(11) Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"(12) Measures relating to international economic policy.

"(13) Neutrality.

"(14) Protection of American citizens abroad and expatriation.

"(15) The American National Red Cross.

"(16) Trading with the enemy.

"(17) United Nations organizations.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight functions provided for in clause 3(d) with respect to customs administration, intelligence activities relating to foreign policy, international financial and monetary organizations, and international fishing agreements.

"(j) Committee on the Judiciary.

"(1) The judiciary and judicial proceedings, civil and criminal.

"(2) Administrative practice and procedure.

"(3) Apportionment of Representatives.

"(4) Bankruptcy, mutiny, espionage, and counterfeiting.

"(5) Civil liberties.

"(6) Constitutional amendments.

"(7) Federal courts and judges, and local courts in the Territories and possessions.

"(8) Immigration and naturalization.

"(9) Interstate compacts, generally.

"(10) Measures relating to claims against the United States.

"(11) Meetings of Congress, attendance of Members and their acceptance of incompatible offices.

"(12) National penitentiaries.

"(13) Patents, the Patent Office, copyrights, and trademarks.

"(14) Presidential succession.

"(15) Protection of trade and commerce against unlawful restraints and monopolies.

"(16) Revision and codification of the Statutes of the United States.

"(17) State and territorial boundaries.

"(18) Subversive activities affecting the internal security of the United States.

"(k) Committee on National Security.

"(1) Ammunition depots; forts; arsenals; Army, Navy, and Air Force reservations and establishments.

"(2) Common defense generally.

"(3) Conservation, development, and use of naval petroleum and oil shale reserves.

"(4) The Department of Defense generally, including the Departments of the Army, Navy, and Air Force generally.

"(5) Interoceanic canals generally, including measures relating to the maintenance, operation, and administration of interoceanic canals.

"(6) Merchant Marine Academy, and State Maritime Academies.

"(7) Military applications of nuclear energy.

"(8) Tactical intelligence and intelligence related activities of the Department of the Defense.

"(9) National security aspects of merchant marine, including financial assistance for the construction and operation of vessels, the maintenance of the U.S. shipbuilding and ship repair industrial base, cabotage, cargo preference and merchant marine officers and seamen as these matters relate to the national security.

"(10) Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.

"(11) Scientific research and development in support of the armed services.

"(12) Selective service.

"(13) Size and composition of the Army, Navy, Marine Corps, and Air Force.

"(14) Soldiers' and sailors' homes.

"(15) Strategic and critical materials necessary for the common defense.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided

for in clause 3(a) with respect to international arms control and disarmament, and military dependents education.

"(l) Committee on Resources.

"(1) Fisheries and wildlife, including research, restoration, refugees, and conservation.

"(2) Forest reserves and national parks created from the public domain.

"(3) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

"(4) Geological Survey.

"(5) International fishing agreements.

"(6) Interstate compacts relating to apportionment of waters for irrigation purposes.

"(7) Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects, and acquisition of private lands when necessary to complete irrigation projects.

"(8) Measures relating to the care and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

"(9) Measures relating generally to the insular possessions of the United States, except those affecting the revenue and appropriations.

"(10) Military parks and battlefields, national cemeteries administered by the Secretary of the Interior, parks within the District of Columbia, and the erection of monuments to the memory of individuals.

"(11) Mineral land laws and claims and entries thereunder.

"(12) Mineral resources of the public lands.

"(13) Mining interests generally.

"(14) Mining schools and experimental stations.

"(15) Marine affairs (including coastal zone management), except for measures relating to oil and other pollution of navigable waters.

"(16) Oceanography.

"(17) Petroleum conservation on the public lands and conservation of the radium supply in the United States.

"(18) Preservation of prehistoric ruins and objects of interest on the public domain.

"(19) Public lands generally, including entry, easements, and grazing thereon.

"(20) Relations of the United States with the Indians and the Indian tribes.

"(21) Trans-Alaska Oil Pipeline.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight functions provided for in clause 3(e) with respect to all programs affecting Indians.

"(m) Committee on Rules.

"(1) The rules and joint rules (other than rules or joint rules relating to the Code of Official Conduct), and order of business of the House.

"(2) Recesses and final adjournments of Congress.

The Committee on Rules is authorized to sit and act whether or not the House is in session.

"(n) Committee on Science.

"(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

"(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

"(3) Civil aviation research and development.

"(4) Environmental research and development.

"(5) Marine research.

"(6) Measures relating to the commercial application of energy technology.

"(7) National Institute of Standards and Technology, standardization of weights and measures and the metric system.

"(8) National Aeronautics and Space Administration.

"(9) National Space Council.

"(10) National Science Foundation.

"(11) National Weather Service.

"(12) Outer space, including exploration and control thereof.

"(13) Science Scholarships.

"(14) Scientific research, development, and demonstration, and projects therefor.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(f) with respect to all non-military research and development.

"(o) **Committee on Small Business.**

"(1) Assistance to and protection of small business, including financial aid, regulatory flexibility and paperwork reduction.

"(2) Participation of small-business enterprises in Federal procurement and Government contracts.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(g) with respect to the problems of small business.

"(p) **Committee on Standards of Official Conduct.**

"(1) Measures relating to the Code of Official Conduct.

In addition to its legislative jurisdiction under the preceding provision of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the functions with respect to recommendations, studies, investigations, and reports which are provided for in clause 4(e), and the functions designated in titles I and V of the Ethics in Government Act of 1978 and sections 7342, 7351, and 7353 of title 5, United States Code.

"(q) **Committee on Transportation and Infrastructure.**

"(1) Coast Guard, including lifesaving service, lighthouses, lightships, ocean derelicts, and the Coast Guard Academy.

"(2) Federal management of emergencies and natural disasters.

"(3) Flood control and improvement of rivers and harbors.

"(4) Inland waterways.

"(5) Inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

"(6) Navigation and the laws relating thereto, including pilotage.

"(7) Registering and licensing of vessels and small boats.

"(8) Rules and international arrangements to prevent collisions at sea.

"(9) Measures relating to the Capitol Building and the Senate and House office buildings.

"(10) Measures relating to the construction or maintenance of roads and post roads, other than appropriations therefor; but it shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

"(11) Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

"(12) Measures relating to merchant marine, except for national security aspects of merchant marine.

"(13) Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

"(14) Oil and other pollution of navigable waters, including inland, coastal, and ocean waters.

"(15) Marine affairs (including coastal zone management) as they relate to oil and other pollution of navigable waters.

"(16) Public buildings and occupied or improved grounds of the United States generally.

"(17) Public works for the benefit of navigation, including bridges and dams (other than international bridges and dams).

"(18) Related transportation regulatory agencies.

"(19) Roads and the safety thereof.

"(20) Transportation, including civil aviation, railroads, water transportation, transportation safety (except automobile safety), transportation infrastructure, transportation labor, and railroad retirement and unemployment (except revenue measures related thereto).

"(21) Water power.

"(r) **Committee on Veterans' Affairs.**

"(1) Veterans' measures generally.

"(2) Cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior.

"(3) Compensation, vocational rehabilitation, and education of veterans.

"(4) Life insurance issued by the Government on account of service in the Armed Forces.

"(5) Pensions of all the wars of the United States, general and special.

"(6) Readjustment of servicemen to civil life.

"(7) Soldiers' and sailors' civil relief.

"(8) Veterans' hospitals, medical care, and treatment of veterans.

"(s) **Committee on Ways and Means.**

"(1) Customs, collection districts, and ports of entry and delivery.

"(2) Reciprocal trade agreements.

"(3) Revenue measures generally.

"(4) Revenue measures relating to the insular possessions.

"(5) The bonded debt of the United States (subject to the last sentence of clause 4(g) of this rule).

"(6) The deposit of public moneys.

"(7) Transportation of dutiable goods.

"(8) Tax exempt foundations and charitable trusts.

"(9) National social security, except (A) health care and facilities programs that are supported from general revenues as opposed to payroll deductions and (B) work incentive programs."

(b) Any reference in the rules of the House at the end of the One Hundred Third Congress to the following standing committees of the House: the Committee on Armed Services; the Committee on the District of Columbia; the Committee on Education and Labor; the Committee on Energy and Commerce; the Committee on Foreign Affairs; the Committee on Government Operations; the Committee on House Administration; the Committee on Natural Resources; and the Committee on Science, Space and Technology; shall be amended to be a reference to the following standing committees of the House, respectively: the Committee on National Security; the Committee on Government Reform and Oversight; the Committee on Economic and Educational Opportunities; the Committee on Commerce; the Commit-

tee on International Relations; the Committee on Government Reform and Oversight; the Committee on House Oversight; the Committee on Resources; and the Committee on Science.

(c) The chairman of the Committee on the Budget, when elected, may revise (within the appropriate levels established in House Concurrent Resolution 218 of the One Hundred Third Congress) allocations of budget outlays, new budget authority, and entitlement authority among committees of the House in the One Hundred Fourth Congress to reflect changes in jurisdiction under clause 1 of rule X. He shall publish the revised allocations in the Congressional Record. Once published, the revised allocations shall be effective in the House as though made pursuant to sections 302(a) and 602(a) of the Congressional Budget Act of 1974.

(d) In clause 8 of rule XXIV, strike "the Committee on the District of Columbia" through the end of the sentence and insert: "the Committee on Government Reform and Oversight, be set apart for the consideration of such business relating to the District of Columbia as may be presented by said committee."

Oversight Reform

SEC. 203. (a) In clause 2 of rule X, add the following new paragraphs at the end:

"(d)(1) Not later than February 15 of the first session of a Congress, each standing committee of the House shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and Oversight and to the Committee on House Oversight. In developing such plans each committee shall, to the maximum extent feasible—

"(A) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

"(B) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority; and

"(C) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdictions are subject to review at least once every ten years.

"(2) It shall not be in order to consider any committee expense resolution (within the meaning of clause 5 of rule XI), or any amendment thereto, for any committee that has not submitted its oversight plans as required by this paragraph.

"(3) Not later than March 31 in the first session of a Congress, after consultation with the Speaker, the majority leader, and the minority leader, the Committee on Government Reform and Oversight shall report to the House the oversight plans submitted by each committee together with any recommendations that it, or the House leadership group referred to above, may make to ensure the most effective coordination of such plans and otherwise achieve the objectives of this clause.

"(e) The Speaker, with the approval of the House, may appoint special ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees."

(b) In clause 1 of rule XI, amend paragraph (d) to read as follows:

"(d)(1) Each committee shall submit to the House not later than January 2 of each odd-numbered year, a report on the activities of that committee under this rule and rule X during the Congress ending on January 3 of such year.

"(2) Such report shall include separate sections summarizing the legislative and oversight activities of that committee during that Congress.

"(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee pursuant to clause 2(d) of rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by that committee, and any recommendations made or actions taken thereon."

Member Assignment Limits

SEC. 204. In clause 6(b) of rule X, insert "(1)" after "(b)" and add the following new subparagraph at the end:

"(2)(A) No Member, Delegate, or Resident Commissioner may serve simultaneously as a member of more than two standing committees or four subcommittees of the standing committees of the House, except that ex officio service by a chairman and ranking minority member of a committee on each of its subcommittees by committee rule shall not be counted against the limitation on subcommittee service. Any other exception to these limitations must be approved by the House upon the recommendation of the respective party caucus or conference.

"(B) For the purposes of this subparagraph, the term 'subcommittee' includes any panel (other than a special oversight panel of the Committee on National Security), task force, special subcommittee, or any subunit of a standing committee that is established for a cumulative period longer than six months in any Congress."

Multiple Referral Reform

SEC. 205. In clause 5 of rule X, amend paragraph (c) to read as follows:

"(c) In carrying out paragraphs (a) and (b) with respect to any matter, the Speaker shall designate a committee of primary jurisdiction; but also may refer the matter to one or more additional committees, for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the committee of primary jurisdiction; or may refer portions of the matter to one or more additional committees (reflecting different subjects and jurisdictions) for the consideration only of designated portions; or may refer the matter to a special ad hoc committee appointed by the Speaker with the approval of the House (with members from the committees having jurisdiction) for the specific purpose of considering that matter and reporting to the House thereon; or may make such other provisions as may be considered appropriate."

Accuracy of Committee Transcripts

SEC. 206. In clause 2(e)(1) of rule XI, amend the first sentence to read as follows: "Each committee shall keep a complete record of all committee action which shall include—

"(A) in the case of any meeting or hearing transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

"(B) a record of the votes on any question on which a rollcall vote is demanded."

Elimination of "Rolling Quorums"

SEC. 207. In clause 2(l)(2)(A) of rule XI, strike "was actually present" and all that follows through the end of the subdivision and insert "was actually present."

Limitation on Committees' Sitings

SEC. 208. In clause 2 of rule XI, amend paragraph (i) to read as follows:

"Limitation on committees' sittings

"(i)(1) No committee of the House (except the Committee on Appropriations, the Committee on the Budget, the Committee on Rules, the Committee on Standards of Official Conduct, and the Committee on Ways and Means) may sit, without special leave, while the House is reading a measure for amendment under the five-minute rule. For purposes of this paragraph, special leave will be granted unless ten or more Members object; and shall be granted upon the adoption of a motion, which shall be highly privileged if offered by the majority leader, granting such leave to one or more committees.

"(2) No committee of the House may sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress."

Accountability for Committee Votes

SEC. 209. In clause 2(l)(2) of rule XI amend subdivision (B) to read as follows:

"(B) With respect to each rollcall vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter."

Affirming Minority's Right on Motions to Recommit

SEC. 210. In clause 4(b) of rule XI, insert before the period at the end the following: "including a motion to recommit with instructions to report back an amendment otherwise in order (if offered by the minority leader or a designee), except with respect to a Senate bill or resolution for which the text of a House-passed measure has been substituted".

Waiver Policy for Special Rules

SEC. 211. In clause 4 of rule XI, add the following new paragraph at the end:

"(e) Whenever the Committee on Rules reports a resolution providing for the consideration of any measure, it shall, to the maximum extent possible, specify in the resolution the object of any waiver of a point of order against the measure or against its consideration."

Prohibition on Delegate Voting in Committee of the Whole

SEC. 212. (a) In rule XII, strike clause 2 and the designation of the remaining clause.

(b) In clause 1 of rule XXIII, strike "Resident Commissioner, or Delegate".

(c) In clause 2 of rule XXIII, strike paragraph (d).

Accuracy of the Congressional Record

SEC. 213. In rule XIV, add the following new clause at the end:

"9. (a) The Congressional Record shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved.

"(b) Unparliamentary remarks may be deleted only by permission or order of the House.

"(c) This clause establishes a standard of conduct within the meaning of clause 4(e)(1)(B) of rule X."

Automatic Rollcall Votes

SEC. 214. In rule XV, add the following new clause at the end:

"7. The yeas and nays shall be considered as ordered when the Speaker puts the question on final passage or adoption of any bill, joint resolution, or conference report making general appropriations or increasing Federal income tax rates, or on final adoption of any concurrent resolution on the budget or conference report thereon."

Appropriations Reforms

SEC. 215. (a) CONSIDERATION OF LIMITATION AMENDMENTS.—In clause 2(d) of rule XXI, strike "shall have precedence" and insert "shall, if offered by the majority leader or a designee, have precedence".

(b) PROHIBITION AGAINST NON-EMERGENCY ITEMS IN EMERGENCY SPENDING BILLS.—In clause 2 of rule XXI, add the following new paragraph at the end:

"(e) No provision shall be reported in any appropriation bill or joint resolution containing an emergency designation for purposes of section 251(b)(2)(D) or section 252(e) of the Balanced Budget and Emergency Deficit Control Act, or shall be in order as an amendment thereto, if the provision or amendment is not designated as an emergency, unless the provision or amendment rescinds budget authority or reduces direct spending, or reduces an amount for a designated emergency."

(c) PERMITTING OFFSETTING AMENDMENTS.—In clause 2 of rule XXI (as amended by (b) above), add the following new paragraph at the end:

"(f) During the reading of any appropriation bill for amendment in the Committee of the Whole, it shall be in order to consider en bloc amendments proposing only to transfer appropriations among objects in the bill without increasing the levels of budget authority or outlays in the bill. When considered en bloc pursuant to this paragraph, such amendments may amend portions of the bill not yet read for amendment (following the disposition of any points of order against such portions) and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole."

(d) LISTING OF UNAUTHORIZED APPROPRIATIONS IN REPORTS.—In clause 3 of rule XXI, insert before the period the following: "and shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law (except for classified intelligence or national security programs, projects, or activities)".

(e) AUTOMATIC RESERVATION OF POINTS OF ORDER.—In rule XXI, add the following new clause at the end:

"8. At the time any appropriation bill is reported, all points of order shall be considered as reserved."

Ban on Commemoratives

SEC. 216. (a) In rule XXII—

(1) amend clause 2 by inserting "(a)" after "2." and by adding the following new paragraph at the end:

"(b)(1) No bill or resolution, and no amendment to any bill or resolution, establishing or expressing any commemoration may be introduced or considered in the House.

"(2) For purposes of this paragraph, the term 'commemoration' means any remembrance, celebration, or recognition for any purpose through the designation of a specified period of time."

(2) amend clause 3 by striking "or private bill" and inserting "or bill or resolution".

(b) The Committee on Government Reform and Oversight shall consider alternative means for establishing commemorations, including the creation of an independent or Executive branch commission for such purpose,

and to report to the House any recommendations thereon.

Numerical Designation of Amendments

SEC. 217. In clause 6 of rule XXIII, add the following new sentence at the end: "All amendments to a specified measure submitted for printing in that portion of the Record shall be given numerical designations in the order printed."

Pledge of Allegiance

SEC. 218. In clause 1 of rule XXIV—
(a) insert after the second order of business the following new order of business: "Third. The Pledge of Allegiance to the Flag."; and
(b) redesignate succeeding orders accordingly.

Discharge Petitions

SEC. 219. In clause 3 of rule XXVII, insert the following three new sentences after the fifth sentence: "The Clerk shall cause the names of the Members who have signed a discharge motion during any week to be published in a portion of the Congressional Record designated for that purpose on the last legislative day of that week. The Clerk shall make available each day for public inspection in an appropriate office of the House cumulative lists of such names. The Clerk shall devise a means by which to make such lists available to offices of the House and to the public in electronic form."

Protection of Classified Materials

SEC. 220. In rule XLIII ("Code of Official Conduct") insert the following new clause before the two undesignated paragraphs at the end:

"13. Before any Member, officer, or employee of the House of Representatives may have access to classified information, the following oath (or affirmation) shall be executed:

'I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service with the House of Representatives, except as authorized by House of Representatives or in accordance with its Rules.'

Copies of the executed oath shall be retained by the Clerk of the House as part of the records of the House."

Select Committee on Intelligence

SEC. 221. (a) In clause 1(a) of rule XLVIII (relating to the Permanent Select Committee on Intelligence) strike "nineteen Members with representation to" and insert "sixteen Members, of whom not more than nine may be from the same party. The select committee shall".

(b)(1) In clause 1(b) of rule XLVIII, insert "(1)" after "(b)", strike "majority leader", and insert "Speaker".

(2) In clause 1(b) of rule XLVIII, add the following new subparagraph at the end:

"(2) The Speaker and minority leader each may designate a member of their leadership staff to assist them in their capacity as ex officio members, with the same access to committee meetings, hearings, briefings, and materials as if employees of the select committee, and subject to the same security clearance and confidentiality requirements as employees of the select committee under this rule."

(3) In clause 7(c) of rule XLVIII, strike subparagraph (3).

(c) In clause 1 of rule XLVIII, amend paragraph (c) to read as follows:

"(c) No Member of the House other than the Speaker and the minority leader may serve on the select committee during more than four Congresses in any period of six successive Congresses (disregarding for this purpose any service for less than a full session in any Congress), except that the incumbent chairman or ranking minority member hav-

ing served on the select committee for four Congresses and having served as chairman or ranking minority member for not more than one Congress shall be eligible for reappointment to the select committee as chairman or ranking minority member for one additional Congress."

(d) In clause 2(a) of rule XLVIII—

(1) insert the following before the period in subparagraph (1): ", and the National Foreign Intelligence Program as defined in section 3(6) of the National Security Act of 1947";

(2) strike all after "but not limited to," in subparagraph (2) and insert the following: "the tactical intelligence and intelligence-related activities of the Department of Defense";

(3) amend subparagraph (4) to read as follows:

"(4) Authorizations for appropriations, both direct and indirect, for the following:

"(A) The Central Intelligence Agency, Director of Central Intelligence, and the National Foreign Intelligence Program as defined in section 3(6) of the National Security Act of 1947.

"(B) Intelligence and intelligence-related activities of all other departments and agencies of the Government, including, but not limited to, the tactical intelligence and intelligence-related activities of the Department of Defense.

"(C) Any department, agency, or subdivision, or program that is a successor to any agency or program named or referred to in subdivision (A) or (B)."

Abolition of Legislative Service Organizations

SEC. 222. The establishment or continuation of any legislative service organization (as defined and authorized in the One Hundred Third Congress) shall be prohibited in the One Hundred Fourth Congress. The Committee on House Oversight shall take such steps as are necessary to ensure an orderly termination and accounting for funds of any legislative service organization in existence on January 3, 1995.

Miscellaneous Provisions and Clerical Corrections

SEC. 223. (a) SPEAKER'S AUTHORITY TO POSTPONE VOTES.—In clause 5(b)(1) of rule I, amend the matter after "questions listed herein:" to read as follows:

"(A) the question of adopting a resolution;

"(B) the question of passing a bill;

"(C) the question of agreeing to a motion to instruct conferees as provided in clause 1(c) of rule XXVIII: *Provided, however*, That proceedings shall not resume on said question if the conferees have filed a report in the House;

"(D) the question of agreeing to a conference report;

"(E) the question of ordering the previous question on a question described in subdivision (A), (B), (C), or (D); and

"(F) the question of agreeing to a motion to suspend the rules."

(b) OFFICE OF FLOOR ASSISTANTS.—There is established in the House of Representatives an office to be known as the Speaker's Office for Legislative Floor Activities. The Speaker shall appoint and set the annual rate of pay for employees of the Office. The Office shall have the responsibility of assisting the Speaker in the management of legislative floor activity.

(c) VICE CHAIRMAN OF COMMITTEE.—In clause 2(d) of rule XI—

(1) strike "The member" and insert "A member"; and

(2) strike "ranking immediately after the chairman" and insert "designated by the chairman of the full committee".

(d) PROHIBITION AGAINST MEMBERS' USE OF PERSONAL, ELECTRONIC OFFICE EQUIPMENT ON HOUSE FLOOR.—In clause 7 of rule XIV, insert "or to use any personal, electronic office equipment (including cellular phones and computers)" after "to smoke".

(e) SPEAKER'S AUTHORITY TO REDUCE TO FIVE-MINUTES A VOTE FOLLOWING A PREVIOUS QUESTION VOTE.—In clause 5(b) of rule XV, amend subparagraph (1) to read as follows:

"(1) after a rollcall vote has been ordered on a motion for the previous question, on any underlying question that follows without intervening business;"

(f) CLERICAL CORRECTIONS.—

(1) In clause 3 of rule III, insert "; and" before "certify".

(2) In clause 2(1)(1)(B) of rule XI, strike "does not apply to the reporting" and all that follows through "subdivision (C) and".

(g) SPECIAL RULE FOR BILL SPONSORSHIP ON OPENING DAY.—In the One Hundred Fourth Congress, each of the first 20 bills introduced in the House (H.R. 1 through H.R. 20), and each of the first two joint resolutions introduced in the House (H.J. Res. 1 and H.J. Res. 2), may have more than one Member reflected as a first sponsor.

The SPEAKER pro tempore (Mr. WALKER). Pursuant to House Resolution 5, the resolution is initially debatable for 30 minutes.

The gentleman from Texas [Mr. ARMEY] will be recognized for 15 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I yield myself 4 minutes.

(Mr. ARMEY asked and was given permission to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, this is a gratifying day for America, a day of hope and promise for our country. And so it is with a profound sense of honor that I offer, on behalf of the Republican Members of the House, this proposed set of rules for the 104th Congress.

I am very proud of this rules package. I believe it will dramatically alter—and I predict improve—the way in which the House conducts the American people's business.

The distinguished chairman of the Rules Committee, Mr. SOLOMON, and others will offer more detailed explanations of the provisions. Allow me at this point simply to sketch for you our three principal goals—responsibility, reform, and renewal.

Our first goal is greater responsibility with the people's money. We will reduce the size and cost of a Congress that has grown unchecked for too many years. We will slash the number of committees and subcommittees, and reduce committee staff by a third, saving taxpayers about \$40 million a year.

□ 1650

We will stop the funding of 28 special-interest caucuses that cost \$5 million a year. And we have even managed to save \$300,000 a year by ending so-called commemorative legislation like National Pizza and Pasta Day.

It's time for truth in budgeting. From now on, in the budget process, when we speak of a spending cut, we will mean an actual cut in spending, not just a smaller increase.

Over on the other side of the Capitol, our Senate colleagues actually have a rule requiring a super-majority to cut taxes. Well, is it not about time we put our thumb on the spending-cut side of the scale? House rules will now require a three-fifths majority to raise taxes.

Our second goal is reform. We want to make the House more accountable to the American people. We are throwing open the shutters and letting the sun shine in on committee meetings. We are banning proxy voting and so-called rolling quorums.

This way, Members of Congress will devote more energy to their all-important committee work, knowing that, from now on, they will have to be physically present to cast votes on behalf of their constituents, rather than delegating that high privilege.

And we are making the CONGRESSIONAL RECORD a true verbatim transcript of debate, instead of "revisionist history." Members can totally rewrite after the fact.

Our third goal, Mr. Speaker, is renewal. We hope to promote a renewal of respect for this historic institution. And that begins with a renewal of respect for the people who sent us here. It begins with a Congress that obeys the same laws it imposes on private citizens.

Renewal means more accountability on the part of those entrusted with power. And that's why we impose a healthy, 6-year term limit on committee chairmen.

We also feel—and I know you enthusiastically concur, Mr. Speaker—that there should be an 8-year term limit on the Speaker, the same number of years allowed the President.

Allow me to end on a personal note. I would love to see bipartisan support for these rules, because this is not a Republican House. This was not previously a Democratic House. This is the American people's House, and we must restore their faith in this historic and honorable institution.

The SPEAKER pro tempore (Mr. WALKER). The Chair would remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is a violation of the rules of the House.

The gentleman from Texas may proceed.

Mr. ARMEY. I repeat, we must restore their faith in this historic and honorable institution.

I hope today will set a standard for a more cooperative, more idea-driven process in which our first and highest consideration is always the people's business.

I urge all of my colleagues to vote "yes" on these historic rules on this historic day.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. SPRATT], a member of the leadership.

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding.

The previous Member just described this as a day of promise, a day for raising standards of this institution, and this is a historic occasion. We will miss a historic, major opportunity to change the way this institution of the Congress is perceived if we do not add to this rules package before us the ban on gifts from lobbyists which this House passed just months ago by an overwhelming vote of 315 to 111.

There are many things in this package, this rules proposal, that I can and will gladly support. Let us be frank about it: Committee proxy voting, super majorities, baseline budgeting, this is Capitol Hill jargon. Some people out in the country get it; most do not, and most could care less. But everybody understands what gifts from lobbyists is all about. That is why we got 315 votes for it the last time it was before the House.

If we want to open up this institution, if we want to freshen its image, redeem its reputation among the American people, then we need to sever the ties, real and perceived, between those who work inside this institution and represent the people as a whole, and those who work Congress from the outside, the lobbyists, Gucci Gulf, the lobbyists who represent special interests and limited numbers of people.

Just a few months ago this ban on gifts from lobbyists was good enough for 315 Members. The provisions that some found problematic then that dealt with grassroots lobbying were purged from the Democratic proposal today. We did add one provision that is contentious. It would limit, not ban, limit the amount of royalties that a Member could earn while sitting as a Member of this House on publications written while he is sitting. But the limit is a third of your salary while serving here, which is a generous dispensation for full-time Members who are paid full-time salaries. With such enormous support, 315 yeas, why not vote on this package today and make it the rule of the House from day one?

Mr. ARMEY. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a new day is here.

Today we begin the first stage of a commitment that was made to the

American people last November—indeed, a Contract With America that was signed by the new majority—to restore, renew, and reform the people's House.

The resolution before us today, adopting the Rules of the House for the 104th Congress, is the initial fulfillment of that Contract With America. It makes the most sweeping and comprehensive reform of this House in the last half century.

It brings back to the people's House the intangible words, "openness, fairness, and accountability."

But, even more importantly, by setting the example of substantially reducing the committees and staff of the Congress, we begin the process of shrinking the size and power of the Federal Government.

What we are proposing today in this resolution is unprecedented, both in form and in substance. Instead of the usual 1 hour of debate on this resolution, we have committed to 3½ hours of debate. Instead of the usual single vote on this resolution, we have committed to nine separate votes.

After this initial general debate period of 30 minutes, we will proceed to debate for 20 minutes each on the eight opening day reforms contained in our Contract With America, followed by a separate vote on each.

Those reforms include—

First, a comprehensive reform of our committee system, including a one-third cut in committee staff, a reduction of over 20 subcommittees, and a consolidation of committee staff funding into a publicly disclosed, 2-year funding resolution;

Second, a truth-in-budgeting baseline reform provision that measures next year's budget against this year's spending levels instead of inflated baseline spending levels;

Third, a four-term limit on the Speaker of the House, and three-term limit on committee and subcommittee chairmen;

Fourth, a ban on proxy or ghost voting in committees;

Fifth, a committee sunshine rule to ensure that all committee meetings and hearings are open to the public and the media;

Sixth, a required three-fifths vote on any bill increasing income tax rates, and a prohibition against retroactive tax increases;

Seventh, a comprehensive audit of all House books to ferret out past waste, fraud, and abuse in this House so that we can operate this House in the future in an open and fiscally sound manner; and

Eighth, the consideration of a bill that will make the Congress subject to the same laws that now apply to the private sector.

Mr. Speaker, following the debate and votes on those opening day contract items, we will proceed for an additional 20 minutes to debate and then vote on title II of this resolution which contains 23 additional reforms of this

House which have been long overdue, including—comprehensive reform of the administrative structure of the House; a reduction in the number of committees and an overhaul of their jurisdictions; a requirement for more comprehensive oversight of the executive branch by our committees; a publication of all committee rollcall votes; a reform of our appropriations process; a requirement that our CONGRESSIONAL RECORD and committee transcripts be an accurate account of words actually spoken; a ban on so-called commemorative bills; and a ban on taxpayer-funded special interest caucuses.

Mr. Speaker, I could go on and discuss the many other reform items in this rules resolution, but, in the interest of allowing other Members to participate in this debate, I reserve the balance of my time.

A CONTRACT FOR A NEW HOUSE

(A section-by-section summary of H. Res. —, adopting the Rules of the House for the 104th Congress, to be offered by the Majority Leader, or a designee.)

The Rules of the House of the 103rd Congress would be adopted as the rules for the 104th Congress together with the following amendments:

TITLE I. CONTRACT WITH AMERICA: A BILL OF ACCOUNTABILITY

[Note: Each section below in Title I would be under a separate introductory paragraph adopting House Rules from the 103rd Congress as the Rules of the 104th Congress with the additional amendment(s) in the section, thereby permitting a division of the question and separate debate and vote on each of the 8 Contract items. The 23 items in Title II, on the other hand, would be subject to a single vote.]

Sec. 101. Committee, Subcommittee and Staff Reforms: Committee staff in the 104th Congress is reduced by at least one-third from comparable levels in the 103rd Congress. No committee could have more than 5 subcommittees (except Appropriations which could have no more than 13; Government Reform and Oversight, no more than 7; and Transportation and Infrastructure, no more than 6). Statutory and investigative staff salary authorization levels would be consolidated in a single, 2-year committee expense resolution (except for the Committee on Appropriations). The distinction between professional and clerical staff would be eliminated while retaining the overall core staff of 30 for each committee (20-majority, 10-minority, or a one-third guarantee to the minority if less than 30). Committee chairmen would be required to ensure that sufficient staff is made available to each subcommittee to exercise its responsibilities under committee rules, including fair treatment to the minority in subcommittee staffing. Interim funding authority for House committees, consistent with planned staff reductions, would be provided pending the adoption of the primary expense resolution for 1995-96.

Sec. 102. Truth-in-Budgeting Baseline Reform: Cost estimates in committee reports would include a comparison of total estimated funding for the program(s) to the appropriate levels under current law.

Sec. 103. Term Limits for Speaker, Committee and Subcommittee Chairmen: Beginning with the 104th Congress: (a) No person could serve as Speaker for more than four consecutive Congresses (disregarding any service for less than a session). (b) No Member could be the chairman of any committee, or of the same subcommittee of a commit-

tee, for more than three consecutive Congresses (excluding any service for less than a session in a Congress).

Sec. 104. Proxy Voting Ban: No vote could be cast by proxy on any committee or subcommittee thereof.

Sec. 105. Committee Sunshine Rules: Committee meetings, which can now be closed for any reason, could only be closed by majority rollcall vote if disclosure would endanger national security, compromise sensitive law enforcement information, or tend to defame, degrade or incriminate any person. Broadcast coverage of any committee or subcommittee meeting or hearing open to the public would be a right (not requiring a vote of approval as at present).

Sec. 106. Limitations on Tax Increases: (a) No bill, joint resolution, amendment or conference report carrying an income tax rate increase, could be considered as passed or agreed to unless so determined by a vote of at least three-fifths of the House. (b) No measure of amendment could be considered that contains a retroactive income tax rate increase.

Sec. 107. Comprehensive House Audit: The Inspector General would be authorized to contract with one or more independent auditing firms to conduct a comprehensive audit of House financial records, physical assets, and operational facilities.

Sec. 108. Consideration of "Congressional Accountability Act": The majority leader, or a designee, would be authorized to call up for consideration on Jan. 4, 1995, a bill (H.R. 1), the "Congressional Accountability Act of 1995," subject to one-hour of debate in the House, divided equally between the majority leader and minority leader, or their designees, and to one motion to recommit.

TITLE II. GENERAL

Sec. 201. House Administrative Reforms: The Office of Doorkeeper would be abolished and its functions transferred to the Sergeant-at-Arms. A Chief Administrative Officer, elected by the House, would replace the Director of Financial and Non-Legislative Services. The authority of the Inspector General would be broadened to audit all House functions and to refer possible violations of rules or law to the ethics committee for action or possible referral to the appropriate Federal or State authorities.

Sec. 202. Changes in Committee System: The Committees on Post Office and Civil Service, and the District of Columbia would be abolished and their jurisdiction transferred to the Committee on Government Reform and Oversight; the Committee on Merchant Marine and Fisheries would be abolished and its jurisdiction transferred to the committees on National Security, Resources, and Transportation and Infrastructure. The Committee on Budget would be given shared legislative jurisdiction over certain budgetary legislation. Term limits for members of the Budget Committee would be changed from three-terms in any five Congresses to four-terms in any six Congresses. Other committees would be renamed and jurisdictions transferred.

Sec. 203. Oversight Reform: Committees would be required to adopt oversight plans for the Congress and submit them to the Committee on House Oversight and Government Reform and Oversight by Feb. 15th of the first session. The Committee on House Oversight and Government Reform and Oversight would report the plans to the House by March 31st together with any recommendations of the committee or joint leadership to ensure maximum coordination. Committees would be required to include an oversight section in their final activity reports reporting on the implementation of their plans. The Speaker would be authorized to appoint

ad hoc oversight committees, subject to House approval, for specific oversight projects from committees sharing jurisdiction.

Sec. 204. Member Assignment Limits: No Member could have more than two standing committee and four subcommittee assignments (except committee chairman and ranking minority members could serve as ex officio members of all subcommittees of their committees). Any exception to the assignment limits must be approved by the House upon the recommendation of the respective party caucus or conference.

Sec. 205. Multiple Bill Referral Reform: The joint referral of bills to two or more committees would be prohibited. The speaker would designate a committee of primary jurisdiction when a bill is introduced, may refer parts of bills to appropriate committees, and may sequentially refer bills, either upon introduction or after the primary committee has reported, subject to time limits for reporting.

Sec. 206. Accuracy of Committee Transcripts: Committee hearing and meeting transcripts shall be a substantially verbatim account of remarks made during proceedings, subject only to technical grammatical, and typographical corrections authorized by the person making the remarks involved.

Sec. 207. Elimination of "Rolling Quorums": The existing "rolling quorum" rule which allows drop-by voting to report measures and permits less than a quorum to report if no point of order is raised, would be repealed.

Sec. 208. Prohibition on Committee Meetings During House Consideration of Amendments: No Committee (except the Committees on Appropriations, Rules, Standards and Ways and Means) could sit while the House is reading a measure for amendment under the five-minute rule without special leave (which shall be granted unless 10 members object), or unless upon the adoption of a motion offered by the majority leader which shall be privileged. No committee could sit while the House and Senate are meeting in joint session or when a joint meeting of the House and Senate is in progress.

Sec. 209. Accountability for Committee Votes: Committee reports on any bill or other matter would include the names of those voting for and against on rollcall votes on any amendments or on the motion to report a measure.

Sec. 210. Affirming Minority's Rights on Motions to Recommit: The Rules Committee could not report a special rule denying the minority the right to offer amendatory instructions in a motion to recommit if offered by the minority leader or a designee.

Sec. 211. Waiver Policy for Special Rules: The Committee on Rules would be required, to the maximum extent possible, to specify in any special rule providing for the consideration of a measure any provisions of House rules being waived.

Sec. 212. Prohibition on Delegate Voting in Committee of Whole: The Resident Commissioner of Puerto Rico and the Delegates from Guam, Virgin Islands, American Samoa and the District of Columbia could not vote in or preside over the Committee of the Whole.

Sec. 213. Accuracy of Congressional Record: The Congressional Record would be a verbatim account of proceedings, subject only to technical, grammatical and typographical corrections by the Member speaking. Unparliamentary remarks may be deleted only by unanimous consent or order of the House.

Sec. 214. Automatic Roll Call Votes: Automatic roll call votes would be required on final passage of bills making appropriations, raising taxes, and conference reports there-

on; and on final adoption of budget resolutions and their conference reports.

Sec. 215. Appropriations Reforms: Limitation amendments could be offered to appropriations bills at the end of the regular amendment process without having to first defeat the motion to rise and report. A motion to rise could only be offered by the majority leader (or a designee) if limitation amendments are still pending. Non-emergency items could not be reported or offered as amendments to emergency spending bills (except to rescind budget authority or reduce direct spending to pay for the emergency benefits). Off-setting, deficit neutral amendments could be offered en bloc to any appropriations measure. Reports on all appropriations bills would be required to include not only a listing of legislative provisions contained in the measures (as presently required), but of all unauthorized activities being funded by the measure (except for classified intelligence or national security programs). Points of order would automatically be reserved against an appropriations bill when filed.

Sec. 216. Ban on Commemoratives: No bill, resolution or amendment could be introduced or considered in the House that establishes or expresses any commemoration (defined as any remembrance, celebration or recognition for any purpose) for a specified time period (e.g., day, week, month). The Committee on Government Reform and Oversight would be directed to consider alternative means of establishing commemorations, such as an independent or Executive Branch Commission, and to report to the House any recommendations.

Sec. 217. Numerical Designation of Amendments Submitted for Record: Amendments submitted for the amendments section of the Congressional Record for any bill would be given numerical designations in the order printed for that bill to facilitate easy reference by Members and committees.

Sec. 218. Pledge of Allegiance: The Pledge of Allegiance would be required in the House as the third order of business each day.

Sec. 219. Discharge Petitions: The Clerk would be required to publish the names of new signers of discharge petitions in the last Congressional Record of each week and make available to the public through an appropriate office the current names of signers on a daily basis. The Clerk shall also devise a system for making the names of signers available to House offices and the public through electronic form.

Sec. 220. Protection of Classified Materials: The Code of Official Conduct would be amended to require that, prior to having access to any classified materials, Members, officers and employees take an oath not to disclose such materials except as authorized by the House or its Rules.

Sec. 221. Permanent Select Committee on Intelligence: The House Permanent Select Committee on Intelligence would be reduced in size from 19 to 16 members, with a 9-7 majority to minority ratio. Member terms would be increased from three to four and the chairman and ranking minority member could serve a fifth term if they held the those positions for only one Congress. The Speaker (currently the majority leader) and minority leader would serve as ex officio, non-voting members, and may designate a member of their leadership staff to assist them and have access to committee proceedings and materials, as if committee staff, subject to the same security clearance and confidentiality requirements as committee staff. Current jurisdictional arrangements would be clarified.

Sec. 222. Abolition of Legislative Service Organizations: The establishment or continuation of any Legislative Service Organi-

zation (as defined and authorized by regulation in the 103rd Congress) would be prohibited in the 104th Congress. The Committee on House Oversight would be directed to take necessary steps to ensure the orderly termination and accounting for funds of LSOs in existence on Jan. 4, 1995.

Sec. 223. Miscellaneous Provisions and Clerical Corrections: The Speaker's authority to postpone votes on certain matters would include postponing the previous question vote on those matters. The Speaker's authority to reduce time for voting to 5-minutes after a 15-minute vote on the previous question would extend to any previous question vote (currently applies only to previous question vote on special rules from the Rules Committee). There would be established a Speaker's Office for Legislative Floor Activities, with employees to be appointed by the Speaker to assist in the management of legislative floor activity. The Chairman of a committee could designate any member of the committee or a subcommittee as the vice chairman of the committee or subcommittee. Members would be prohibited from using any personal, electronic office equipment (including cellular phones, and laptop computers) on the House floor. Certain specified, priority measures introduced on Jan. 4, 1995, could have more than one prime sponsor.

SECTION-BY-SECTION ANALYSIS OF HOUSE RULES RESOLUTION

(H. Res.—, Adopting House Rules, 104th Congress, January 5, 1995)

TITLE I. CONTRACT WITH AMERICA: A BILL OF ACCOUNTABILITY

Title I of the resolution contains eight sections relating to the "Opening Day Checklist" of House reforms contained in the "Contract with America." Each section is preceded by an identical introductory paragraph adopting the rules of the previous Congress together with the amendment(s) in that section in order to permit a division of the question vote on each section.

Sec. 101. Committee, Subcommittee and Staff Reforms: (a) Committee staff reductions.—Subsection (a) requires that the number of House committee staff in the 104th Congress be at least one-third less than the corresponding total in the 103rd Congress. It is the intent of the resolution that this reduction be achieved at the outset of the new Congress. The Committee on House Oversight will be responsible for overseeing the reductions and enforcing them through the committee funding process.

(b) Subcommittee reductions.—Subsection (b) replaces clause 6(d) of House rule X which currently requires all committee having more than 20 members to establish at least four subcommittees. In its place, the new paragraph requires that committees establish no more than six subcommittees. The only exceptions are the committees on Appropriations (13), Government Reform and Oversight (7), and Transportation and Infrastructure (6).

This paragraph should be read in the context of sec. 204 of the resolution which limits Members to no more than four subcommittee assignments. In that section, subcommittee is defined as "any panel (other than a special oversight panel of the Committee on National Security), task force, special subcommittee, or any subunit of a standing committee that is established for a cumulative period longer than six months in any Congress." The intent of these two limitations is to make both Member and committee work more deliberative, participatory, and manageable by reducing scheduling conflicts and jurisdictional overlap. This is especially important given the ban on proxy voting in committees.

(c) Consolidated committee staff and biennial funding.—Subsection (c) amends clause

5 of rule XI ("Committee Expenses") in two important respects. First, it requires that all committee staff salaries and expenses be authorized in an expense resolution reported by the Committee on House Oversight. At present, only investigative staff salaries and expenses are funded through expense resolutions while so-called statutory staff (see amendments to rule XI clause 6 below), are paid for directly from appropriations.

Second, the subsection provides for one primary expense resolution per Congress instead of one each session. This is the system currently in effect in the Senate. The purpose for the biennial resolution is to permit committee to plan for a full Congress and to free-up the time otherwise consumed by the House and its committees on processing two budgets per Congress.

The ability of committees to request additional or supplemental expense resolutions in a Congress is preserved. The only committee exempted from this consolidated funding process will be Appropriations which has been traditionally exempt to avoid undue pressures on its funding decisions. The Budget Committee, which has been exempt from the funding process since its formation in 1975, would be brought under the funding process by this rule change.

The resolution contains a free-standing, interim funding rule for committees until their expense resolutions are adopted. This permits committees to incur expenses consistent with their planned staff reductions.

Clause 5(d) of rule XI is amended to require that committee chairmen make available to each subcommittee sufficient staff to carry out its responsibilities under committee rules, and that the minority is treated fairly in the appointment of subcommittee staff. This replaces an existing provision which entitles each subcommittee chairman and ranking minority member to appoint one staff person at a rate of pay up to 75% of the maximum allowable for committee staff.

It is the intent of this provision to reestablish the primacy of committees over subcommittees while maintaining the ability of subcommittees to carry out their functions as arms of the parent committee. Nothing in this rule would prevent a committee chairman from allowing a subcommittee chairman to nominate a staff member for approval, either as a matter of policy or committee rule. But, it places ultimate authority over all committee staff in the full committee chairman and restores the line of responsibility of all such staff to the full committee.

Subsection (d) amends clause 6 of rule XI ("Committee Staffs") in several respects. First, it eliminates the distinction between professional and clerical staff so that all 30 of the core committee staff are termed "professional." Under existing rules, each committee may appoint 18 professional and 12 clerical staff, with the minority entitled to one-third of each category. The one-third guarantee to the minority is retained, but with the difference that it would apply even if the committee appoints fewer than 30 staff.

The existing conditions that committee staff engage only in committee business during congressional working hours and not be assigned duties other than committee business are retained. However, the rule is amended to recognize the existence of shared or associate staff who may be paid from both Member clerk hire as well as committee funds. In such cases, the chairman must certify that their committee work is commensurate with their pay. It is the intent of this rule to permit a chairman to require by committee rule or policy that a supervising

Member first certify the same to the chairman if a staff member is not working directly under the chairman.

The new rule also makes clear that the employment of such shared or committee staff is subject to such terms, conditions, or limitations as may be established by the Committee on House Oversight.

Sec. 102. Truth-in-Budgeting Baseline Reform: Subsection (a) amends House rule XI, clause 2(l)(3), relating to the contents of committee reports, to require that cost estimates submitted for reports on measures providing new budget authority shall include, when practicable, a comparison of the total estimated funding for the program (or programs), to the appropriate levels under current law.

Subsection (b) inserts similar language in clause 7(a) of rule XIII, relating to cost estimates in committee reports (other than those of the Committees on Appropriations, Rules, House Oversight, and Standards of Official Conduct).

These provisions apply to individual pieces of legislation and not to the budget in its entirety. The changes as they relate to discretionary spending authorizations will require that the cost estimates show the entire amount being authorized by current law. In virtually all instances this will be the entire amount of the program because the authorization will be either extending an expired authorization (in which case the current law is zero) or expanding an existing authorization (in which case the current law for expansion will be zero). Therefore, the rule will require that cost estimates for all legislation providing discretionary spending authorization show the entire amount being authorized. Cost estimates for discretionary appropriations will likewise show the entire amount being appropriated.

The rule as applied to entitlement legislation will require that the cost estimate show the entire amount of spending estimated to occur due to the proposed legislation as well as the amount estimated under current law. This is a change from the previous method of scoring entitlement legislation which only showed the change from current law. Thus, if proposed entitlement legislation provides a lower rate of increase in spending than current law, the cost estimate will show that spending is increasing under the proposed legislation whereas previously the cost estimate would have shown only a reduction from current law.

Sec. 103. Term Limits for Speaker, Committee and Subcommittee Chairmen: Subsection (a) amends rule I ("Duties of the Speaker") by adding a new clause 8 at the end which prohibits any person from serving as House Speaker for more than four consecutive terms (excluding any service for less than a session of Congress), beginning with the 104th Congress. The eight year limit is consistent with the spirit of the current two-term limit on Presidents, with the exception of the term "consecutive."

While the rule cannot be made binding on future Congresses, since each has the constitutional authority to make its own rules, it does set a standard to go by which has been encouraged and agreed to by the new Speaker in the 104th Congress.

Subsection (b) amends clause 6(e) of rule X which currently provides that all vacancies on House standing committees shall be filled by election by the House from nominations submitted by the respective party caucus or conference. The new sentence provides that no Member may serve as the chairman of the same standing committee or subcommittee for more than three consecutive Congresses, beginning with the 104th Congress. The purpose of this new limitation is not merely to allow other Members to assume leadership

responsibilities sooner, but more importantly to prevent stagnation or too close a relationship to develop between committee leaders and the interests they oversee at the expense of balanced oversight and legislation.

Sec. 104. Proxy Voting Ban: Subsection (a) amends House rule XI, clause 2, which currently permits proxy voting in committees, by prohibiting the use of proxies by any Member on any measure or matter before a committee. Subsection (b) simply makes a conforming change in clause 2(e)(l) of rule XI by striking a reference to proxy voting.

The main purpose for this change is to ensure greater participation in committee deliberations and decisions so that the legislative product will be more representative and developed than if produced by a few members present. The overall aim of many of the committee reforms is to restore committees as the legislative workshops of the House.

This rule does not apply to House-Senate conference committees which operate under joint rules agreed to by a particular conference. Conference committees, for instance, do not require an actual meeting to sign the report (though they must hold at least one meeting at some point)—only a majority of conferees from each House to sign the report.

Sec. 105. Committee Sunshine Rules: Subsection (a) amends clause 2(g)(l) of rule XI, relating to open meetings to require that meetings which are open to the public shall also be open to the broadcast and photographic media. It also requires that meetings may only be closed by majority vote, with a majority present, if it is determined that matters to be disclosed would endanger national security, compromise sensitive law enforcement information, tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House. The subsection also strikes a provision allowing for a meeting to be closed to discuss internal budget or personnel matters.

Under present House rules, a committee must vote to approve coverage of a meeting by radio, television and still photography. And, a meeting may be closed for any purpose by majority vote.

Subsection (b) amends clause 2(g)(2) of rule XI, relating to open committee hearings, to require that any hearing open to the public is also open to the broadcast and photographic media and may only be closed by majority vote, a majority being present, for the same reasons stated in the open meeting rule above.

The present House rule requires a majority vote to open a hearing to the broadcast and photographic media. It also prohibits closing a meeting except for all of the specified reasons above except one: the new rule adds the condition relating to the disclosure of "sensitive law enforcement information."

Unchanged is the present rule provision permitting a majority of a committee hearing quorum (which could be as few as two members if a committee has adopted such a quorum requirement as permitted by House rules) to vote to close a hearing either to discuss whether testimony or evidence to be received would endanger national security or, in the case of an investigatory hearing, would tend to defame, degrade or incriminate any person (see clause 2(k)(5) of rule XI); or if a majority of the same hearing quorum makes a determination at an investigatory hearing that testimony or evidence to be disclosed would tend to defame, degrade or incriminate any person.

Subsection (c) amends clause 3(d) of rule XI, relating to the broadcasting of committee meetings or hearings, by striking the clause that makes coverage by the audio and visual media "a privilege made available by

the House." This reflects the new requirement that public meetings and hearings are automatically open to these media and does not require an affirmative vote of the committee.

Subsection (d) amends paragraph (e) of clause 3, rule XI, by eliminating the requirement that a committee must vote to permit audio and visual media coverage except as provided in paragraph (f)(2). Paragraph (f)(2), which permits a subpoenaed witness to demand that audio and visual coverage of that witness' testimony be prohibited, remains unchanged under the new rule. The subsection also provides that a committee or subcommittee may not limit television or photographic coverage to less than two representatives of each medium except for legitimate space or safety considerations, in which case pool coverage shall be authorized.

Sec. 106. Limitations on Tax Increases: Subsection (a) amends clause 5 of rule XXI by adding a new paragraph (c) at the end requiring a three-fifths vote of the House to pass or agree to any bill, joint resolution, amendment or conference report carrying a Federal income tax rate increase. The three-fifths vote would be of those present and voting. This should be read in the context of section 214 of the resolution which requires an automatic rollcall vote in the House on the final passage of any bill, joint resolution or conference report carrying a Federal income tax rate increase.

Subsection (b) adds a new paragraph (d) to clause 5 of rule XXI prohibiting the consideration of any bill, joint resolution, amendment or conference report carrying a retroactive Federal income tax rate increase. For purposes of these rules the term "Federal income tax rate increase" is, for example, an increase in the individual income tax rates established in section 1, and the corporate income tax rates established in section 11, respectively, of the Internal Revenue Code of 1986.

Sec. 107. Comprehensive House Audit: This section is a free-standing requirement that the Inspector General of the House, during the 104th Congress, in consultation with the Speaker and the Committee on House Oversight, conduct a comprehensive audit of House financial records and administrative operations, be authorized to contract with independent auditing firms for such purposes, and report the results of the audit as provided in House rule VI ("Office of Inspector General"), which requires the submission of any audit reports simultaneously to the Speaker, majority leader, and the chairman and ranking minority members of the Committee on House Oversight.

Sec. 108. Consideration of the "Congressional Accountability Act": Sec. 108 is a free-standing, special rule, permitting the consideration in the House, at any time after the adoption of the House rules' resolution, of H.R. 1 (104th Congress), a bill to make certain laws applicable to the legislative branch of the Federal Government, if offered by the majority leader or a designee. The special rule provides for one-hour of debate controlled equally by the majority and minority leaders, or their designees, and orders the previous question to final passage without intervening motion except one motion to recommit. The bill would not be subject to amendment unless offered as part of amendatory instructions in the motion to recommit.

TITLE II. GENERAL

Title II consists of 23 additional sections under a single introductory paragraph adopting the rules of the 103rd Congress together with the further amendments contained in those sections. As such, the 23 sections would not be subject to a division of the question

and separate votes. These would be a single vote on Title II following debate on it (and on any vote on a motion to commit).

Sec. 201. Administrative Reforms: Subsection (a) strikes from rule II references to the Doorkeeper as an elected House Officer (the office is abolished) and add the office of Chief Administrative Officer as a newly elected Officer of the House.

Subsection (b) amends rule III ("Duties of the Clerk") by adding two new clauses, 7 and 8, requiring the Clerk to make semi-annual reports on finances and operations of the Office, to the Committee on House Oversight, and to cooperate with the appropriate offices and persons conducting performance reviews and audits of the Office's finances and operations.

Subsection (c) amends House rules IV, V, and VI as follows:

Rule IV ("Duties of the Sergeant-at-Arms"), is amended to reflect the assumption by the Sergeant-at-Arms of certain duties and responsibilities previously under the Doorkeeper; to require semi-annual reports be made to the Committee on House Oversight regarding the finances and operations of the Office; and to require cooperation with appropriate persons in the performance of reviews and audits.

Rule V, previously relating to the "Duties of the Doorkeeper," is replaced by a new rule relating to the "Chief Administrative Officer" who shall assume many of the duties and functions previously vested in the Director of Non-Legislative and Financial Services (rule VI, clause 1, 103rd Congress). Specifically, the Chief shall have operational and financial responsibility for functions assigned by the Speaker and Committee on House Oversight, subject to their policy direction and oversight. In addition, the Chief shall make semi-annual reports to the Committee on House Oversight on the finances and operations of the Office, and cooperate fully with appropriate offices and persons conducting performance reviews and audits.

Rule VI, previously relating to the Director of Non-Legislative and Financial Services and the Office of Inspector General, is replaced by a new rule establishing the Office of Inspector General. The Office of Director of Non-legislative and Financial Services would be abolished by the adoption of this new rule.

As with the previous rule VI, clause 2, the Inspector General is to be appointed by the Speaker, majority leader, and minority leader, acting jointly. The Inspector General would be subject to the policy direction and oversight of the Committee on House Oversight, and would be responsible for conducting periodic audits of the financial and administrative functions of the House and joint entities. The audit responsibilities of the previous Inspector General were confined to the financial functions under the Director of Non-legislative and Financial Services, the Clerk, the Sergeant-at-Arms and the Doorkeeper.

The new responsibilities are therefore broadened to include all financial and administrative functions of the House and joint entities. The existing reporting and consultation requirements regarding any audits would be retained. Specifically, the Inspector General would be required to report simultaneously to the Speaker, majority leader, and the chairman and ranking minority member of the Committee on House Oversight any financial irregularities discovered, as well as on the final results of any audit.

Moreover, the Inspector General is required to report to the Committee on Standards of Official Conduct any potential violations of House rules or laws applicable to the performance of official duties or the discharge of official responsibilities of any

Member, officer or employee of the House. The Committee on Standards of Official Conduct would retain existing authority to refer any possible law violations to the appropriate Federal or State authorities, subject to House approval, under clause 4(e)(1)(C) of rule X.

Subsection (d) eliminates clause 3(j) of rule X which established a bipartisan Subcommittee on House Oversight of the former Committee on House Administration for the purpose of receiving audit reports and exercising oversight of the Clerk, Sergeant-at-Arms, Doorkeeper, Director of Non-legislative and Financial Services, and the Inspector General. These responsibilities will be assumed by the full Committee on House Oversight.

Subsection (e) amends clause 4(d) of rule X, regarding the additional functions of the Committee on House Oversight, by making conforming changes reflecting the committee's new name and changes made in the other Offices of the House.

Sec. 202. Changes in the Committee System: This section rewrites clause 1 of rule X ("The Committees and Their Jurisdiction"), to reflect the abolition of three committees—District of Columbia, Merchant Marine and Fisheries, and Post Office and Civil Service—the transfer of their jurisdictions, and the renaming and jurisdictional changes in other standing committees of the House.

Specifically, from the Committee on Merchant Marine and Fisheries, the national security aspects of merchant marine jurisdiction is transferred to the Committee on National Security (formerly Armed Services); the Coast Guard jurisdiction is transferred to the Committee on Transportation and Infrastructure (formerly Public Works and Transportation); and the fisheries, marine, non-national security aspects of the merchant marine, oceanographic affairs, and endangered species jurisdictions are transferred to the Committee on Resources (formerly Natural Resources).

The Committee on Government Reform and Oversight (formerly Government Operations), would assume the jurisdictions of the committees on District of Columbia and Post Office and Civil Service, except for the Franking Commission which goes to House Oversight (formerly House Administration).

Approximately 20 percent of the jurisdiction of the former Committee on Energy and Commerce (renamed the Committee on Commerce by this resolution) would go to the following committees: primary jurisdiction over Glass-Steagall reform legislation to the Committee on Banking and Financial Services (formerly Banking, Finance and Urban Affairs); consolidation of food inspection jurisdiction to the Committee on Agriculture; railroad jurisdiction to the Committee on Transportation and Infrastructure; Trans-Alaska Pipeline to the Committee on Resources; inland waterways jurisdiction to Transportation and Infrastructure; and consolidation of energy research and development jurisdiction under the Committee on Science.

The Committee on the Budget would gain certain jurisdiction over budgetary legislation from the Committee on Government Reform and Oversight.

Other committee names changes include: Economic and Educational Opportunities (formerly Education and Labor); and International Relations (formerly Foreign Affairs).

Sec. 203. Oversight Reform: Subsection (a) adds two new subparagraphs (d) and (e) at the end of clause 2 of rule X ("General Oversight Responsibilities"). Paragraph (a) requires each standing committee of the House, no later than February 15 of the first session of a Congress, to adopt in open ses-

sion, with a quorum present, its oversight plans for that Congress, and to submit them to the committees on House Oversight and Government Reform and Oversight.

Committees shall, to the maximum extent feasible, consult with other committees having related jurisdictions to ensure coordination and cooperation in formulating and implementing oversight plans; give priority consideration to including in its plans the review of those laws, programs or agencies operating under permanent authority; and ensure that all laws within their jurisdictions are subject to oversight review at least once every ten years.

No expense resolution could be considered for any committee which has not submitted its oversight plans to the Committee on House Oversight and the Committee on Government Reform and Oversight. Not later than March 31 of the first session of a Congress, after consulting with the Speaker and majority and minority leaders, the Committee on Government Reform and Oversight shall publish the oversight plans of the various committees, together with any recommendations made by the joint leadership group to ensure the most effective coordination of the plans.

Paragraph (e) of rule X, clause 2, authorizes the Speaker, with the approval of the House, to appoint special, ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more committees.

Subsection (b) of the resolution amends clause 1(d) of rule XI, which now requires committee to submit an activity report at the end of each Congress, to include in such reports separate sections on the committees' legislative and oversight activities, including a summary of the oversight plans submitted and actions taken and recommendations made with respect to each such plans, as well as any additional oversight activities undertaken by the committees.

It is the intent of this section to ensure that committees make a more concerted, coordinated and conscientious effort to develop meaningful oversight plans at the beginning of each Congress and to follow-through on their implementation, with a view to examining the full range of the laws under their jurisdiction over a period of five Congresses.

Sec. 204. Member Assignment Limits: Clause 6(b) of rule X, relating to committee memberships, would be amended by adding a new subparagraph (b) that would limit Members to no more than two standing committee assignments and four subcommittee assignments. The limitation would not apply to committee chairman and ranking minority members who serve as ex officio members of all subcommittees of their committees. Any exceptions to these limits must be approved by the House upon the recommendation of the respective party caucus or conference.

The term subcommittee is defined for purposes of this subparagraph as any panel (other than a special oversight panel of the Committee on National Security), task force, special subcommittee, or any subunit of a committee that is established for a cumulative period of longer than six months in a Congress.

It is the intent of this rule that any waivers by a party caucus or conference be specifically approved before it is presented to the House for consideration. If such party caucus or conference recommendations are specifically approved at the beginning of a Congress, the election of committees by the House will be considered as the requisite approval by the House of any exceptions to the committee limitation. However, any exceptions to the subcommittee limitation would

have to be reported to the House from the respective party caucus or conference.

Sec. 205. Multiple Referral Reform: Clause 5(c) of rule X ("Referral of Bills, Resolutions, and Other Matters to Committees") is amended to require the Speaker to designate a committee of primary jurisdiction upon the initial referral of a measure to a committee. The Speaker would have the discretion to also refer the same measure to other committees in sequence (sequential referral), either upon its initial introduction or after the primary committee has reported, subject to time limits for reporting by the secondary committees; or to refer designated portions of the same measure to other committees (split referral); or to refer a measure to a special ad hoc committee consisting of committees with shared jurisdictions over the measure.

This rule change differs from the present referral rule in four significant respects. First, the designation of a committee of primary jurisdiction is designed to ensure greater accountability for legislation. Second, the rule eliminates so-called joint referrals which technically gave committees authority to consider the same portions of legislation as other committees (though referrals are always for consideration only of such provisions as fall within a committee's jurisdiction). Third, giving the Speaker discretion to make sequential or split referrals allows more flexibility than the current requirement that every committee having any jurisdiction over a measure, no matter how minor, must receive a referral. And fourth, the ability of the Speaker to designate a secondary committee for sequential referral purposes upon the initial introduction of a measure will allow that committee to proceed with its work on the measure immediately, if it wishes.

Nothing in this rule should be construed to prevent a secondary committee from reporting prior to the primary committee. However, it is the intent of the rule to the extent possible, to allow the primary committee to report before a measure is scheduled for floor consideration, unless it waives its right to report or the Speaker exercises discretion to impose a time limit on the primary committee for reporting and it fails to meet the deadline, in which case it will be considered to have been discharged of the measure.

Sec. 206. Accuracy of Committee Transcripts: Clause 2(e)(1) of rule XI ("Committee Records"), is amended to require that committee transcripts shall be a substantially verbatim account of remarks actually made during proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

The current rule requires committees to keep a complete record of all committee action, including a record of the votes on any question on which a rollcall vote is demanded. It is the intent of the new rule to require that where stenographic transcripts are kept of committee meetings or hearings, they not be subject to substantive changes by either the persons making the remarks or by staff.

It is not the intent of this rule that all meeting and hearing transcripts be published. However, in those instances in which persons involved in a meeting or hearing are allowed to review and correct their remarks before publication of the transcripts, any corrections must be specifically authorized by that person and cannot alter the substantive content of the remarks. To the extent a person making remarks wishes to elaborate on any point, such substantive modifications should be treated the same as extensions of remarks on House floor speeches, i.e., they should be clearly delineated

from remarks actually made by being printed in a typeface that is clearly distinguishable from verbatim remarks.

Sec. 207. Elimination of "Rolling Quorums": Clause 2(l)(2)(A) of rule XI is amended by striking the existing provision which establishes a presumption that a committee majority was actually present at the time a measure is reported if the records of the committee show that a majority of the committee responded on a rollcall vote on the question, and prohibits a point of order to lie in the House that a majority was not present unless the point of order was timely made in the House.

In so doing, the rule change restores the previous requirement that a "majority of the committee was actually present" at the time a measure was ordered reported. The fact that a committee orders a measure reported by voice vote without a quorum present, and no point of order is made at the time, does not prevent the point of order from being made in the House when the measure is called-up for consideration.

It should also be emphasized that the requirement that a majority be actually present at the time the measure is reported from a committee means that a majority must be contemporaneously assembled at the time the vote is taken. Unlike a House floor vote during which Members may come and go during the course of a vote, the committee quorum rule, absent the old "rolling quorum" latitude, means a committee can no longer simply leave a vote open until a sufficient number of Members have responded to their names. Prior to the "rolling quorum" rule, the Committee on Rules has decided against granting a rule when presented with evidence that a majority was not actually present when the measure was reported.

Sec. 208. Limitation on Committees' Sittings: Clause 2(i) of rule XI, which currently prohibits committees from sitting during a joint, House-Senate session or meeting, would be amended to prohibit any committees except the committees on Appropriations, Budget, Rules, Standards of Official Conduct, and Ways and Means, from sitting while the House is reading a measure for amendment under the five-minute rule. Special leave to sit could be granted unless ten or more members object to a unanimous consent request, or upon the adoption by the House of a motion offered by the majority leader. This restores the rule in existence prior to the 103d Congress, with the only exception being the addition of a privileged motion by the majority leader. It is anticipated that the Speaker will again promulgate guidelines as to when and under what circumstances special leave may be requested.

Sec. 209. Accountability for Committee Votes: Clause 2(l)(2)(B) of rule XI, which now requires that the results of any rollcall vote to report a measure be included in a committee report, would be amended to require that the names of those members voting for and against any amendment or motion to report a measure by rollcall vote be included in the committee report.

It is the intent of this rule to provide for greater accountability for record votes in committees and to make such votes easily available to the public in committee reports. At present, under clause 2(e)(1) of rule XI, the public can only inspect rollcall votes on matters in the offices of committees. It is anticipated that with the availability of committee reports to the public through electronic form the listing of votes in reports will be more bill-specific than earlier proposals to publish all votes in the Congressional Record twice a year.

Sec. 210. Affirming the Minority's Right on Motions to Recommit: Clause 4(b) of rule XI,

which, among other things, prohibits the Committee on Rules from denying a motion to recommit as provided in clause 4 of rule XVI, would be amended to clarify and ensure that such right includes the right to offer amendatory instructions, otherwise in order under the rules, in a motion to recommit, if offered by the minority leader or a designee.

Exempted from this guarantee would be the motion to recommit a Senate bill or resolution for which the text of a House-passed measure has been substituted. This exemption recognizes that the minority would already have had the opportunity to offer a motion to recommit with instructions on the original House-passed measure being substituted for the Senate measure.

It is the intent of this rule to restore the original purpose of clause 4(b) when it was adopted in 1909 to give the minority a final opportunity to offer an amendment of its choosing in a motion to recommit prior to the final passage of a bill.

Sec. 211. Waiver Policy for Special Rules: Clause 4 of rule XI, relating to the Rules Committee, is amended by adding a new paragraph (e) at the end to require that whenever the Rules Committee reports a resolution providing for the consideration of a measure, it shall, to the maximum extent possible, specify in the resolution any House rules being waived against the measure or against its consideration.

It is the intent of this rule that Members be fully informed as to what potential violations of House Rules are involved in considering a bill. This in turn will require committee chairmen to determine in advance of their Rules Committee appearance what waivers they will seek, and to be prepared to explain and defend those waivers before the Rules Committee. It is the ultimate intent of the rule change that Committee will be more careful prior to reporting a measure to ensure against any rules violations in the bill or report.

While the failure of the Rules Committee to specify waivers in a rule would not give rise to a point of order against a special rule that waives all points of order, it is expected that the Rules Committee will, in all but the most time-sensitive situations, endeavor to determine what specific waivers are required and to detail them in the rule.

Sec. 212. Prohibition on Delegate Voting in Committee of the Whole: Subsection (a) amends rule XII ("Resident Commissioner and Delegates") by striking clause 2 which now entitles the Resident Commissioner from Puerto Rico and each Delegate to the House to the same powers and privileges in the Committee of the Whole on the state of the Union as other House Members.

Subsection (b) amends clause 1 of rule XXIII ("Of Committees of the Whole House") by striking "Resident Commissioner, or Delegate" as being eligible for appointment by the Speaker to chair the Committee of the Whole.

Subsection (c) amends clause 2 of rule XXIII by striking paragraph (d) which provided for an immediate re-vote in the House whenever the votes of the Resident Commissioner and Delegates were decisive to the outcome of a vote in the Committee of the Whole.

Sec. 213. Accuracy of the Congressional Record: Rule XIV ("Of Decorum and Debate") is amended by adding a new clause 9 requiring that the Congressional Record be a substantially verbatim account of remarks made during debate. Members could only authorize technical, grammatical and typographical corrections. Unparliamentary remarks could only be deleted by permission or order of the House. However, Members may

still insert undelivered remarks so long as they are delineated by a different typeface. Breaches of the rule could be subject to investigation by the Committee on Standards of Official Conduct.

Sec. 214. Automatic Rollcall Votes: Rule XV ("On Calls of the Roll and House") is amended by adding a new clause 7 to require an automatic rollcall vote on the final passage or adoption of any bill, joint resolution, or conference report, making general appropriations, increasing Federal income tax rates, or on final adoption of a budget resolution or a conference report thereon.

Sec. 215. Appropriations Reforms: Subsection (a) amends clause 2(d) of rule XXI ("On Bills") by providing that motions to rise and report an appropriations bill after the bill has been read for amendment shall only have precedence if offered by the majority leader or a designee. Under current rules, so-called limitation amendments not specifically contained or authorized in existing law, may only be offered if the motion to rise is not offered or is rejected after other amendments to the bill have been disposed of. The intent of the new rule is to permit the offering of limitation amendments at the end of the reading, subject only to a motion to rise offered by the majority leader or a designee.

Subsection (b) adds a new paragraph (e) to clause 2 of rule XXI to prohibit reporting any non-emergency matter in an appropriations bill containing an emergency designation under the Budget Act. The only exceptions are for provisions which rescind budget authority, reduce direct spending authority, or reduce the amount for a designated emergency. While the Committee on Appropriations could evade this prohibition by giving an entire bill an emergency designation, it is the clear intent of this rule that no non-emergency items should be given such blanket coverage. Let exposed, as they should be, such non-emergency items would be subject to deletion if a point of order is made and sustained.

It is not the intent of this rule to make in order any amendments not otherwise in order under the rules. Thus, any amendments to rescind or reduce direct spending must be germane to the bill as reported or be given special protection by way of a special rule reported by the Rules Committee and adopted by the House.

Subsection (c) amends clause 2 of rule XXI by adding a new paragraph (f) to permit the offering of so-called offsetting amendments in appropriations bill. At present, appropriations measures are read for amendment by paragraph, meaning it is not possible to offer an amendment that is deficit neutral if it goes to paragraphs not yet pending. The new rule would allow the offering of such offsetting amendments en bloc and not subject to a division of the question in the House or the Committee of the Whole.

When such an en bloc amendment is offered, and prior to the debate on it, the chair will ask whether there are any points of order against any portion of the bill covered by the amendment. If such a point of order is sustained, and the provision in the bill stricken, the amendment would no longer be in order as a proper offset.

To qualify as an offsetting amendment for purposes of this paragraph, the proponent must be able to demonstrate that the net effect of the amendment would not increase overall budget authority or outlays in the bill. Since appropriations bills only contain the amount of budget authority being appropriated, it should be kept in mind that the off-setting numbers may not be the same since the ultimate test is whether the amendment does not increase the deficit—and deficits are determined by outlays in a

fiscal year, not by the amount of budget authority appropriated for a particular matter. It will therefore be necessary for the author of an offsetting amendment to work closely with the Congressional Budget Office to ensure that the bottom line amendment makes equivalent increases and decreases in outlays resulting from the changes in budget authority.

Subsection (d) amends clause 3 of rule XXI to require that the Committee on Appropriations include in its report a list of all appropriations contained in a bill for any expenditure not previously authorized by law (except for classified intelligence or national security programs, projects or activities). Clause 3 already requires that committee reports include a listing of legislative provisions contained in the bill. Since the point of order under clause 2 of rule XXI lies against both unauthorized and legislative provisions, it is only reasonable that the report should contain information on both. It is the intent of this rule that the test of compliance will be whether the committee has made a good faith effort to include all unauthorized matters in its report that it is aware of. The inadvertent omission of an unauthorized matter in a committee report will not give rise to a point of order against the consideration of the bill, though a point of order would still lie against the provision in the bill.

Subsection (e) adds a new clause 8 to rule XXI to provide for the automatic reservation of points of order against provisions in an appropriations bill at the time the report on it is filed. Under current rules, the points of order under clause 2 of rule XXI are against the reporting of any unauthorized or legislative provision in an appropriations bill. This means that, for a point of order to be valid, it must be raised or reserved at the time the measure is actually reported, that is, at the time the report is filed in the House. This has required that a minority representative of the committee accompany the majority member filing the report in order to reserve points of order at the time the report is filed. Under the new rule, it will no longer be necessary to reserve points of order at the time an appropriations bill is filed. Members' rights to later raise such points of order will automatically be protected.

Sec. 216. Ban on Commemoratives: Subsection (a) amends clause 2 of rule XXII ("Of Memorial, Bills and Resolutions") by prohibiting the introduction or consideration of any bill, resolution, or amendment which establishes or expresses any commemoration. For purposes of the new rule, a commemoration is defined as "any remembrance, celebration, or recognition for any purpose through the designation of a specified period of time."

The existing clause 2, which would be retained as paragraph (a), includes a similar prohibition against the receipt or consideration by the House of private bills, resolutions or amendments authorizing or directing the payment of money for certain property damages or for personal injury or death for which suit may be instituted under the Tort Claims procedure; for the construction of a bridge across a navigable stream; or for the correction of a military or naval record.

The new ban on date-specific commemorative measures or amendments applies to both the introduction and consideration of any measure containing such a commemorative. This is intended to include measures in which such a commemorative may only be incidental to the overall purpose of the measure. Such measures will be returned to the sponsor if they are dropped in the legislative hopper. The prohibition against consideration also extends to any measures received from the Senate which contain date-specific commemorative. While it does not

block their receipt from the other body, it is intended that such measures would not be referred to the appropriate committee of the House or be considered by the House. Instead, they would simply be held at the desk without further action. Should such a commemorative be included in a conference report or Senate amendment to a House bill, the entire conference report or Senate amendment would be subject to a point of order.

While the ban does not apply to commemorative which do not set aside a specified period of time, and instead simply call for some form of national recognition, it is not the intent of the rule that such alternative forms should become a new outlet for the consideration of such measures. Thus, while they could be referred to an appropriate committee, it is not expected that such committees should feel obligated or pressured to establish special rules for their release to the House floor. Nor should it be expected that the Rule Committee should become the new avenue for regular waivers of the rule against date specific commemorative. Such exceptions should be limited to those rare situations warranting special national recognition as determined by the Leadership.

Subsection (b) is a free-standing directive to the Committee on Government Reform and Oversight to consider alternative means for establishing commemorations, including the creation of an independent or Executive branch commission for such purpose, and to report to the House its recommendations thereon.

Sec. 217. Numerical Designation of Amendments: Clause 6 of rule XXIII ("Of Committees of the Whole") is amended to add a new sentence requiring that amendments submitted for printing in the amendments portion of the Congressional Record be given a numerical designation in the sequence submitted for a particular bill.

The clause already requires that amendments printed in the Record be allowed five minutes of debate for and against, even if the Committee of the Whole has voted to close debate on a particular section or paragraph, and that time has expired. It is the purpose of this further amendment to the rule to facilitate reference to such amendments for the convenience of Members and committee managers alike, and to encourage Members to utilize the pre-printing option for their amendments.

The new rule may also make it possible for the Committee on Rules to reference numerically designated amendments in special rules that structure the amendment process since the Congressional Record is often more readily available to Members and their staff than are Rules Committee reports.

Sec. 218. Pledge of Allegiance: Clause 1 of rule XXIV ("Order of Business") is amended to insert the Pledge of Allegiance as the third order of business each day in the House, following the approval of the Journal and preceding the correction of reference of public bills. This change codifies a practice in effect in the House since 1988.

Sec. 219. Discharge Petitions: Clause 3 of rule XXVII ("Change or Suspension of the Rules") is amended to require that the Clerk publish in the Congressional Record on the last day of House session each week the names of those Members who have signed a discharge motion during that week, and to make available on a daily basis, in an appropriate office, the cumulative lists of names of those Members who have signed pending discharge motions. Finally, the new rule directs the Clerk to devise a means for making such names on discharge petitions available to House offices and the public by electronic form.

In the 103d Congress, the House adopted a new rule making the names of Members signing discharge petitions immediately available for public inspection. However, the rule change did not specify how such publication was to be accomplished. This rule change codifies the current practice of daily availability of all motions and signatures in a House office, and the weekly publication of new signatures in the Congressional Record. The directive regarding making such lists available by computer is in line with other ongoing initiatives to make House documents generally available to the public through computer networks.

Sec. 220. Protection of Classified Materials: Rule XLIII ("Code of Official Conduct") would be amended by adding a new clause 13 requiring that any Member, officer or employee of the House take an oath or affirmation on non-disclosure of classified information prior to being given access to such materials. Copies of the executed oath would be retained by the Clerk of the House as part of the records of the House.

Sec. 221. Select Committee on Intelligence: Subsection (a) amends clause 1(a) of rule XLVIII ("Permanent Select Committee on Intelligence") to change the composition of the committee from 19 to 16 members, of whom not more than nine may be of the same political party.

Subsection (b) amends clause 1(b) of rule XLVIII, to substitute the Speaker for the majority leader as a non-voting ex officio member of the committee, along with the minority leader. The subsection also allows both the Speaker and minority leader to designate one of their leadership staff to assist them in their roles as ex officio members of the committee, with all the same rights, privileges, and requirements as if members of the select committee staff. The purpose of this clause is to allow designated leadership staff the same access to committee documents and materials, briefings, hearings, and meetings, without having to become committee staff members for such access. A conforming change is made by striking subparagraph (c)(3) of clause 7 which permits the Speaker to attend any select committee

meeting and have access to any committee information.

Subsection (c) amends clause 1 of rule XLVIII to extend from three (in any five consecutive Congresses) to four (in any six consecutive Congresses) the number of consecutive Congresses any Member (other than the Speaker and minority leader) may serve on the select committee, and to permit a chairman or ranking minority member who attain those positions in their fourth terms on the committee to serve in those positions for an additional term.

Subsection (d) amends clause 2(a) of rule XLVIII to clarify the committee's jurisdiction to reflect current referral practices.

Sec. 222. Abolition of Legislative Service Organizations: This is a free-standing provision that prohibits in the 104th Congress the establishment or continuation of any legislative service organization (as the term is defined and authorized in the 103rd Congress). The Committee on House Oversight is authorized to take necessary steps to ensure the orderly termination and accounting for funds of any such LSO in existence on January 3, 1995. So-called LSO's are those organizations recognized through the House Administration Committee in the 103rd Congress which are allowed to utilize Member Clerk hire funds for the staffing of such special purpose organizations. It is the intent of this rule that the Committee on House Oversight will oversee the shut-down of such organizations in a manner to ensure the maximum accountability possible for any funds allocated for their operation. This is especially important in view of the comprehensive audit required by section 107 of the resolution.

Sec. 223. Miscellaneous Provisions and Clerical Corrections: Subsection (a) amends clause 5(b)(1) of rule I ("Duties of the Speaker") to expand the Speaker's current authority to postpone votes on certain matters for up to two legislative days to include the previous question votes on adopting a resolution, passing a bill, instructing conferees, or agreeing to a conference report. At present, the only previous question vote the Speaker

may postpone is on a privileged resolution from the Rules Committee.

Subsection (b) establishes an Office for Legislative Floor Activities in the Office of the Speaker, and authorizes the Speaker to appoint and set the pay for floor assistants to assist him in managing legislative floor activity.

Subsection (c) amends clause 2(d) of rule XI by allowing the chairman of a committee to designate any member of the committee, or of any subcommittee thereof, as vice chairman, to preside in the chairman's absence. The present rule specifies that the ranking majority member shall serve as vice chairman.

Subsection (d) amends clause 7 of rule XIV ("Of Decorum and Debate") to include in those provisions of prohibited activities on the House floor the use of personal, electronic office equipment, including cellular phones and computers. It is the purpose of this new rule to avoid the disruptions and distractions that can be caused by the sounds emitted from such equipment. As with any disruption to the decorum of House floor debate, it is anticipated that the Speaker could instruct the Sergeant-at-Arms to take necessary steps to restore order.

Subsection (e) amends clause 5(b) of rule XV ("On Calls of the Roll and House") to permit the Speaker to reduce to five-minutes the vote that occurs following the vote on the previous question on any matter. The present rule confines this authority to the vote following the previous question vote only on a special rule from the Rules Committee.

Subsection (f) makes clerical corrections in clause 3 of rule III, "Duties of the Clerk" by inserting "and" prior to the last in a series of clauses; and in clause 2(l)(1)(B) of rule XI by striking a reference to subdivision (C) that had been previously repealed.

Subsection (g) is a free-standing provision that permits more than one prime sponsor on the first 20 bills and the first three joint resolutions introduced in the House in the 104th Congress. This is done to permit the Leadership to designate multiple-authors of certain priority legislation.

NOTICE

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141

WASHINGTON, WEDNESDAY, JANUARY 4, 1995

No. 1

Senate

The fourth day of January being the day prescribed by House Concurrent Resolution 315 for the meeting of the 1st session of the 104th Congress, the Senate assembled in its Chamber at the Capitol, at 12 noon.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember David Marcos, assistant executive clerk in the Secretary's office, who lost his wife, Ann, last Thursday.

For there is no power but of God: The powers that be are ordained of God.—Romans 13:1.

Eternal God, sovereign Lord of history, Governor of the nations, Your word is very clear. Authority comes from God, and authority is accountable to God. As the Senate opens the 104th Congress, engrave in the hearts and minds of Your servants this transcendent truth. Help them to live their lives and do their work profoundly aware of their God-ordained responsibility.

Gracious God, grant to the Senators who are sworn in today a special sense of this profound fact, that they are here not simply because they sought the office or because the people elected them but that behind the whole process was the sovereign appointment of the Lord.

Grant them grace to fulfill the purpose for which Thou hast placed them here. Be with their families as they make the adjustments to the tough schedules and the endless hours demanded of Senators. Grant to all who serve in the Senate the gifts of love and loyalty and patience.

We pray in His name who is truth and love incarnate. Amen.

CERTIFICATE OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate one certificate of election to fill an unexpired term and the credentials of 33 Senators elected for 6-year terms beginning on January 3, 1995.

All certificates, the Chair is advised, are in the form suggested by the Senate or contain all the essential requirements of the form suggested by the Senate. If there be no objection, the reading of the above-mentioned letters and the certificates will be waived, and they will be printed in full in the RECORD.

The majority leader.

Mr. DOLE. There is no objection.

The VICE PRESIDENT. Without objection, it is so ordered.

The documents ordered to be printed in the RECORD are as follows:

STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Fred Thompson was duly chosen by the qualified electors of the State of Tennessee a Senator for the unexpired term ending at noon on the 3rd day of January, 1997 to fill the vacancy in the representation from said State in the Senate of the United States caused by the resignation of Al Gore, Jr.

Witness: His excellency our Governor, Ned McWherter, and our seal hereto affixed at Nashville this 2nd day of December, in the year of our Lord 1994.

By the Governor:

NED MCWHERTER,
Governor.

STATE OF MICHIGAN

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, E. Spencer Abraham of 841

Chaseway Blvd., Auburn Hills, Michigan, 48326, was duly chosen by the qualified electors of the State of Michigan a Senator from said State to represent the State of Michigan in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our governor John Engler, and our seal hereto affixed at ten-thirty a.m. this seventh day of December, in the year of our Lord nineteen hundred and ninety-four.

JOHN ENGLER,
Governor.

STATE OF HAWAII

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the eighth day of November, 1994, Daniel K. Akaka was duly chosen by the qualified electors of the State of Hawaii a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our governor, John Waihee, and our seal hereto affixed at Honolulu this 28th day of November, in the year of our Lord 1994.

By the Governor:

JOHN WAIHEE,
Governor.

STATE OF MISSOURI

CERTIFICATE OF ELECTION FOR UNITED STATES SENATOR FOR A SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, John Ashcroft was duly chosen by the qualified electors of the State of Missouri a Senator from said state to represent said state in the United States Senate for a term of six years, beginning on the 3rd day of January, 1995.

In testimony whereof, I hereunto set my hand and cause to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 7th day of December, 1994.

MEL CARNAHAN,
Governor.

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



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STATE OF NEW MEXICO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Jeff Bingaman was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor, Bruce King, and our seal hereto affixed on this 30th day of November, in the year of our Lord 1994.

Given under my hand and the Great Seal of the State of New Mexico in the City of Santa Fe, the Capitol, on this 30th day of November, A.D. 1994.

BRUCE KING,
Governor.

STATE OF NEVADA

To the President of the Senate of the United States:

This is to certify that at a general election held in the State of Nevada on Tuesday, the eighth day of November, nineteen hundred and ninety four, Richard H. Bryan was duly chosen by the qualified electors of the State of Nevada a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and ninety-five.

Witness: His excellency our Governor Bob Miller, and our seal hereto affixed at Carson City this eighth day of December, in the year of our Lord nineteen hundred and ninety-four.

By the Governor:

BOB MILLER,
Governor.

STATE OF MONTANA

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, A.D. 1994, Conrad Burns was duly chosen by the qualified electors of the State of Montana a Senator from said State to represent said State in the United States Senate for the term of six years, beginning on the 3rd day of January, 1995.

In witness whereof, I have hereunto subscribed my name and affixed the Great Seal of the State of Montana, at Helena, the Capitol, this 6th day of December, 1994.

MARC RACICOT,
Governor.

STATE OF WEST VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the eighth day of November, 1994, Robert C. Byrd was duly chosen by the qualified electors of the State of West Virginia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1995.

Witness: His excellency our Governor Gaston Caperton, and our seal hereto affixed at Charleston this 20th day of December, in the year of our Lord 1994.

By the Governor:

GASTON CAPERTON,
Governor.

STATE OF RHODE ISLAND AND PROVIDENCE
 PLANTATIONS

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, John H. Chafee was duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His Excellency our Governor Sundlun, and our seal affixed on this 10th day of December, in the year of our Lord 1994.

BRUCE SUNDLUN,
Governor.

STATE OF NORTH DAKOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Kent Conrad was duly chosen by the qualified electors of the state of North Dakota as Senator from said State to represent said state in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor Edward T. Schafer, and our seal hereto affixed at Bismarck this 8th day of December, in the year of our Lord 1994.

By the Governor:

EDWARD T. SCHAFER,
Governor.

STATE OF OHIO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Mike DeWine was duly chosen by the qualified electors of the State of Ohio a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our governor George V. Voinovich, and our seal hereto affixed at Columbus, Ohio, this 20th day of December, in the year of our Lord 1994.

GEORGE V. VOINOVICH,
Governor.

STATE OF CALIFORNIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Dianne Feinstein was duly chosen by the qualified electors of the State of California a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

In witness whereof I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 15th day of December 1994.

PETE WILSON,
Governor of California.

STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Bill Frist was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to rep-

resent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor, Ned McWherter, and our seal hereto affixed at Nashville this 2nd day of December, in the year of our Lord 1994.

By the Governor:

NED MCWHERTER,
Governor.

STATE OF WASHINGTON

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Slade Gorton was duly chosen by the qualified electors of the State of Washington a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

In Witness Thereof, I have hereunto set my hand and caused the seal of the State of Washington to be affixed this 8th day of December, A.D. 1994, at Olympia, the State Capital.

MIKE LOWRY,
Governor.

STATE OF MINNESOTA

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Rod Grams was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor Arne H. Carlson, and our seal hereto affixed at St. Paul, Minnesota this 22nd day of November, in the year of our Lord 1994.

ARNE H. CARLSON,
Governor.

STATE OF UTAH

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Orrin Hatch was duly chosen by the qualified electors of the State of Utah a Senator from said state to represent said state in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor Michael O. Leavitt, and our seal hereto affixed at the state capitol this 28th day of November, in the year of our Lord 1994.

By the Governor:

MICHAEL O. LEAVITT,
Governor.

STATE OF TEXAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Kay Bailey Hutchison was duly chosen by the qualified electors of the State of Texas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: Her excellency our Governor, and our seal hereto affixed at Austin this 8th of December, in the year of our Lord 1994.

By the Governor:

ANN W. RICHARDS,
Governor.

STATE OF VERMONT

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Jim Jeffords was duly chosen by the qualified electors of the State of Vermont a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor Howard Dean, M.D., and our seal hereto affixed at Montpelier this 30th day of November, 1994.

HOWARD DEAN,
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, nineteen hundred and ninety-four, Edward M. Kennedy was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and ninety-five.

Witness: His Excellency our Governor, William F. Weld, and our seal hereto affixed at Boston, this thirtieth day of November in the year of our Lord nineteen hundred and ninety-four.

By His Excellency the Governor:
WILLIAM F. WELD.

STATE OF NEBRASKA

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Bob Kerrey was duly chosen by the qualified electors of the State of Nebraska a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighth Day of December in the year of our Lord, one thousand nine hundred and ninety-four.

BEN NELSON,
Governor.

STATE OF WISCONSIN

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Herb Kohl was duly chosen by the qualified electors of the State of Wisconsin as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our governor Tommy G. Thompson, and our seal hereto affixed at Madison this 12th day of December, 1994.

By the Governor:
TOMMY G. THOMPSON,
Governor.

STATE OF ARIZONA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Jon Kyl was duly chosen by the qualified electors of the State of Arizona as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency the Governor of Arizona, and the great seal of Arizona hereto affixed at Phoenix, the capital, this 28th day of November, in the year of our Lord, 1994.

By the Governor:
FIFE SYMINGTON,
Governor.

STATE OF NEW JERSEY

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Frank R. Lautenberg was duly chosen by the qualified electors of the State of New Jersey a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: Her excellency our Governor Christine Todd Whitman, and our seal hereto affixed at Trenton, this sixth day of December, in the year of our Lord, 1994.

By the Governor:
CHRISTINE TODD WHITMAN,
Governor.

STATE OF CONNECTICUT

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the eighth day of November, nineteen hundred and ninety-four, Joe Lieberman was duly chosen by the qualified electors of the State of Connecticut Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January nineteen hundred and ninety-five.

Witness: His excellency our Governor Lowell P. Weicker, Jr., and our seal hereto affixed at Hartford, this thirtieth day of November, in the year of our Lord, 1994.

By the Governor:
LOWELL P. WEICKER, Jr.,
Governor.

STATE OF MISSISSIPPI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Trent Lott was duly chosen by the qualified electors of the State of Mississippi, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

Done at the Capitol in the City of Jackson, this the 10th day of November, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America, the two hundred and nineteenth.

By the Governor:
KIRK FORDICE,
Governor.

STATE OF INDIANA

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, nineteen hundred ninety-four, Richard G. Lugar was duly chosen by the qualified electors of the State of Indiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred ninety-five.

Witness: His excellency our Governor, Evan Bayh, and our seal hereto affixed at Indianapolis, Indiana, this fifteenth day of De-

cember in the year of our Lord nineteen hundred ninety-four.

By the Governor:
EVAN BAYH,
Governor.

STATE OF FLORIDA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the eighth day of November, A.D., 1994, Connie Mack was duly chosen by the qualified electors of the State of Florida a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1995.

Witness: His excellency our Governor, Lawton Chiles, and our seal hereto affixed at Tallahassee, this Sixteenth day of November, in the year of our Lord 1994.

By the Governor:
LAWTON CHILES,
Governor.

STATE OF NEW YORK

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, 1994, Daniel Patrick Moynihan was duly chosen by the qualified electors of the State of New York a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January 1995.

Witness: His excellency our Governor, Mario M. Cuomo, and our seal hereto affixed at Albany this fourteenth day of December, in the year one thousand nine hundred ninety-four.

By the Governor:
MARIO M. CUOMO.

COMMONWEALTH OF VIRGINIA

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Charles S. Robb was duly chosen by the qualified electors of the Commonwealth of Virginia a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, 1995.

Witness: His excellency our Governor, George Allen, and our lesser seal hereto affixed at Richmond, this 29th day of November, in the year of our Lord 1994.

By the Governor:
GEORGE ALLEN,
Governor.

STATE OF DELAWARE

To the President of the Senate of the United States:

Be it known, an election was held in the State of Delaware, on Tuesday, the eighth day of November, in the year of our Lord one thousand nine hundred and ninety-four that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States.

Whereas, the official certificates or returns of the said election, held in the several counties of the said State, in due manner made out, signed and executed, have been delivered to me according to the laws of the said State, by the Superior Court of the said counties; and having examined said returns, and enumerated and ascertained the number

of votes for each and every candidate or person voted for, for such Senator, I have found William V. Roth, Jr., to be the person highest in votes, and therefore duly elected Senator of and for the said State in the Senate of the United States for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and ninety-five.

I, Thomas R. Carper, Governor, do therefore, according to the form of the Act of the General Assembly of the said State and of the Act of Congress of the United States, in such case made and provided, declare the said William V. Roth, Jr. the person highest in votes at the election aforesaid, and therefore duly and legally elected Senator of and for the said State of Delaware in the Senate of the United States, for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and ninety-five.

Given under my hand and the Great Seal of the said State, in obedience to the said Act of the General Assembly and of the said Act of Congress, at Dover, the 15th day of December in the year of our Lord one thousand nine hundred and ninety-four and in the year of the Independence of the United States of America the two hundred and nineteenth.

By the Governor:

THOMAS R. CARPER,
Governor.

COMMONWEALTH OF PENNSYLVANIA

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, 1994, Rick Santorum was duly chosen by the qualified electors of the Commonwealth of Pennsylvania as a United States Senator to represent Pennsylvania in the Senate of the United States for a term of six years, beginning on the third day of January, 1995.

Witness: His excellency our Governor Robert P. Casey, and our seal hereto affixed at Harrisburg this twenty-second day of December, in the year of our Lord, 1994.

By the Governor:

ROBERT CASEY,
Governor.

STATE OF MARYLAND

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Paul S. Sarbanes was duly chosen by the qualified voters of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor, William Donald Schaefer, and our seal hereto affixed at the City of Annapolis, this 7th day of December, in the Year of Our Lord, One Thousand, Nine Hundred and Ninety-four.

WILLIAM DONALD SCHAEFER,
Governor.

STATE OF MAINE

Greeting: Know Ye, That Olympia J. Snowe of Auburn in the County of Androscoggin on the eighth day of November, in the year One Thousand Nine Hundred and Ninety-Four, was chosen by the electors of this State, a United States Senator in the One Hundred Fourth Congress of the United States of America to represent the State of Maine in the United States Senate, for the term of six years, beginning on the third day of January, in the year nineteen hundred and ninety-five.

In Testimony Whereof, I have caused the Great Seal of the State to be affixed, given under my hand at Augusta this first day of

December in the year One Thousand Nine Hundred and Ninety-Four.

JOHN R. MCKERNAN, JR.,
Governor.

STATE OF WYOMING

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Craig Thomas was duly chosen by the qualified electors of the State of Wyoming a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our governor Mike Sullivan, and our seal hereto affixed at Cheyenne this 7th day of December, in the year of our Lord 1994.

MIKE SULLIVAN,
Governor.

CALIFORNIA ELECTION CONTEST

Mr. DOLE. Mr. President, prior to the Chair asking that the Senators-elect present themselves to take their oath of office, I would like to address the Senate briefly on a petition submitted on behalf of Michael Huffington, who was a candidate for U.S. Senator from California. The petition contests the election of the Senator-elect from California [Mrs. FEINSTEIN], asserting that there were irregularities and fraud in that election. The petition asks that if Senator FEINSTEIN is seated, as will occur, the seating be without prejudice to the ultimate determination of the election contest.

Election petitions are submitted to the Senate pursuant to the Senate's power, under article I, section 5, clause 1 of the Constitution, to "be the judge of the elections, returns, and qualifications of its own members." Under rule 25 of the Standing Rules of the Senate, petitions concerning contested elections shall be referred to the Committee on Rules and Administration, and that shall be done with Mr. Huffington's petition. It shall be the responsibility of the Rules Committee to determine what procedures should be followed in considering the merits of Mr. Huffington's election contest, and whether a recommendation should be made to the Senate about its disposition.

With respect to the swearing in that will follow, the petition asks that we consider at this time the narrower question whether the oath should be administered to Senator FEINSTEIN without prejudice to the election petition. At the convening of the 103d Congress, Senator Mitchell and I addressed the Senate on how that question has been viewed in previous election contests. In the course of our remarks, we particularly relied on the analysis of a predecessor of ours as majority leader, Senator Robert Taft of Ohio. Our full remarks, and a reprinting of remarks delivered by Senator Taft in 1953, are set forth in the RECORD for January 5, 1993. I shall not repeat all that has been said previously, but the essential point is as follows.

The oath that will be administered to Senator FEINSTEIN, just as the oath that will be administered to all other Senators-elect, will be without prejudice to the Senate's constitutional power to be the judge of the election of its members. In the words of Senator Taft in 1953,

If a Senator takes the oath, I do not believe that the fact changes the basis of the vote, or the percentage of the vote required, which is determined by the character of the case, rather than by anything done at the time the oath is administered.

As I stated to the Senate 2 years ago, "In effect we are all sworn in 'without prejudice.'"

Just as the Senate retains its full power to judge the election in California and all other Senate elections, the pendency of an election contest does not diminish the effect of the oath that will now be administered. As I also expressed to the Senate at the opening of the last Congress, "All Senators sworn in today are Senators in every sense of the word."

Nevertheless, as Senator Mitchell told the Senate 2 years ago, the making of this statement prior to the swearing in of a challenge Senator-elect serves the purpose of acknowledging formally that the Senate has received an election petition and that it will review the petition in accordance with its customary procedures.

SWEARING IN OF SENATORS

Mr. DASCHLE. Mr. President, I would like to state my concurrence with the basic proposition stated today that the administration of the oath to Senator-elect FEINSTEIN will not prejudice in any way the Senate's constitutional power to judge the California election. Neither will the pendency of Mr. Huffington's petition diminish in any way the effect of the oath that will now be administered to Senator FEINSTEIN. I join in the observation by Senator DOLE and shared by previous Senate leaders that all Senators sworn in today are Senators in every sense of the word.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators to be sworn will now present themselves at the desk in groups of four as their names are called in alphabetical order, the Chair will administer their oaths of office.

The clerk will read the names of the first group.

The legislative clerk called the names of Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, and Mr. BINGAMAN.

These Senators, escorted by former Senator Griffin and Mr. LEVIN, Mr. INOUE, Mr. BOND, and Mr. DOMENICI, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally

subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. BRYAN, Mr. BURNS, Mr. BYRD, and Mr. CHAFEE.

These Senators, escorted by Mr. REID, Mr. BAUCUS, Mr. ROCKEFELLER, and Mr. PELL, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. CONRAD, Mr. DEWINE, Mrs. FEINSTEIN, and Mr. FRIST.

These Senators, escorted by Mr. DORGAN, Mr. GLENN, Mrs. BOXER, and former Senator Baker, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. GORTON, Mr. GRAMS, Mr. HATCH, and Mrs. HUTCHISON.

These Senators, escorted by Mrs. MURRAY, Mr. DURENBERGER, Mr. BENNETT, and Mr. GRAMM, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. JEFFORDS, Mr. KENNEDY, Mr. KERREY, and Mr. KOHL.

These Senators, escorted by Mr. LEAHY, Mr. KERRY, Mr. EXON, and Mr. FEINGOLD, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The assistant legislative clerk called the names of Mr. KYL, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. LOTT.

These Senators, escorted by Mr. MCCAIN, Mr. BRADLEY, Mr. DODD, and Mr. COCHRAN, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The assistant legislative clerk called the names of Mr. LUGAR, Mr. MACK, Mr. MOYNIHAN, and Mr. ROBB.

These Senators, escorted by Mr. COATS, Mr. GRAHAM, Mr. D'AMATO, and Mr. WARNER, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The assistant legislative clerk called the names of Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, and Ms. SNOWE.

These Senators, escorted by Mr. BIDEN, Mr. SPECTER, Ms. MIKULSKI, and Mr. COHEN, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. THOMAS and Mr. THOMPSON.

The VICE PRESIDENT. The Senators will come forward.

These Senators, escorted by Mr. SIMPSON and Mr. Baker, respectively, advanced to the desk of the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

Mr. DOLE addressed the Chair.

The VICE PRESIDENT. The majority leader is recognized.

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

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The VICE PRESIDENT. A quorum is present.

LIST OF SENATORS BY STATES

Alabama.—HOWELL HEFLIN and RICHARD SHELBY. Alaska.—TED STEVENS and FRANK H. MURKOWSKI. Arizona.—JOHN MCCAIN and JOHN KYL. Arkan-

sas.—DALE BUMPERS and DAVID H. PRYOR. California.—DIANNE FEINSTEIN and BARBARA BOXER. Colorado.—HANK BROWN and BEN NIGHTHORSE CAMPBELL. Connecticut.—CHRISTOPHER J. DODD and JOSEPH I. LIEBERMAN. Delaware.—JOSEPH R. BIDEN, Jr. and WILLIAM V. ROTH, Jr. Florida.—BOB GRAHAM and CONNIE MACK. Georgia.—SAM NUNN and PAUL COVERDELL. Hawaii.—DANIEL K. INOUE and DANIEL K. AKAKA. Idaho.—LARRY E. CRAIG and DIRK KEMPTHORNE. Illinois.—PAUL SIMON and CAROL MOSELEY-BRAUN. Indiana.—RICHARD G. LUGAR and DAN COATS. Iowa.—CHARLES E. GRASSLEY and TOM HARKIN. Kansas.—BOB DOLE and NANCY LANDON KASSEBAUM. Kentucky.—WENDELL H. FORD and MITCH MCCONNELL. Louisiana.—J. BENNETT JOHNSTON and JOHN B. BREAUX. Maine.—WILLIAM S. COHEN and OLYMPIA J. SNOWE. Maryland.—PAUL S. SARBANES and BARBARA MIKULSKI. Massachusetts.—EDWARD M. KENNEDY and JOHN F. KERRY. Michigan.—CARL LEVIN and SPENCER ABRAHAM. Minnesota.—PAUL D. WELLSTONE and ROD GRAMS. Mississippi.—THAD COCHRAN and TRENT LOTT. Missouri.—CHRISTOPHER S. BOND and JOHN ASHCROFT. Montana.—MAX BAUCUS and CONRAD R. BURNS. Nebraska.—J. JAMES EXON and J. ROBERT KERREY. Nevada.—HARRY REID and RICHARD BRYAN. New Hampshire.—BOB SMITH and JUDD GREGG. New Jersey.—BILL BRADLEY and FRANK LAUTENBERG. New Mexico.—PETE V. DOMENICI and JEFF BINGAMAN. New York.—DANIEL PATRICK MOYNIHAN and ALFONSE D'AMATO. North Carolina.—JESSE HELMS and LAUCH FAIRCLOTH. North Dakota.—KENT CONRAD and BYRON L. DORGAN. Ohio.—JOHN GLENN and MIKE DEWINE. Oklahoma.—DON NICKLES and JAMES M. INHOFE. Oregon.—MARK O. HATFIELD and BOB PACKWOOD. Pennsylvania.—ARLEN SPECTER and RICK SANTORUM. Rhode Island.—CLAIBORNE PELL and JOHN H. CHAFEE. South Carolina.—STROM THURMOND and ERNEST F. HOLINGS. South Dakota.—LARRY PRESSLER and THOMAS A. DASCHLE. Tennessee.—FRED THOMPSON and WILLIAM H. FRIST. Texas.—PHIL GRAMM and KAY BAILEY HUTCHISON. Utah.—ORRIN G. HATCH and ROBERT F. BENNETT. Vermont.—PATRICK J. LEAHY and JAMES JEFFORDS. Virginia.—JOHN W. WARNER and CHARLES S. ROBB. Washington.—SLADE GORTON and PATTY MURRAY. West Virginia.—ROBERT C. BYRD and JOHN D. ROCKEFELLER IV. Wisconsin.—HERB KOHL and RUSSELL D. FEINGOLD. Wyoming.—ALAN K. SIMPSON and CRAIG THOMAS.

The VICE PRESIDENT. The majority leader is recognized.

The Senate will be in order.

Mr. DOLE. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order. Members having conversations are asked to cease their conversations or retire to the Cloakroom.

INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 1) reads as follows:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT. Pursuant to Senate Resolution 1, the Chair appoints the Senator from Kansas [Mr. DOLE], and the Senator from South Dakota [Mr. DASCHLE] as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The Democratic leader.

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

The VICE PRESIDENT. Without objection, the motion to reconsider is laid upon the table. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

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

The VICE PRESIDENT. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 2) reads as follows:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. DASCHLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The Senator from Mississippi.

FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. COCHRAN. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 3) fixing the hour of daily meeting of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 3) reads as follows:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

ELECTION OF THE HONORABLE STROM THURMOND AS PRESIDENT PRO TEMPORE OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 4) to elect the Honorable STROM THURMOND, of the State of South Carolina, to be President pro tempore of the Senate of the United States.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 4) reads as follows:

Resolved, That the Honorable Strom Thurmond, a Senator from the State of South Carolina, be and he is hereby, elected President of the Senate pro tempore, to hold office during the pleasure of the Senate, in accordance with rule I, paragraph 1, of the Standing Rules of the Senate.

Mr. DASCHLE. Mr. President, I ask unanimous consent that Senator BYRD be added a cosponsor of the resolution just adopted.

The VICE PRESIDENT. Without objection, it is so ordered.

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. COCHRAN. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 5) notifying the President of the United States of the election of a President pro tempore.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 5) reads as follows:

Resolved, That the President of the United States be notified of the election of the Honorable STROM THURMOND, a Senator from the State of South Carolina, as President pro tempore.

ELECTING SHEILA BURKE AS THE SECRETARY OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 6) electing Sheila Burke as Secretary of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 6) reads as follows:

Resolved, That Sheila P. Burke, of California, be and she is hereby elected Secretary of the Senate, beginning January 4, 1995.

ELECTING HOWARD O. GREENE, JR., AS THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 7) electing Howard O. Greene, Jr., as Sergeant at Arms and Doorkeeper of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 7) reads as follows:

Resolved, That Howard O. Greene, Jr., of Delaware, be and he is hereby elected Sergeant at Arms and Doorkeeper of the Senate beginning January 4, 1995.

ELECTING ELIZABETH B. GREENE AS THE SECRETARY OF THE MAJORITY OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 8) electing Elizabeth B. Greene as secretary of the majority of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 8) reads as follows:

Resolved, That Elizabeth B. Greene, of Virginia, be and she is hereby elected Secretary for the Majority, beginning January 4, 1995.

NOTIFICATION TO THE PRESIDENT

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

The VICE PRESIDENT. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 9) notifying the President of the United States of the election of a Secretary of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 9) reads as follows:

Resolved, That the President of the United States be notified of the election of the Hon-

orable Sheila P. Burke, of California, as Secretary of the Senate.

ADMINISTRATION OF OATH TO SENATOR STROM THURMOND AS PRESIDENT PRO TEMPORE OF THE SENATE FOR THE 104TH CONGRESS

The VICE PRESIDENT. The President pro tempore will be escorted to the desk for the oath of office by the President pro tempore, the Senator from West Virginia [Mr. BYRD].

The President pro tempore, escorted by Senator BYRD, advanced to the desk of the Vice President; the oath was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

ADMINISTRATION OF OATH TO THE SECRETARY OF THE SENATE

The PRESIDENT pro tempore. The Secretary of the Senate will be escorted to the desk for the oath of office.

The Honorable Sheila Burke, escorted by the Honorable Martha Pope, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to her by the President pro tempore.

[Applause, Senators rising.]

ELECTING C. ABBOTT SAFFOLD AS THE SECRETARY FOR THE MINORITY

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

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:.

A resolution (S. Res. 10) electing C. Abbott Saffold as the Secretary for the Minority of the Senate.

Mr. DASCHLE. Mr. President, with great pleasure I announce the selection of Ms. Abby Saffold as Secretary for the Minority.

There could not be a better or more qualified person for this position. It is a position that demands patience, wisdom, and instinct, as well as dedication and an incredibly high degree of competence. It demands the ability to work and to look after the interests of 47 of the most demanding people in the country. And it demands a deep and broad knowledge of the workings of the U.S. Congress.

Ms. Saffold meets these requirements and more. As former Senate Majority Leader George Mitchell stated, "to know Abby is a pleasure. To work with her is a delight."

Ms. Saffold is a congressional veteran. On the House side, she worked for Representatives William Scott and Lloyd Meeds. On the Senate side, she has worked for Senate giants, including Gaylord Nelson, Birch Bayh, ROBERT C. BYRD, and George Mitchell. She has served on important Senate com-

mittees, including the Senate Judiciary and Appropriations Committees. And she was outstanding as manager of the floor staff for the Senate Democratic Policy Committee.

In April, 1987, Ms. Saffold became the first woman of either party to serve as Secretary for the Majority.

In this position, she demonstrated that she is highly skilled as a legislative strategist, highly adept in running the Cloakroom, and highly talented in helping Senators do their best in a system that sometimes is troubling and too often frustrating. Ms. Saffold is all that a party leader could ask for in this demanding position—and more.

I have read of the time when Senate Majority Leader Howard Baker held up a Senate debate while Ms. Saffold completed negotiating the legislative timetable with his staff. The Republican majority leader, for the RECORD, explained: "We're just here waiting for Abby."

Mr. President, I have no doubt that, as the Democratic leader, I will be even more dependent on Ms. Saffold. I am delighted to have her serving as Secretary to the Minority.

I thank my colleagues for electing Ms. Saffold to the position, and I thank Ms. Saffold for accepting it.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 10) reads as follows:

Resolved, That C. Abbott Saffold be and she is hereby elected Secretary for the Minority of the Senate, beginning January 4, 1995.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE U.S. SENATE

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

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 11) notifying the House of Representatives of the election of a President pro tempore of the U.S. Senate.

The PRESIDENT pro tempore. Without objection the resolution is agreed to.

The resolution (S. Res. 11) reads as follows:

Resolved, That the House of Representatives be notified of the election of the Honorable Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore of the Senate.

Mr. FORD. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table, Mr. President.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF SHEILA BURKE AS SECRETARY OF THE SENATE

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

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 12) notifying the House of Representatives of the election of Sheila Burke as Secretary of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 12) reads as follows:

Resolved, That the House of Representatives be notified of the election of the Honorable Sheila P. Burke, of California, as Secretary of the Senate.

The PRESIDENT pro tempore. The majority leader is recognized.

AMENDING RULE XXV

Mr. DOLE. Mr. President, I send a resolution to the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 13) amending rule XXV.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 13) reads as follows:

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, and the Committee on Environment and Public Works, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Agriculture, Nutrition, and Forestry, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Finance, and the Committee on the Judiciary, may, during the One Hundred Fourth Congress, also serve as member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, and the Committee on Commerce, Science, and Transportation, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on

Commerce, Science, and Transportation, and the Committee on Appropriations, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Labor and Human Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Labor and Human Resources, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A RESOLUTION AMENDING PARAGRAPH 2 OF RULE XXV

Mr. DOLE. Mr. President, I send a resolution to the desk and ask that it be read by title.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 14) amending paragraph 2 of Rule XXV.

The PRESIDENT pro tempore. Is there objection to consideration of the resolution?

Mr. HARKIN. Mr. President, reserving the right to object, I ask unanimous consent that when the resolution is considered today that I be permitted to offer an amendment to it today. My amendment makes changes in rule 22 and the majority leader is aware of this.

The PRESIDENT pro tempore. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have no objection.

The PRESIDENT pro tempore. Is there objection? Hearing none, it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDENT pro tempore. The distinguished majority leader.

Mr. DOLE. Mr. President, I share the view expressed by the Senator from Iowa, and I ask unanimous consent now that the resolution be laid aside until the conclusion of routine morning business later today, and then we can proceed.

The PRESIDENT pro tempore. Without objection, so ordered.

Mr. DOLE. Mr. President, let me further state that the purpose of the resolution is to set the size of committees, and it is this resolution that the Senator from Iowa has chosen to amend. That will be debated later on this afternoon.

A RESOLUTION MAKING MAJORITY PARTY APPOINTMENTS TO CER- TAIN SENATE COMMITTEES FOR THE 104TH CONGRESS

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

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 15) making majority party appointments to certain Senate committees for the 104th Congress.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 15) reads as follows:

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Armed Services: Mr. Thurmond, Mr. Warner, Mr. Cohen, Mr. McCain, Mr. Lott, Mr. Coats, Mr. Smith, Mr. Kempthorne, Mrs. Hutchison, Mr. Inhofe, and Mr. Santorum.

Committee on Banking, Housing, and Urban Affairs: Mr. D'Amato, Mr. Gramm, Mr. Shelby, Mr. Bond, Mr. Mack, Mr. Faircloth, Mr. Bennett, Mr. Grams, and Mr. Frist.

Committee on Commerce, Science, and Transportation: Mr. Pressler, Mr. Packwood, Mr. Stevens, Mr. McCain, Mr. Burns, Mr. Gorton, Mr. Lott, Mrs. Hutchison, Ms. Snowe, and Mr. Ashcroft.

Committee on Finance: Mr. Packwood, Mr. Dole, Mr. Roth, Mr. Chafee, Mr. Grassley, Mr. Hatch, Mr. Simpson, Mr. Pressler, Mr. D'Amato, Mr. Murkowski, and Mr. Nickles.

Committee on the Judiciary: Mr. Hatch, Mr. Thurmond, Mr. Simpson, Mr. Grassley, Mr. Specter, Mr. Brown, Mr. Thompson, Mr. Kyl, Mr. DeWine, and Mr. Abraham.

Committee on Labor and Human Resources: Mrs. Kassebaum, Mr. Jeffords, Mr. Coats, Mr. Gregg, Mr. Frist, Mr. DeWine, Mr. Ashcroft, Mr. Abraham, and Mr. Gorton.

TO MAKE MINORITY PARTY AP- POINTMENTS TO SENATE COM- MITTEES UNDER PARAGRAPH 2 OF RULE XXV FOR THE ONE HUNDRED AND FOURTH CON- GRESS

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

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 16) to make minority party appointments to Senate committees under paragraph 2 of rule XXV for the 104th Congress.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 16) reads as follows:

Resolved, That the following shall constitute the minority party's membership on the standing committees for the One Hundred and Fourth Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Leahy, Mr. Pryor, Mr. Heflin,

Mr. Harkin, Mr. Conrad, Mr. Daschle, Mr. Baucus, and Mr. Kerrey (NE).

Committee on Appropriations: Mr. Byrd, Mr. Inouye, Mr. Hollings, Mr. Johnston, Mr. Leahy, Mr. Bumpers, Mr. Lautenberg, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Kerrey (NE), Mr. Kohl, and Mrs. Murray.

Committee on Armed Services: Mr. Nunn, Mr. Exon, Mr. Levin, Mr. Kennedy, Mr. Bingaman, Mr. Glenn, Mr. Byrd, Mr. Robb, Mr. Lieberman, and Mr. Bryan.

Committee on Banking, Housing, and Urban Affairs: Mr. Sarbanes, Mr. Dodd, Mr. Kerry (MA), Mrs. Boxer, Mr. Campbell, Mr. Moseley-Braun, and Mrs. Murray.

Committee on Commerce, Science, and Transportation: Mr. Hollings, Mr. Inouye, Mr. Ford, Mr. Exon, Mr. Rockefeller, Mr. Kerry (MA), Mr. Breaux, Mr. Bryan, and Mr. Dorgan.

Committee on Energy and Natural Resources: Mr. Johnston, Mr. Bumpers, Mr. Ford, Mr. Bradley, Mr. Bingaman, Mr. Akaka, Mr. Wellstone, and Mr. Campbell.

Committee on Environment and Public Works: Mr. Baucus, Mr. Moynihan, Mr. Lautenberg, Mr. Reid, Mr. Graham, Mr. Lieberman, and Mrs. Boxer.

Committee on Finance: Mr. Moynihan, Mr. Baucus, Mr. Bradley, Mr. Pryor, Mr. Rockefeller, Mr. Breaux, Mr. Conrad, Mr. Graham (FL), and Ms. Moseley-Braun.

Committee on Foreign Relations: Mr. Pell, Mr. Biden, Mr. Sarbanes, Mr. Dodd, Mr. Kerry (MA), Mr. Robb, Mr. Feingold, and Mrs. Feinstein.

Committee on Governmental Affairs: Mr. Glenn, Mr. Nunn, Mr. Levin, Mr. Pryor, Mr. Lieberman, Mr. Akaka, and Mr. Dorgan.

Committee on the Judiciary: Mr. Biden, Mr. Kennedy, Mr. Leahy, Mr. Heflin, Mr. Simon, Mr. Kohl, Mrs. Feinstein, and Mr. Feingold.

Committee on Labor and Human Resources: Mr. Kennedy, Mr. Pell, Mr. Dodd, Mr. Simon, Mr. Harkin, Ms. Mikulski, and Mr. Wellstone.

TO AMEND PARAGRAPH 4 OF RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. DASCHLE. Mr. President, I send a second resolution to the desk and ask for its consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

To amend paragraph 4 of rule XXV of the Standing Rules of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 17) reads as follows:

Resolved, That paragraph 4 of the Rule XXV is amended by striking (h)(1) through (h)(15) and inserting in lieu thereof the following:

"(h)(1) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Agriculture, Nutrition and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(2) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Banking, Housing and Urban Affairs and the Committee on

Foreign Relations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(3) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(4) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Armed Services so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(5) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Commerce, Science and Transportation and the Committee on Foreign Relations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(6) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision as a member of more than three committees listed in paragraph 2.

"(7) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Finance may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(8) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Armed Services and the Committee on Environment and Public Works may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

UNANIMOUS-CONSENT REQUESTS

Mr. LOTT. Mr. President, the following unanimous-consent requests are those of the standing orders, the setting of the leader's time each day

which are obtained at the beginning of each Congress, governing the day-to-day activity. As in the past these consents have been cleared with the minority leader.

Therefore, I send to the desk 11 unanimous-consent requests and ask for their immediate consideration en bloc and that the motions to reconsider be laid upon the table.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, the Ethics Committee be authorized to meet during the session of the Senate.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Mr. President, I ask unanimous consent that during the Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Mr. President, I ask unanimous consent that the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal.

Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his three assistants be given the privilege of the floor during the 104th Congress.

Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 104th Congress to file reports during adjournments or recesses of the Senate on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposes amendments shall be printed.

Mr. President, I ask unanimous consent that, for the duration of the 104th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments

to Senate amendments to House bills or resolutions.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions, and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, Senators be allowed to leave at the desk with the Journal clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

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

The unanimous-consent agreements were agreed to en bloc as follows:

UNANIMOUS-CONSENT AGREEMENTS

Select Committee on Ethics: Senate agreed that, for the duration of the 104th Congress, the Select Committee on Ethics be authorized to meet during the session of the Senate.

Time for Rollcall Votes: Senate agreed that, for the duration of the 104th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Authority to Receive Reports: Senate agreed that, during the 104th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Recognition of Leadership: Senate agreed that the majority and minority leaders may daily have up to 10 minutes on each calendar day following the prayer and disposition of the reading, or the approval of, the Journal.

House Parliamentarian Floor Privileges: Senate agreed that the Parliamentarian of the House of Representatives and his three assistants be given the privilege of the floor during the 104th Congress.

Printing of Conference Reports: Senate agreed that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Authority for Appropriations Committee: Senate agreed that the Committee on Appropriations be authorized during the 104th Con-

gress to file reports during adjournments or recesses of the Senate on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend Rule XVI, pursuant to Rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendment shall be printed.

Authority for Corrections in Engrossment: Senate agreed that, for the duration of the 104th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

Authority to Receive Messages and Sign Enrolled Measures: Senate agreed that, for the duration of the 104th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States and, with the exception of House bills, joint resolutions, and concurrent resolutions—messages from the House of Representatives, that they be appropriately, and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Privileges of the Floor: Senate agreed that, for the duration of the 104th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.

Referral of Treaties and Nominations: Senate agreed that for the duration of the 104th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

APPOINTMENT OF MICHAEL DAVIDSON AS SENATE LEGAL COUNSEL

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

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 18) relating to the reappointment of Michael Davidson as Senate legal counsel.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 18) reads as follows:

Resolved, That the reappointment of Michael Davidson to be Senate Legal Counsel made by the President pro tempore of the Senate this day is effective as of January 3, 1995, and the term of service of the appointee shall expire at the end of the One Hundred Fifth Congress.

COMMITTEE FUNDING

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

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 19) sense of the Senate relative to committee funding.

Mr. BYRD. Mr. President, I object to the consideration of this resolution at this time.

The PRESIDENT pro tempore. Under the rules, the resolution will go over.

MAJORITY PARTY APPOINTMENTS FOR CERTAIN SENATE COMMITTEES

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

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 20) making majority party appointments for certain Senate committees for the 104th Congress.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 20) reads as follows:

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar, Mr. Dole, Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Craig, Mr. Coverdell, Mr. Santorum, and Mr. Warner.

Committee on Appropriations: Mr. Hatfield, Mr. Stevens, Mr. Cochran, Mr. Specter, Mr. Domenici, Mr. Gramm, Mr. Bond, Mr. Gorton, Mr. McConnell, Mr. Mack, Mr. Burns, Mr. Shelby, Mr. Jeffords, Mr. Gregg, and Mr. Bennett.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. 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.

ACTION ON SENATE RESOLUTION 19 VITIATED

Mr. LOTT. Mr. President, I ask unanimous consent that action on Senate Resolution 19 be vitiated.

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

RECESS

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate do stand in recess until 2:15; and that at that time, following the leaders' time, there be a period for morning business not to exceed 1½ hours under the control of the majority, to be followed by 1 hour under the control of the minority, 20 minutes specifically for the Senator from West Virginia [Mr. BYRD], with Senators permitted to speak therein for not more than 10 minutes each, with the exception of Senator BYRD who will have the 20 minutes.

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

Thereupon, at 1:07 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KEMPTHORNE).

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

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the previous unanimous-consent request with regard to allocation of time this afternoon be changed to reflect 1 hour and 20 minutes on the majority side and 1 hour and 20 minutes on the minority side, with 20 minutes of the minority side specifically allocated to the Senator from West Virginia [Mr. BYRD].

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. 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

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with the first hour and 20 minutes under the control of the majority leader with Senators permitted to speak therein for up to 10 minutes each.

Mr. DOLE. Leaders' time was reserved, is that correct?

The PRESIDING OFFICER. The majority leader retains his leader time as well.

SALUTE TO STROM THURMOND

Mr. DOLE. Mr. President, the Framers of the Constitution in 1787 set down only a handful of rules to govern the procedures of Congress. Among them was a provision stating that the Senate could choose its own officers, including a President pro tempore, who would preside in the absence of the Vice President.

And as we begin a new session of Congress, we also begin another chapter in the remarkable life of the colleague who returns today to the position of President pro tempore of the U.S. Senate, Senator STROM THURMOND.

Senator THURMOND's public service career is well known. While some have suggested that he actually attended the Constitutional Convention in 1787, Senator THURMOND's political career actually began 62 short years ago, when he was elected to the South Carolina State senate.

Six years in the State senate, 4 years as a judge, 4 years in the military, where he piloted a glider behind enemy lines on D-day, 4 years as Governor of South Carolina, and 40 years in the U.S. Senate, add up to nearly 60 years of service.

The hallmark of Senator THURMOND'S career is much more than just longevity. It is also effectiveness. As the *Almanac of American Politics* states, Senator THURMOND decides where he wants to go, figures out how to get there, and then does it.

As chairman or ranking member of the Judiciary Committee for a dozen years, Senator THURMOND saw the need for a war against crime and drugs long before other politicians jumped on board.

And as the new chairman of the Armed Services Committee, Senator THURMOND will continue his lifelong commitment to keeping America strong.

On behalf of all Republican Senators, I want to express to Senator THURMOND our admiration and respect, and tell him how delighted we are to have him once again serving as President pro tempore.

SALUTE TO SHIRLEY FELIX

Mr. DOLE. Mr. President, as Members of this Chamber know, the Senate lost a devoted employee and many of us lost a cherished friend when Shirley Felix passed away on December 13, 1994.

As banquet manager for the U.S. Senate for the last 20 years, Shirley worked closely with the leadership offices, and with the offices of almost every Senator.

Once you began working with Shirley, it did not take you long to realize that she was a true professional. She knew how to get the job done right, and she did it with a friendly and caring attitude.

Shirley's hours were often long, and the pressures of organizing important events were often great, but Shirley somehow never seemed to lose her good humor.

Just as Shirley was loved on Capitol Hill, she was also loved by her family. I know I speak for all Members of the Senate in extending our sympathies to her husband, James; her mother, Mrs. Rebecca Plummer; her 6 sons, her 12 grandchildren, and her many other family members and friends.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

TO AMEND SENATE RESOLUTION 338

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 21) to amend Senate Resolution 338 (which establishes the Select Committee on Ethics) to change the membership of the select committee from members of the Senate to private citizens.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. There is objection.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

ORDER OF PROCEDURE

Mr. HELMS. I now ask unanimous consent that it be in order for me to send seven bills to the desk and that they be deemed to have been read the first time, and that my request for the second reading be deemed to have been objected to.

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

Mr. HELMS. I send the documents to the desk as stated.

One final thing, Mr. President. I send to the desk statements to accompany all eight pieces of legislation and ask that they appear in the RECORD in the appropriate place.

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

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

Mr. HELMS. I thank the Chair. I thank the distinguished majority leader. I am happy to call him that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOLE. Will the Senator withhold?

Mr. HELMS. Yes.

The PRESIDING OFFICER. The majority leader is recognized.

CONGRATULATIONS TO SPEAKER OF THE HOUSE GINGRICH AND OTHERS

Mr. DOLE. Mr. President, let me say first of all that having served in the House for 8 years, in the other body for 8 years, a long time ago, I have just come from the House floor where I have had the privilege of seeing something that I did not think might ever happen, where we have a Republican Speaker of the House of Representatives.

I say to my Democratic friends as well that I think after 40 years, everybody would be fairly happy. We waited a long, long time. So I wish to congratulate Speaker GINGRICH and Minority Leader GEPHARDT and the others on the House side who have tremendous responsibilities as we begin the 104th Congress.

But I must say that as I sat there and thought about the days I was there in the sixties, in 1961 through 1968, and thought about all that has happened

since and all that happened during those 8 years, even the fact that, in the Senate, it probably does not create the excitement—even within this Senator—that we feel for the House after all of those years.

So I salute my colleagues in the House and I wish them every success.

CONGRATULATIONS TO SENATOR DASCHLE

Mr. DOLE. Mr. President, I also wish to congratulate Senator DASCHLE, the Democratic leader. I have said many times if we are going to make this place work, as the American people expect us to make this place work, knowing that sometimes there will be differences, sometimes politics will creep in—politics is highly competitive and should be—but it should be based on ideas and what may be best for the country.

But for the Senate to operate, leaders have to work together. I look forward to working with Senator DASCHLE. We have known each other for a long time. We are from the same part of the country, I from Kansas and he from South Dakota. And we have many things in common. Our relationship has to be based on trust. There cannot be any surprises. The majority leader has the advantage because he has priority of recognition. I will not permit any surprises, and Senator DASCHLE has indicated the same.

I had such relationships with Senator MITCHELL and Senator BYRD. In fact, I talked to Senator MITCHELL this morning about 11:10 a.m. I said: "George, you have 50 minutes left. Is there anything you want me to do?" We were good friends and we worked well together, as I did with Senator BYRD.

I learned a lot from Senator BYRD. I decided a long time ago never to argue about the rules with Senator BYRD, because you will lose. He wrote most of them, and he defined others; he has modified others. In fact, I asked him a question this morning. I said, "Robert, it is not necessary when you send an amendment to the desk to ask for its immediate consideration, is it?" He said, "No, you just send an amendment to the desk." I thought I knew that. But I wanted to make certain that I understood it. Again, Senator BYRD provided that information. I am certain Senator DASCHLE will continue that tradition.

CONGRATULATIONS TO THE NEW REPUBLICAN SENATORS

Mr. DOLE. Mr. President, I also want to congratulate the 11 new Republican Senators who were elected in November. I thank them and all my Republican colleagues for their support in electing me as Senate majority leader.

But even more importantly, on behalf of all of us elected to serve, I thank the American people for their trust and their calling us to task.

America has reconnected us with the hopes for a nation made more free by demanding a Government that is more limited. Reining in our Government will be my mandate, and I hope it will be the purpose and principal accomplishment of the 104th Congress.

It was nearly 206 years ago when the First Congress met in New York City. Much of their work was devoted to writing the Bill of Rights—the first 10 amendments to our Constitution.

The 10th of those amendments reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

I might say I think we need to focus on the 10th amendment. So I intend to place it in the RECORD at least once a week with a brief statement so that anybody who reads the RECORD, anybody watching C-SPAN, or my colleagues, may understand the importance of the 10th amendment and how far we have strayed from it.

Federalism is an idea that power should be kept close to the people. It is the idea on which our Nation was founded. But there are some in Washington—perhaps fewer this year than last—who believe that neither our States nor our people can be trusted with power. Federalism has given way to paternalism—with disastrous results.

If I have one goal for the 104th Congress, it is this: That we will dust off the 10th amendment and restore it to its rightful place in the Constitution.

Senate bill No. 1 will be step number 1: Legislation to end unasked for and unfunded Federal mandates on States and cities and communities across America. And I am honored the Presiding Officer at this moment is Senator KEMPTHORNE from Idaho and former mayor of Boise, ID, who has been leading the effort since day one, since his first day on the Senate floor, working with Governors, our colleagues on both sides of the aisle, our colleagues in the House, mayors, and county commissioners all across America, because we know what Federal mandates—and he knows better than most, coming here as a mayor—have cost our cities and how they have bankrupted our cities and States.

So, along with many other Senators, Senator KEMPTHORNE has done yeoman's work in preparing this legislation.

We are going to have hearings tomorrow. We are serious about this. We promised the American people if they gave us the majority we will do certain things, and we are about to do certain things that we think are right—not necessarily partisan, but right. We hope to bring these things to the floor very soon.

I spoke this morning with the Senator from Idaho, and he will be prepared, I hope, early next week.

We wish to demonstrate quickly, whatever the message may have been

on November 8, 1994—and there were a lot of messages—I think one message was to take a look at the 10th amendment. Maybe people did not think about it when they voted. But give America back to the people, give it back to the States, give it back to the local communities. What is wrong with that?

We do not have all of the answers in Washington, DC. Why should we tell Idaho, or the State of Kansas, or the State of South Dakota, or the State of Oregon, or any other State, that we are going to pass this Federal law and we are going to require that you do certain things, but we are not going to send you any money. So you raise the taxes in the local communities or in the States. You tax the people, and when they complain about it, say, well, we cannot help it because the Federal Government passed this mandate. So we are going to continue our drive to return power to our States and our people throughout the 104th Congress.

We will roll back Federal programs, laws, and regulations from A to Z, from Amtrak to zoological studies, working our way through the alphabet soup of Government. What will be our guide? Our guide is going to be simply this: Is this program a basic function of a limited Government? Or is it another example of how Government has lost faith in the judgments of our people and the potential of our markets? That is the test.

I believe that more often than not the answer will justify less Federal involvement, fewer Federal rules and regulations, a reduction in Federal spending, and more freedom and opportunity for our States and our citizens—again getting back to the 10th amendment.

Part of what has allowed Government to become so cavalier with power has been its ability to exclude itself from the dictates we impose on the American people—we, the Congress. So what are we going to do? This is going to be bill No. 2. This will end with the passage of Senate bill No. 2, an effort led by Senator GRASSLEY, a Republican, and Senator LIEBERMAN, a Democrat. We have a counterpart led by Republicans and Democrats in the House, particularly Congressman SHAYS from Connecticut. I can think of no better protection for the private citizens and private enterprise than the constant prospect for Members of Congress that we will have to live under the rules we inflict on everyone else. So if a law is going to apply to some small businessman in Idaho, Oregon, Kansas, North Carolina, wherever, it is also going to apply to Congress. Maybe when it applies to Congress, we will understand why so many people write and complain to us about this law or that law. Do not misunderstand me, some laws we pass are certainly beneficial. The Government does a lot of good things, so do not misunderstand me. But why should we not live under the same laws you live under? That is bill No. 2.

In the same spirit, we are also going to propose and pass legislation to protect the rights of private property owners, and to cut the tangle of red tape forced upon our small businessmen and women. Property rights. Again, it was initiated by the Senator from Idaho, Senator Symms, who served here with distinction for years; it was his idea. When Steve Symms left the Senate voluntarily, he passed it on to me, and I have worked with my colleagues, Senator GRAMM and others, on this side of the aisle and, again, the Presiding Officer, the Senator from Idaho, and a number of others, and we believe in it. It is important in urban and rural areas all across America.

Incidentally, it was said by someone who should know better last year that America's small businessmen and women were getting a free ride from American society. That statement was not made by a politician, so do not read anything into it. It was somebody that should have known better. Let me set the record straight. The engine of American society is America's small business. Small business provides the jobs, the competition, and the spark for progress that is the very essence of democratic capitalism. It is small business that carries America—not the other way around.

Mr. President, Republicans also believe that our country's increasingly desperate fight against crime is an area where more freedom is needed at the State level.

Today we will introduce, under Senator HATCH's leadership, Senate bill 3, a crime bill that will free States and cities to decide for themselves how to spend much of the \$8 billion in law enforcement funds appropriated last year. It will eliminate the wasteful social spending programs included in last year's so-called crime bill.

Perhaps most important, the crime bill we introduce today will begin our effort to restore the freedom from fear we knew in the America of our youth. In my hometown of Russell, KS, when I was growing up, we did not lock our doors at night. Nobody did. You left your keys in your car. Even in towns the size of mine in this day and age you do not do that anymore. So somehow that has been lost to the children growing up in America today. We will, without apology, remove from society those who are tearing it apart with casual violence and a new chilling disregard for human life. Our crime bill will impose mandatory minimum sentences on those who use guns in the commission of a crime and make certain there are jails there to lock them up.

And in the next session we will cut taxes. Under Senator PACKWOOD's leadership, the Finance Committee will produce, as a top priority, a tax cut that will let families keep more of their own money to invest in their own children and in their own future, instead of siphoning it up, giving it to Washington, and sending it back in

some program that may or may not work.

There seems to be a growing bipartisan consensus that taxes must be cut, which Republicans welcome, and which encourages me to believe the Senate can act quickly. The President's recent comments indicate he is ready to sign such a bill. But I strongly object to the President's insistence on labeling America by "class." I do not think we ought to divide Americans into economic groups competing one against the other for the favors of the Government. Rather, we must lead by instilling hope and restoring freedom and opportunity for all of our people. No more of the class warfare. It does not work.

By cutting people's taxes we will reduce the Government's take of their wages—worthy unto itself. But if tax cuts are to have the effect of limiting Government and providing for long-term prosperity, then they also must be matched by real cuts, real cuts in Government spending.

This, Republicans are committed to do.

No one in this Chamber has spoken more eloquently about the need to deal more forthrightly with our national deficit than Senator DOMENICI, who today assumes the chair of the Budget Committee.

Let me be clear. Something like a family that examines its budget after a Christmas that was too rich, we will make hard decisions and endure sacrifices to make ends meet. With the one exception of Social Security, every bureaucracy and bureaucrat, every Government program and Federal expense is ripe for reduction and/or elimination.

At the top of that list is a price tag for Congress itself. We have to set an example before we have somebody else make the sacrifice. We must be the example, not the problem. We hope to pass a resolution today calling upon the Rules Committee to reduce committee budgets by approximately \$34 million. That is a lot of money. That was objected to, but we will get to it in another way. The House is also taking cost-cutting action today. We will work together throughout the next 2 years to save more money across Government.

We will also work together to pass the line-item veto legislation which we introduce today as Senate bill 4, and to send a balanced budget amendment to the States for ratification. These measures which have had the overwhelming support of the American people for some time have been ignored in Washington for far too long.

These measures go to the heart of the question with which we began: Should Government elites rule society? Should they be able to spend the people's money without check, cloaked by impenetrable rules and omnibus appropriations bills too massive for anybody to read? Or should we trust the people?

Paternalism or Federalism? That is the choice. The 104th Congress must answer that question by bowing to the will of the people and putting its trust in them.

Finally, let me make it clear that Republicans are acutely aware that the United States has only one Commander in Chief. Our Commander in Chief is President Clinton. We will support him on foreign policy whenever possible, as we did with NAFTA and GATT legislation, and in revising outdated provisions of law on South Africa, Russia, and the Middle East.

During the last few years, however, there have been some important areas of disagreement between Congress and the President in the area of foreign policy. One of these has been the President's apparent willingness to place the agenda of the United Nations before the interests of the United States.

Therefore, we will introduce today the Peace Powers Act of 1995, which is designated as Senate bill No. 5. This legislation repeals the War Powers Resolution of 1973 and places some restrictions on U.S. participation in U.N. peacekeeping activities. The effect of the bill would be this: We would untie the President's hands in using American forces to defend American interests, but we would restrict the use of American forces and funds in U.N. peacekeeping.

We do not want American soldiers under U.N. command, and the costs to America of U.N. peacekeeping must be known before—not after, but before—it will be approved by Congress.

In a manner consistent with our constitutional role to appropriate funds and to advise and consent on matters of foreign policy, the Senate will also take a close look at a number of other foreign policy issues in this session; including the costs of the Haiti operation, and the legality and wisdom of aiding North Korea.

Mr. President, it has been said that we have become a nation of competing factions, held together less by our hopes than by our wants. The implication is that we are no longer a great people, but merely a continent of categories, and special interests. Well, I do not believe this. I have been here for some time, but I do not believe this.

It has been said that Government is uncontrollable because of the uncontrollable appetites of our people. Last November was proof that this is not true. If the recent election proved anything—and some would question, some have doubts, and some have different views—it proved these ideas to be the self-justification of a Government grown too cynical, too fat, and too far removed from the people it is supposed to serve.

Mr. President, Americans have been voting in congressional elections for more than 200 years. Some of these elections—most of these elections—made very little difference. But others

have been turning points in history. The last one was a turning point.

The elections in November provided clear instruction from the American people. The ideas on which we will conduct the business of Government were laid out in unprecedented detail during the last election campaign. This was derided as a strategy by political pundits and attacked as heresy by the established powers. But the ideas prevailed. And therefore, I believe the ideas will prevail in this body and in the House and across the sprawling expanse of Government.

Mr. President, Republicans welcome the support of like-thinking Democrats as we work to put a leash on our Government by restoring the 10th amendment, cutting taxes, balancing the budget, enacting term limits, and taking whatever other measures are necessary to make the Government accountable to the voters.

Together, we hope to establish once again America's trust in her people and faith in the unmatched power of freedom to build a world of hope and opportunity for all.

Mr. President, I ask unanimous consent that Senate bills 1 through 5 be printed in the RECORD, along with written statements which further detail these bills.

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

(The text of the bills and statements are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE, Mr. LIEBERMAN, and Mr. FEINGOLD, pertaining to the introduction of S. 21 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. HATCH). The minority leader.

COMMENDING THE MAJORITY LEADER

Mr. DASCHLE. Mr. President, let me commend the majority leader on his statement and on many of the points that he raised in the last few minutes.

Let me also personally thank him for his cooperation and the manner with which he has worked with the Members in our caucus over the last several weeks.

Needless to say, this transition has not been easy, but, to the extent possible, the majority leader has made it so. I thank him for his cordiality, for his friendship, and for the manner in which he has conducted his office in the last several weeks. It means a good deal to me. I look forward to working with him in the many months and years ahead.

PRESIDENT PRO TEMPORE IN THE 104TH CONGRESS

THE CHANGING OF THE GUARD

Mr. DASCHLE. Mr. President, with the opening of the 104th Congress, we again witness a historic transfer of power as the Republican Party takes control of the Senate and Senator STROM THURMOND earlier today replaced Senator ROBERT C. BYRD as President pro tempore of the Senate. In this transition, we are witnessing one Senate institution replacing another.

Together, these two outstanding legislators total three quarters of a century service in the Senate. Each not only has witnessed, but participated in, so much history and in the enactment of so much legislation, that Senators of my generation often are left in awe. As we prepare our legislative agendas and prepare for the upcoming debates and battles, this historic transition should not be lost upon us.

Senator BYRD, for the past 6 years, has presided over the deliberations of the Senate.

A look at the record reveals that he is indeed an institution within this institution. The senior Senator from West Virginia has served in the Senate for nearly 40 years. He has served as chairman of Senate Appropriations Committee, as the Senate Democratic whip, 6 years as Senate minority leader, 6 years as Senate majority leader, and, since 1987, President pro tempore of the Senate.

His unparalleled knowledge of the Senate's intricate rules and procedures, his overwhelming knowledge of the history of this legislative body that he loves so deeply, and, his presence in this Chamber combined to make him a most effective and impressive President pro tempore.

What an honor it has been for me personally to watch him preside. We will miss him and his presence in the chair. While there is not a stronger, more ardent fighter for the causes in which he believes and supports, no one could have been more fair or more impartial in presiding over the Senate.

Although he leaves the chair of President pro tempore, I can assure you he is not about to fade away. As the new Democratic leader of the Senate, I will need, I will seek, and I will certainly appreciate his wisdom, experience, his insight, and his foresight. I know that Senators from both sides of the aisle will continue to value the benefit of his unique perspective and the importance of this institution as well as his unique ability to resolve problems within it.

Mr. President, at the closing of the 99th Congress, the Senate approved a resolution recognizing the outstanding service Senator STROM THURMOND had performed as President pro tempore of the Senate. The resolution expressed the Senate's appreciation for the courteous, dignified, and impartial manner in which the senior Senator from South Carolina had presided over the deliberations of the Senate.

In the 104th Congress, Senator THURMOND again will occupy this important and prestigious position. Like Senator BYRD, he, too, is an institution within this institution. While a Member of the Senate, he has been a member of both political parties and a candidate for President of another. While serving in the U.S. Senate, Senator THURMOND has had highways, courthouses, Federal buildings, and schools named in his honor—honors usually reserved for those who are no longer with us. In the Senate, he has been an active participant—sometimes controversial—but a participant in the legislative struggles of our times. I have not always agreed with his positions, past or present, in those contests, but I have never seen or encountered a more worthy, a more dignified opponent or one for whom I have greater respect.

As everyone who has had the pleasure of serving in this Chamber with him knows, Senator THURMOND has been a consistent champion of the South and of conservative causes, but we also know he has been able to blend and bend when democracy took a different course. He has remained a southern gentleman of the highest order.

As the Democratic leader, I want to extend my congratulations to Senator THURMOND for his reelection as President pro tempore and welcome him back to this position. I look forward to working with him as well. I am confident that in the 104th Congress, Senator THURMOND will perform the duties of President pro tempore of the Senate in the same courteous, dignified, and impartial manner in which he presided over the deliberations of the Senate in the 99th Congress.

THE 104TH CONGRESS

Mr. DASCHLE. Mr. President, today we begin a new session of Congress. I know all my colleagues are eager to move ahead with the Nation's business.

In some ways, we face circumstances that earlier generations of Americans faced as well. At the beginning of our Nation's existence, after the Declaration of Independence was signed, the former colonies busied themselves establishing legislatures and drafting constitutions.

It must have been a heady time. Men, for they were all men at that time, who had been colonial appointees began to see themselves for the first time as legislators, potential leaders, people who could steer their States' destinies.

In the State of Pennsylvania, the legislature spent several months thrashing over the outlines of a new constitution but found itself, months later, without a finished product.

Meanwhile, the life of the State continued. Citizens woke each morning, attended to their affairs, transacted their business, and seemed not to notice that they were without a constitution.

Ben Franklin pointed out the evident danger: "Gentleman," he said, "You

see that we have been living under anarchy, yet the business of living has gone on as usual. Be careful; if our debates go on much longer, people may come to see that they can get along very well without us."

It is somewhat in this spirit that I approach the beginning of the 104th Congress. We, too, will be judged less by our rhetoric than by our accomplishments.

Today, I offer the first five bills that my Democratic colleagues and I will seek to move in this Congress. They are bills that speak to three critical areas I believe should be the focus of our efforts in the 104th Congress—economic opportunities for working American families, the values in our social fabric that bind us together as a society, and a determination that we end business as usual in all aspects of Government.

The first bill, S. 6, is designed to be for American workers today what the GI bill was for American soldiers after the Second World War. The Working Americans Opportunity Act takes the funds now used for 20 major job training programs and turns them into vouchers so Americans can buy the training and education they need themselves. In this way, we can streamline and consolidate nine job training laws to focus more services and to redirect the funds to the people who need the training in the first place.

Our limited job-training resources should be directed to those who will benefit from training, not siphoned off to support the administrative costs of overlapping, fragmented, and outdated programs.

The GI bill is rightly credited with lifting American productivity, economic growth, and living standards. It did that by giving all returning GI's—millions of men and women in the aggregate—the ability to go back to school and make up for the years they sacrificed to their Nation's service in war.

It was not only well-deserved reward for veterans. It was one of the best investments the Government ever made. The GI bill more than repaid its costs many times over in worker income, in productivity, in economic growth, in State and Federal taxes, in virtually every other way.

At the end of the cold war years, we're not facing an army of returning veterans. We are facing a society that is emerging from a preoccupation with military spending and the military sciences, and turning to cope with a new world of technological advance that holds enormous promise for those who can learn to participate in it.

Our bill, therefore, will consolidate old job training programs and put money directly into the hands of those who need training, not to bureaucratic overhead. Americans need the tools to enter fully into the new technological workplace. That is what our first bill will do. It will be a workers' GI bill to

give those in older industries, in plants that are relocating abroad, or in regions where people's job skills do not match employers' needs the chance to learn new skills, make themselves employable, enter new industries, and move forward with our growing economy.

S. 7 is the Family Health Insurance Protection Act. It includes the measures that even the anti-health-care-reform crowd last year said they wanted. Let us find out if they are being straight or are just pulling another one over on the American people.

Democrats think it is way past time to act. Not only are health care costs for ordinary people going through the roof, they are also going to bust the Federal budget, and we all know who's going to pay for that when it happens.

It is consistent with the goals outlined in bills introduced by both Republicans and Democrats and with the vision the President outlined in a letter to the congressional leadership last week.

Our health reform bill is straightforward and sensible.

It prevents insurance companies from raising rates because you get sick. Why? Because health insurance is supposed to be a pooled risk. The insurer, as well as the insured, takes a risk.

Our bill also prohibits refusal of insurance because of preexisting conditions. The condition of being human makes us all susceptible to illness, accidents, and bad luck. That is what insurance is supposed to compensate for, not to profit from.

Jean and Greg Puls of Sioux Falls, SD, know this all too well. Their 10-year-old son, Matthew, has diabetes. When Jean's employer switched health policies, the new insurer refused to cover Matthew. Jean and Greg faced a frantic search for an insurer who would.

They were turned down by dozens of companies and were finally forced to purchase an out-of-State policy that still won't cover Matthews's diabetes for a whole year.

Jean Puls says that for all the money they have paid into the health care system, they have been unable to get the simple peace of mind they seek. And she is right. A system which produces this result is not right.

Our bill requires all insurers to offer Americans one plan of insurance coverage as good as that which covers any Member of Congress—Democrat or Republican.

If we deserve it, then certainly so do the people whose tax dollars pay our wages.

Our bill lets people who are self-employed deduct their insurance premium costs just like big corporations can. That is the minimally fair thing we can do for American farmers and self-employed store owners, accountants, mechanics, and lawn-service operators, all the millions of people who have taken the real risk of earning their own income by their own hard work

and enterprise. Let them deduct their health insurance costs, too.

Our health reform bill prohibits insurance companies from hiding important information in the fine print. We need truth in labeling. People who market beef have to tell consumers how many grams of fat their product contains. It is about time the insurance companies told us what their fat content is. Why should not Americans get the same accountability from health insurers as we expect from food producers and toy manufacturers?

Our health reform bill calls for standard forms. An inflamed appendix taken out in Seattle doesn't demand anything different than an inflamed appendix removed in Boston.

And it will not be done better or worse because of the shape of a payment form. Meanwhile, we are talking about millions of wasted hours by doctors, nurses, administrative staff, and, not least, the American taxpayer just to get reimbursed for the health care our premiums are supposed to cover.

Our health care reform bill just asks the private insurance market to do what Government is trying to do. Let it get rid of the bloated bureaucrats. Let it cut the overhead. Let it streamline and serve its customers, not itself.

Is there any reason that Americans have to fill out more forms, provide duplicative information more times, fight for longer on the phone with self-appointed bureaucrats in the health insurance industry than the people of any other industrialized nation? Is there any reason that an American hospital has twice as many clerical workers as a Canadian one? Does pushing paper make sick people get better? Let health care professionals practice medicine, not administer bookkeepers.

This bill represents, frankly, a downpayment on the goal of ensuring all Americans have access to affordable quality health care coverage.

Before we achieve that goal, however, other more difficult issues will have to be resolved, especially long-term care and the Federal barriers to State-level reform efforts. The bill we offer is simply a first step, but I do hope that Democrats and Republicans can again reflect the consensus these provisions have reflected in the last Congress and work together to develop compromises on the more difficult matters.

I cannot—I will not—support the passage of any reform measure, however, that increases the deficit.

When the majority leader and my colleagues on the Finance Committee are ready to move forward on the health reforms we present today, we will have to agree on appropriate offsetting savings to ensure that every reform provision is paid for over a 10-year period of time. Health care reform cannot be undertaken at the cost of more unpaid bills passed along to our children and to their children.

Our third bill, S. 8, is legislation to deal with teen pregnancy and parents who abandon their children. Our bill

does not finance orphanages. One of our Democratic colleagues, Senator CAMPBELL of Colorado, has the distinction of actually having been placed in an orphanage as a child, so he speaks from experience, not dealing in Hollywood movies. His story is one which could benefit us all. If you have not had the opportunity to read his biography, I would encourage you, Mr. President, and others to do so. It is a telling story of a man who has come a long way, given the very difficult beginning that he had experienced as a child.

He learned, as many of us now know, that orphanages are not a home. All too often, they are not even a decent substitute for a home. Even the best orphanage should never be used to undermine an intact family relationship.

The Teen Pregnancy Prevention and Parental Responsibility Act, instead, requires underaged teen mothers to live with their families or at least find themselves in a supervised home setting if they want to qualify for AFDC. Children having children is tragic, and the cycle can only be ended by making sure that parents of these children grow up and become adults themselves. There may be no sure-fire way to achieve this but clearly encouraging 16-year-olds to set up homes by themselves has not proved to be the answer and can never be the answer. They should stay with their families or in supervised group homes where their lives have some discipline, some guidance, some routine, some sense of grounding that will let them escape the cycle of dependency and become self-supporting adults.

In addition, teen parents should stay in school or go back to school and graduate. Our bill lets States use bonuses or benefit reductions to give teen parents an incentive to finish school. Completing high school is the first step toward self-sufficiency.

I recognize that this does not sound very flashy, but the parental shortcomings that can blight a child's life—and do blight too many children's lives today—require serious attention. The real needs of children demand sound policies, not sound bites.

Our bill also asks States to intensify their efforts to identify noncustodial parents and require them to contribute to the upbringing of their own children. States should ensure that their welfare offices can access other State records such as professional licensing, vehicle registration, and personal property records. Paternity establishment laws should also be streamlined.

I am always surprised to hear so much anger vented against young women as though they have achieved pregnancy unaided. What about the young men? Where is the heated political rhetoric aimed at them?

What about middle-class men who divorce and abandon their families? Where is the political rhetoric telling them to be ashamed of themselves? People—be they men or women—whose

actions result in parenthood must accept responsibility for their children.

So our bill on teenage pregnancy is short on rhetoric and symbols. I have long been an ardent admirer of Spencer Tracy, but anyone who thinks a 1938 movie about Boys Town has any bearing on real life children, real orphanages, or real families in 1995 is well out of touch with reality.

The bill that will be designated S. 9, the Fiscal Responsibility Act, will direct Congress to enact legislation this year that will result in a balanced budget by the year 2003. If a goal is important enough to justify amending the Constitution, certainly it ought to be important enough to inspire the real work of deficit reduction starting this year.

I have supported and voted for balanced budget amendments in the past, but a balanced budget amendment that sets forth an airy hope in the place of real promise to balance the budget is not good enough.

To suggest that a balanced budget amendment in and of itself solves the problem is a copout. It is all show and no delivery. It is like a young man who gets his first job and his first credit card. He charges up to the limit, and then he promises, as soon as he has paid it down, he will straighten up and pay his balance every month. But in real life we know that does not happen. He pays down just enough to go on another spending spree, or get another credit card with a new spending limit.

Balancing the Federal budget has been a Republican campaign promise for so long it is hard to remember which budget they are talking about. They said they intended to balance the budget in 1980, when they elected Ronald Reagan. Then they said they were going to balance it after 1984, conveniently not in the year he was actually running for reelection. Then they said George Bush was going to balance the budget. But what does the record show? Unfortunately, it shows the opposite.

In 1980, when President Ronald Reagan took office, he was poised to present to the Congress a plan to reduce the deficit as he promised. At that time, when the Republicans had the majority in the Senate, the national debt was just over \$1 trillion.

It was a debt that took 200 years to accumulate, 200 years of expanding the Nation to its westernmost limits, with all the roads, rails, bridges needed, 200 years encompassing a Civil War, two world wars, Korea, Vietnam, 200 years of creating the American dream. Almost \$1 trillion is a lot of money. And we have a lot of country to show for it. But it took President Reagan a mere 8 years to more than double that 200 years' worth of debt.

What do we have to show for it? It then took President Bush just another 4 years to add yet another trillion. So today, Mr. President, the heirs of that budgetary tradition say they are going to increase defense spending; they are going to cut taxes for the wealthy;

and—guess what?—they are going to balance the Federal budget. It sounds like *deja vu* all over again, to paraphrase somebody we all know—Yogi Berra.

I support, as I said a moment ago, a balanced budget. So do a majority of Democratic Senators. The difference between our position and that of many of our Republican colleagues is that we have already taken some very tough votes to do it. The last Congress, the 103d, passed the President's first budget which cut \$500 billion in real defined and detailed spending over 5 years.

We are reaping the benefit of our work now in reduced deficits, and a healthy, growing economy. The President deserves credit for offering that budget in 1993 and for fighting for it.

We knew in 1993 that our deficit-cutting work that year would be only the beginning. Now it is 1995, and we know another installment of spending cuts is due. We say that we should do what we did in 1993—lay out the honest, detailed, and real cuts that will bring the deficit onto a downward path.

The balanced budget amendment, standing alone, simply provides a process by which something should be done over the next 7 years. Our bill says, let us start doing it now.

We have to pay attention to the numbers. When you balance your household budget, you do not do it on the assumption that you are going to win the Publishers' Clearinghouse Sweepstakes on January 31 so the mortgage payments will be taken care of. You balance a household budget by looking at what you earn, what you spend, and where the numbers do not add up. So let us do some looking.

If we are going to balance the budget by 2003, as the Republicans tell us they will, it is going to mean we start right now, this year, and start for real.

There is a very real and expensive price in delay. If anyone wants to put off any heavy lifting for a year or maybe 2 years, before putting us on a path to balance the budget by 2003, they're going to cost us another \$160 billion in debt. That is debt on top of the \$3-trillion debt that the Republicans have already given us. It is debt that could be avoided by reducing the deficit now instead of delaying.

There is another reason for acting now. It is called interest on the debt. It is a price every American taxpayer pays, whether he knows it or not, and whether he likes it or not.

If we do nothing about balancing the budget for 2 years, to get past the next election before taking the tough actions needed to balance the budget by 2003, all of us will be chipping in an extra \$91 billion in interest to pay for these election-year promises. It is nice to have people make promises in election years. But nice feelings cannot justify \$91 billion in additional interest on the debt. The price is too high.

If we wait until 1997 to start balancing the budget, we will pay another \$303 billion—on top of the \$3-trillion

debt—that could be avoided simply by acting now rather than later.

The bill I am introducing draws on our past experience with balanced budget rhetoric and requires that we actually start now, this year, to do what we are willing to do to make our effort a meaningful part of the U.S. Constitution.

Last, but in some ways, most important of all, is the bill we call S. 10. That is the Comprehensive Congressional Reform Act. It is a bill with three titles. It builds on the compromise legislation that was developed last year, but blocked at the end of the session.

The first title will finally, and without equivocation, extend to the Congress the laws that cover all other employers in this country. It will require the Congress to abide by the Fair Labor Standards Act, which governs time and salary issues, by the Federal Labor-Management Relations Act, which provides Federal workers the right to bargain collectively, the workplace safety law, the Occupational Health and Safety Act, the Plant Closing and Notification Act, the Employee Polygraph Testing Act, and the Veterans Preference and Retention Act.

In addition, the Democratic congressional coverage legislation includes the civil rights laws, under which the Senate has been operating since 1991, and the Family and Medical Leave Act, which has applied to Congress since it was signed into law in 1993.

This provision is in all essential aspects the same bipartisan bill that was worked out by Senators GLENN, LIEBERMAN, and GRASSLEY last session, but which was prevented from reaching the Senate floor by the objection of a Republican Senator.

I hope and expect our Republican colleagues will join, rather than obstruct, the effort to enact these needed reforms as soon as possible this year.

The second title of S. 10 will address the problem of undue influence from special interests.

Americans learned last year that something like \$50 million was spent to defeat health care reform legislation—not just to defeat the President's bill, but to defeat any reform bill.

The special interest money groups spent more on stopping this legislation than on any other single issue, both in terms of direct lobbying and in campaign contributions.

In the closing days of the 103d Congress, the ramifications of the crusade to defeat health care reform spilled over into another important debate: The debate over whether or not to rein in the ever-present grip of lobbyists on our legislative process.

In May 1993, the Senate passed lobby reform by a vote of 95 to 2. Yet, when push came to shove, with Congress facing an adjournment deadline, our Republican colleagues invented pretexts and encouraged their talk-radio friends to help beat the lobby reform bill. As one of our colleagues noted, Republican

Senators were cheered by lobbyists lining the hallway off this Chamber after Republicans killed the lobbying bill last fall.

So let us be clear on what happened. There was no grassroots opposition to this bill. It was not ordinary citizens who wanted to kill this bill. Far from it.

It was the special interest lobbyists who could not stand it.

I am hoping that common decency will prevail in this Congress this year. The language I am offering in S. 10 is the language adopted overwhelmingly last summer by most of the Members still here in this body.

It includes the provisions the new Speaker of the House, NEWT GINGRICH, demanded be incorporated last summer. They are the same provisions that were negotiated with Catholic charities, Baptist charities, Jewish groups, and every other religious organization of any standing in this country, and which were acceptable to all of them, because they did not threaten any of their legitimate activities.

Title II of S. 10 does not affect grassroots lobbying for congressional action to resolve legitimate problems. No real grassroots group wants to kill lobbying reform. The reason for that is simple.

It is because the narrow special interest groups who would be affected by the bill can buy access, can buy attention, can buy sympathy, and can buy action with money that real grassroots groups could never hope to match. True grassroots lobby efforts offer only the populist power of their ideas.

There is not a genuine grassroots group out there that is not out-spent, out-gifted, out-junketed, and out-maneuvered by the Washington lobbying crowd. It is time to redress that imbalance.

Why is so much made of those who feel so passionately about an issue that they want to allocate private resources to influence national policy? I suggest that when a foreign-owned communications cartel can offer the new Speaker of the House \$4.5 million for a book, we should be wary of the real agenda behind that offer. I am pleased the new Speaker has now realized what an appearance that presents.

Title II of the Democratic congressional reform bill is the legislation that Speaker GINGRICH said he wanted, asked for, demanded. Then, when it looked as though it could actually prevail, it is the legislation that Speaker GINGRICH asked his supporters in the talk-show field to fight.

Title II of this Democratic reform bill also puts in the legislation our commitment to return control of Government to the American people by outlawing the practice of lobbyists providing gifts, no matter how seemingly insignificant, to Senators and staff.

The lobby and gift reform provisions are simple. No gifts from registered lobbyists. No meals, no travel, no taxi cab rides, no sports tickets, no nothing. They will not need complicated

regulations to be understood. They are that straightforward.

Who is a lobbyist? Anyone who gets \$2,500 in 6 months to work the Congress or the Government. They are required to disclose publicly who they are, what they earn, who pays them, and who they are talking to.

That is not because we in Congress do not know who they are. We know well enough. It is to tell the American public who these people are and what they are doing.

Congressional so-called reform that does not cover goodies from lobbyists is not reform. It is a smokescreen. It is telling American voters, it is back to business as usual. You voted for us because we promised reform, but we know you are going to tune out now. It is taking the American public for a ride. If we are to ignore those reforms, the American people are not prepared for a ride of that kind.

As for the seriousness of this effort, the proof of the pudding will be self-evident. If anyone is sincere about congressional reform, this is the very least they will need to vote for.

If anyone says they are serious about reform and blocks this bill, there will be little doubt that they are not serious at all.

I hope that will not happen for many reasons, but most of all, I hope it won't happen, because our democracy depends upon a higher level of trust. I hope Republican Senators will not block the gift and lobbying reform provisions, as they did last year.

Title III of the Democratic congressional reform bill is designed to reform the way congressional political campaigns operate.

Again, this proposal does not break new ground. It is the bill passed by the Senate in 1993, but which was filibustered to prevent its going to conference last year. The bill is designed to do what everyone knows needs to be done, and that is to cut the money chase out of elected public life.

Our bill would ban PAC contributions. It would outlaw for 1 year lobbying of an elected official to whom the lobbyist gave money. It would ban for 1 year contributions from a lobbyist to a Member who that lobbyist had contacted on business. It would expand disclosure of so-called independent expenditures.

It would create a flexible spending ceiling, based on a State's voting age population. It would reward candidates who agreed to comply with that spending ceiling with broadcast discounts. Its costs could easily be paid without asking for a penny from middle-class taxpayers, for instance by fees on lobbying.

In short, the campaign finance reform proposal would do what everyone is willing to say should be the law, but which too many are unwilling to actually see become law. It is time to put that sham behind us, too.

If we are serious about congressional reform, campaign finance reform is im-

perative. If we are not serious, the American people will know what conclusions to draw.

I believe these five pieces of legislation reflect the priorities Americans expect us to set and respond to the real needs people face.

The extremes have had their say. They have the luxury of certainty.

We who try to work in the center are forced to rely on what we can learn, what we can know, and to move forward with our best efforts, not ironclad guarantees, because there are no guarantees in human life.

Each of the bills we introduce today stands for a core principle in which we believe. None is startling, but I believe each is a step in the right direction. Together, they are a foundation on which to build.

We live in a tumultuous time fraught with uncertainty for many Americans. As lawmakers, our responsibility is to start restoring a sense of economic and personal security for working Americans.

Job training and education as a priority reflects the fact that we are a society made up of working people, and they must come first. If we invest in our own knowledge, our own skills, our own abilities and talents, there is not anything we cannot achieve. Give Americans the tools, and they will do the job. Our bill is the tool.

Health care reforms reflect the fact that viruses and cancers and accidents happen to people without reference to their wealth or their personal insurance status or their job status. Every American's economic and personal security is at stake. They deserve action, not excuses.

Our effort on teen pregnancy reflects the commonsense fact that work, effort, and personal discipline are part of the lives of most Americans. Indeed, they help shape most of what is worthwhile in our lives. Government programs ought to reflect that common understanding in the way they operate, too.

A Federal budget is more than a lifeless symbol of fiscal responsibility. It is the road map of our society and a reflection of our values. What are we willing to spend taxes for? Children? Schools? Jail cells? Special benefits for one or another special interest? Balancing the budget is not about gutting the government.

It is about doing what government should do: Those things for all of us as a society that none of us can do individually for ourselves. Safe drinking water and highways, clean air and a safe food supply, things that government can do if done efficiently and effectively.

Balancing the budget tells us that we're prepared to pay for the kind of society we want to be. The budget's shape matters as much as its size. It is been too big, too bloated, too long. And we want to start on the road to balancing it now.

And, of course, congressional reform is an important symbol of self-restraint at the government level. If the people elected to government cannot impose restraints upon themselves and treat themselves like they treat others, what confidence can Americans have that government will act in their best interests?

I believe, based on many statements by my Republican colleagues, that there is much common ground on which we can work, provided that we have the will to do so.

I want to offer my assurances today that Democratic Senators will work with Republicans. We always have, and we are prepared to do so again this year. We want to go to work. We want to do so in a bipartisan fashion. We believe the American people expect and deserve as much. I look forward, Mr. President, to a productive year.

I thank my colleagues for their patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to make a parliamentary inquiry. What is the parliamentary situation as relates to time?

The PRESIDING OFFICER. There is 1 hour and 40 minutes under the control of the majority leader. Senators may speak for up to 10 minutes within that.

Mr. REID. Mr. President, what is the parliamentary procedure, 1 hour and 20 minutes used by the majority leader?

The PRESIDING OFFICER. There will be 1 hour and 20 minutes under the control of the majority leader, and 10 minutes. The Senator from West Virginia may speak for up to 20 minutes within that time.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. I thank the Chair.

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

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 17 and S. 18 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

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

REVERSING HISTORICAL IRONY

Mr. BYRD. Mr. President, the English word "irony" comes to us from an Ancient Greek word meaning "a dissembler in speech."

The English word "irony" is defined as the contrast between something that somebody thinks to be true, as revealed in speech, action, or common

wisdom, and that which an audience or a reader knows to be true.

Mr. President, permit me to give an example.

If anyone in the hearing of my voice will take out a U.S. one-dollar bill and turn that one-dollar bill over onto its obverse side, he or she will read in clear script, "In God We Trust."

Permit me to introduce another example.

Every day of each new meeting of the Senate and House of Representatives, an official Chaplain of each of those two Chambers of Congress—or a designated substitute—will stride to the dais and address a sometimes elegant prayer to the Deity.

Again, every day in courtrooms across this country, hundreds of witnesses will take their place at the front of the court chamber, put their hands on incalculable numbers of Bibles, and swear to tell the truth, " * * * so help me God."

Only today, I and several other Senators swore an oath, standing there near the Presiding Officer where he sits now, swore an oath that we would support and defend the Constitution of the United States against all enemies, foreign and domestic, that we would bear true allegiance to the same, that we took this obligation, freely without mental reservation or purpose of evasion, and that we would well and faithfully discharge the duties of the office on which we were about to enter "so help me God."

Additionally, daily, thousands of men and women in a variety of groups, and millions upon millions of boys and girls in our schools will pledge allegiance to our flag, uttering among others the words " * * * one nation, under God, * * *"

I was a Member of the Congress when Congress inserted those words into the Pledge of Allegiance.

And here is the irony: in spite of that chain of rituals that I have just related, in situation after situation, anecdotal and documented both, public school authorities, ostensibly following rulings of the Supreme Court dating from at least the 1960's, have prohibited the utterance of prayers at school functions, in classrooms, at school commencement exercises, even when the students themselves wanted to have a voluntary prayer which they themselves would compose, or even in groups or privately on public school property.

Mr. President, as I read my U.S. Constitution, such a prohibition of prayer in school flies in the face of the First Amendment, which declares, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *."

Therefore, our Government is supposed to be absolutely neutral in this matter, and the Constitution provides that neutrality when it says Congress shall make no law respecting the establishment of religion, on the one hand, or prohibiting the free exercise thereof,

on the other. That is absolute—absolute—neutrality.

So please note those words again: " * * * or prohibiting the free exercise thereof * * *"

That passage was explicitly written into our Bill of Rights at the insistence of none other than James Madison—commonly remembered as the father of the Constitution—based on direct appeals to Madison by Baptist ministers in Virginia who had been forced to support the official state church during the Colonial Era, and whose practice of their own religious choice had been officially denied, proscribed, or penalized by Colonial officials.

How ironic that from that understandable Constitutional safeguard in support of the free exercise of religious faith, opponents of any religion have turned that passage of the First Amendment on its head to prohibit—I said, to prohibit—the free exercise of religion in our public life and, particularly, to drive religious faith out of our public schools.

It is equally ironic that, as religion is making a public resurgence in the long atheistic former Soviet Union, our Nation, whose protofoundations stand on the sacrifices of hundreds of thousands of early colonists whose primary inspiration in coming to America in the first place—Congregationalists, Calvinists, Baptists, Jews, Catholics, Orthodox, and others—whose primary purpose in coming to America in the first place, I repeat, was a yearning for religious liberty against those who would deny them the right of religious liberty—that our Nation should be embarked on a course which, in effect, denies religious liberty to many of its citizens.

Mr. President, I have heard increasing concerns about the lack of moral orientation among so many younger Americans—about a rising drug epidemic among our children, about rampant sexual promiscuity, about children murdering children, about gangs of teenage thugs terrorizing their neighborhoods, and about a pervading moral malaise among youth in both our inner cities and our suburbs.

Is there any wonder that so many young Americans should be drifting with seemingly no ethical moorings in the face of an apparent effort to strip every shred of recognizable ethics, of teachings about values, and spirituality from the setting in which those young Americans spend most of their waking hours—our public schools?

Mr. President, in an effort to restore something of a spiritual balance to our public schools and to extracurricular activities in our public schools, I am today introducing a joint resolution to propose an Amendment to the Constitution clarifying the intent of the Constitution with regard to public school prayer.

My amendment is an effort to make clear that neither the Constitution, or the amendments thereto, require, nor do they prohibit, voluntary prayer in

the public schools or in the extra-curricular activities of the public schools. Anyone who fears that the language of my amendment would allow public schools to mandate the recitation of daily prayer, or that school administrators will become the authors of such prayers, need not worry. This amendment does not supplant the clear proscription contained in the "establishment" clause of the First Amendment. My amendment is an effort to make clear that the words that the Constitution uses with regard to religious freedom do not mean that voluntary prayer is prohibited from our public schools or public school activities.

In short, I hope to end a three-decades-long tyranny of the minority in denying to the majority of Americans the least vestige of the exercise of a liberty otherwise guaranteed by the Constitution—the right of American children in our public school system to pray in accordance with their own consciences and in the privacy of their voluntary associations within our public schools.

That right I sincerely believe the Constitution already grants, but I want to spell out in that same Constitution, by way of an amendment thereto, that permission to pray voluntarily in our public schools does not constitute "an establishment of religion."

Mr. President, on this, the first day of the 104th Congress, a Congress in which the controlling mantra seems to have become "change" and "reform," I would suggest that Members listen to the American people.

Every Senator who stands here proposes to speak in accordance with the wishes of the American people. Each Senator arrogates to himself the right to speak on behalf of the American people. I would suggest that Members listen to the American people. Indeed, Mr. President, I would call my colleagues' attention to a recent poll reprinted in the December 17 issue of *National Journal* in which passage of a constitutional amendment allowing school prayer was the number one legislative priority the public wanted us to consider. Not the balanced budget amendment. Not the line-item veto. Not amending the filibuster rule so as to permit the invoking of cloture by a mere majority of the Senate. Who cares about that, out there beyond the Beltway?

Rather, the American people clearly understand the need for us to begin to restore the moral underpinnings of this Nation.

With introduction, and I hope eventual passage of my amendment, we can finally begin the 7-year-long process to answer the people's concerns. We can begin to restore the spiritual compass that has been lost in the lives of so many of our citizens. And most importantly, we can begin to return to our children the moral orientation that they so desperately need and desire.

I urge those who want to deliver on the wishes of the American people to join me in this effort.

Mr. President, I shall introduce this for referral to a committee. I have notified the minority, the now majority—it is going to be a little difficult for me to stop thinking in those terms. I am going to have to, for a while at least. I have also notified the majority that I intend to try to put this resolution on the calendar under rule 14. If nobody objects to further proceedings at that point, I will, but I believe Mr. KEMPTHORNE is aware of what I am about to do and he will be prepared to object at the right time.

So, Mr. President, first I will attempt to get this resolution on the calendar under the provisions of rule 14, and then I will introduce it as a resolution to be referred.

Mr. President, I send to the desk a resolution. Let me read it so that everybody will understand clearly what it says:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Nothing in this Constitution, or amendments thereto, shall be construed to prohibit or require voluntary prayer in public schools, or to prohibit or require voluntary prayer at public school extra-curricular activities."

Mr. President, I send this joint resolution to the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will read the joint resolution for the first time.

The assistant legislative clerk read as follows:

A resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer.

Mr. BYRD. Mr. President, I ask that the resolution be read a second time.

The PRESIDING OFFICER. Is there objection?

Mr. KEMPTHORNE. Mr. President, I object.

Mr. BYRD. Will the Senator withhold his objection until it is read the second time, and then he can object and it will go on the calendar.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I withdraw my request for a second reading of the resolution today.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. BYRD. It will automatically come up for a second reading on the next legislative day; am I correct?

The PRESIDING OFFICER. Yes.

Mr. BYRD. I thank the distinguished Senator. I ask unanimous consent that the Senator from North Carolina [Mr. HELMS] have his name added as a co-sponsor of the resolution.

The PRESIDING OFFICER. The Chair thanks the Senator and it will be so ordered.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

(The remarks of Mr. KEMPTHORNE pertaining to the introduction of S. 1 are printed in today's *RECORD* under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if you could explain the rules today, may I have my 10 minutes now from the time of the Democratic leader?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. BOXER. I thank the Chair very much.

Mr. President, I come to the floor today to congratulate those Senators—both Democratic and Republican—who took the oath of office today, and I come to the floor of the Senate to look ahead to the future.

Those of us who serve here are truly blessed with an opportunity quite rare—to represent our States in the greatest deliberative body in the world—one with a rich legacy of dedicated men and women whose service is always judged by history.

Like 1992, 1994 has been a year of political change. In 1992, 105 million Americans went to the polls and voted for a Democratic President, dislodging a Republican President. In 1994, 70 million Americans went to the polls and voted for a Republican Congress, dislodging a Democratic Congress.

The American people voted for change in 1992 but change didn't happen fast enough, so they sent another message in 1994.

Change was on the lips of the American people in 1992 and change is still on the Nation's lips of the American people in 1994.

Each of us is asked what change means.

First, I believe people want the American Dream restored; they want economic security. American people feel they no longer can be sure of having a job, of having health care coverage, of raising their standard of living, no longer sure of our children having good paying jobs, owning a home, having Social Security or personal

safety. As Robert Reich said, these changes have turned the middle class into the anxiety class.

Second, I believe people want to feel safe in their neighborhoods. They know that ideological fights will not get them safer neighborhoods. The people recognize that we need a commonsense mix of tougher punishment and effective prevention. To serve the people, we must have the guts to keep all cop-killer bullets off the streets.

Third, I believe people want the deficit reduced by smart spending cuts, leaving smart spending priorities. People want the Government to stop wasting their money, but they want their Government to have a strategy so we can be part of the solution.

Fourth, I believe people want to have a Government that doesn't interfere in their lives, but defends their individual freedoms.

Fifth, I believe people want a Congress that acts in the best interests of the people of the United States of America so that our families have an unbought voice, our children have an unbought voice, our environment has an unbought voice, and our country can rely on a Congress whose Members don't cash in on their power. Let's keep out the special interests and let's live by the same laws as all Americans do.

Now I want to say that I came to the Senate representing 31 million people on that very platform in 1992, and nothing about the 1994 election tells me that that platform of hope, economic opportunity, individual rights, and congressional reform has lost its significance.

Certainly, I stand ready to fulfill those goals in new and better ways. None of us has all the answers, but together we can find them. We should choose from all the best ideas from each political party, and from new Senators as well as old. I stand ready to do that, and I have already reached out to my Republican friends.

But let me tell you what I do not stand ready to do.

I do not stand ready to allow those who talk about reform to destroy protections and rights guaranteed to all Americans.

I believe the Republican Contract With America calls for just that, and since their goal is to pass it in 3 months, I feel I must speak out.

The contract talks about bringing back the gag rule to health care clinics. Here is the contract that professes less government on the one hand, but uses the Republican hand to gag doctors and nurses in clinics from telling their patients that abortion is legal option in this country. When that fight comes, I will be right here. And speaking of health care clinics, I trust my colleagues will support law and order in a tragic escalation of violence waged against lawabiding Americans.

Law and order plays a big part in the contract which is fine. But, sadly, it resurrects the old fight between punishment and prevention. We should lis-

ten to law enforcement authorities who tell us we need both. Let us not undo the crime bill that police worked so hard for. If there is a move to rescind the crime bill in the name of fighting crime I will be right here to fight it.

Middle-class tax relief? I am here. It was the President who promised it during his campaign, and he has defined a very fair middle-class bill of rights that helps families with children and eases the burden of college tuition costs. I support this.

The Republican contract talks about the middle class, and I am with them all the way. But if what they really mean is tax breaks for those worth millions, I will be right here to point out the farce.

Tax relief should not help Members of Congress. We make enough. It should help the middle class. There are still those with multiple millions of dollars sneaking through tax loopholes. We do not need more of that, we need less.

The contract talks about orphanages and poor children being denied nutrition assistance. I will not stand by and allow children to starve or be torn away from parents or grandparents in the name of reform. I do not care if "Boys Town" is a good film. We better learn from the past, not go back to it when it did not work.

I am ready to talk about work requirements and tough standards for welfare.

That's absolutely essential. We must not reward laziness or excuses. I am here to talk about smart incentives like workable group homes for kids and those responsible for them; I am here to talk about real punishment for those who neglect their kids. But if you push policies that in the name of reform hurt these kids and make them hungry or homeless or abused, I will be there to take them on.

The contract calls for securities litigation reform to end what the contract calls "frivolous laws suits." This sounds great, but when you read the fine print you see a plan that would let greedy and irresponsible parties completely off the hook after they dump risky investments on the public.

The Republican contract would heighten the economic insecurity of millions of Americans who save for the future; have a 401K savings plan, a corporate pension plan, an IRA, or a mutual fund.

The contract would make it almost impossible for small investors to successfully sue well-heeled investment bankers for fraud. It would require small investors to prove their case—to know what went on in the mind of anyone who defrauded them—before they file suit. It requires small investors to be mind readers.

How would this Republican contract have affected Ramonna Jacobs of Los Angeles. Mrs. Jacobs, unwittingly, invested money earmarked for her disabled daughter in Charles Keating's junk bonds.

Mrs. Jacobs could not have successfully sued Charles Keating if the Republican contract was in effect. There was no way Mrs. Jacobs could have known, at the get-go, how Charles Keating schemed to defraud her, what Charles Keating knew and when he knew it.

Deception is the essence of securities fraud. The Republican contract ignores that. In doing so it will increase the insecurity—economic and otherwise—of millions of Americans.

I will fight that kind of destructive legislation disguised as reform.

I will not stand by and allow our people to be hurt by gutting air and water quality standards in the name of deregulation as the contract says.

If you want to talk about streamlining regulations that bureaucrats are bungling I'll be right there. There is no need to have people hung out to dry while we figure out how to apply environmental laws. I agree with that.

But if by "streamlining" you really mean destroying or ripping away sensible environmental protection laws, I'll be right here to call it the way I see it.

I ran as a fighter for the people of California and as I figure it, if you cannot breathe you cannot work or live. Today a baby born in Los Angeles has a 15 percent lower lung capacity than a baby born in a clear air area. That's wrong.

And let us cut spending where it makes sense to do so. We have opportunities all over the Federal budget. I look forward to working constructively to do that on the Budget Committee and on the Senate floor. But the Republican contract calls for fencing off one part of the budget so savings cannot be used for anything else. Why should one part of the budget be treated differently? The contract puts the military budget in a separate area behind the fence and it throws away the key. They do not do that for Social Security. They do not do that for Medicare—they don't do that for education or for law enforcement. They only do that for the military budget.

Now I am all for a strong military and against wasteful military spending. In the eighties we found out we were buying \$7,500 coffee pots and \$600 toilet seats and \$350 "No Smoking" signs and spending millions on weapons that blew up fans in portable toilets instead of helicopters and billions on star wars when tests were rigged to make it look good.

And I have news for you even today: with all the reforms we've enacted, we still have generals taking \$200,000 military flights. An Air Force general recently had a VIP C-141B Starlifter fly from New Jersey to pick him up—along with his cat and an aide—in Naples, Italy, and fly him to Colorado. The flight cost between \$120,000 and \$200,000. A commercial ticket would have cost less than \$1,500.

And believe it or not, we are paying convicted felons in the military mil-

lions of dollars a year while they sit in jail. No one could get away with that in the private sector.

In the meantime, we continue to spend two to three times more on the military than all other enemies combined.

So let us not have any sacred cows. It makes us weaker as a nation, not stronger. Let's determine what it takes to meet the threats we face—debate the appropriate level of funding, always be ready to procure the funding for emergencies but let's not fence off one part of the responsibility.

Let me read from the preamble of the U.S. Constitution:

We the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish, this Constitution for the United States of America.

It doesn't say provide for the common defense only.

It does not say, "provide for the common defense and, if you feel like, promote the general welfare."

It does not say that providing for the common defense takes precedence over establishing justice.

It says to do all those things.

I believe in our Constitution. Some of the things I hear lead me to believe that the preamble of the Constitution has become meaningless to some Members of Congress—I fervently hope not.

I have great confidence in the institutions of our Government. They have prevailed through many political and economic times more trying than these.

But they are always tested.

I intend to make sure our institutions pass this test.

That the Government of, by, and for the people will prevail and not be destroyed in the name of slogans and rhetoric.

I look forward to a legitimate debate on how we can make this the most prosperous country, the fairest country, and the healthiest country in the world. I hold out my hand in the search for constructive solutions, but I hold up my hand to destructive political posturing.

The American people want us to work together. They want the filibuster abuse to end—they want us to take the best ideas—whoever has them—and turn them into policies.

They want us to work with the executive branch for progress.

Let us do that.

But I also believe the people from my State of California expect me to fight for them above all, and if that means standing on the floor of the Senate all by myself to do that, I will—any day, any hour. That's the promise I made to them.

The PRESIDING OFFICER. The Senator from Alaska is recognized, Mr. STEVENS.

Mr. STEVENS. I thank the Chair.

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

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 49 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I thank the Chair.

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

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Massachusetts.

Mr. KERRY. I thank the Chair.

SUSTAINABLE FISHERIES ACT

Mr. KERRY. Mr. President, the Senator from Alaska introduced the Sustainable Fisheries Act previously and placed my comments in the RECORD as if read in full.

I will simply address those comments except to say that we have a crisis in Massachusetts and New England, now a crisis that will grow across this country and all coastal States. We desperately need a better regimen for managing the fisheries of this country. It is my hope that colleagues, while we wrestle with the symbols and the quick hot buttons of the American political process, will focus on a program of enormous importance to people whose livelihoods depends on fishing.

BROOKLINE ABORTION CLINIC MURDERS

Mr. KERRY. Mr. President, this is the second time in 6 months that I have risen to discuss the terrifying implications of abortion clinic murders, but now I am deeply saddened that my State has joined others that have seen the horror and felt the pain of this senseless violence.

Last Friday morning at 10 a.m. Shannon Lowney, a 25-year-old activist working as a receptionist at a clinic in Brookline, MA, looked up and smiled at a man who had just walked into her office. It was John Salvi.

In response to her smile and welcome, he pulled a collapsible Ruger rifle from his bag—aimed it at Shannon and fired at point-blank range. He killed Shannon and wounded three others.

In mourning her death, many people in Massachusetts and in the country are wondering about why this occurred and they are also wondering about who was Shannon Lowney and what does her life now show us.

Her friends called her "Shanny" and she was a very caring, committed young woman who represents the best of her generation. She cared about people. She tutored Spanish-speaking children in Cambridge, helped poor villagers in Ecuador, worked with abused children in Maine, and last week she finished her application to Boston University for a masters in social work.

She was one of those rare people in a generation that has been often called Generation X or the uninvolved generation, yet Shannon confronted injustice and acted on her deep and abiding belief that we are all in this together; that we are community and each of us must accept our personal responsibility within that community, no matter what our beliefs.

The irony and the tragedy is that to John Salvi, Shannon's life meant nothing except an opportunity to make a statement. The good and the decent life of someone who truly cared about others was taken in the name of life.

Mr. President, no matter what our views on abortion might be, I am confident that every decent American mourns the senseless murder of Shannon Lowney and is touched by the loss of someone so young and so committed to working with other people.

Contrast Shannon's life and her motives and the motives of a man like John Salvi—a man who killed one person and wounded five others and then left Planned Parenthood and walked a few blocks to the Preterm Health Services Clinic where he asked Lee Ann Nicols, a 38-year-old receptionist engaged to be married this year, whether this was, indeed, the Preterm Clinic. She said yes, and he shot her from less than 1 yard away killing her on the spot.

He then said, "In the name of the mother of God," aimed at Richard Seron, a lawyer working as a security guard, and shot him once in each arm. He shot one other person, 29-year-old June Sauer once in the pelvis, once in the back, and then he left.

So five people injured, two people killed. He then drove 600 miles south to the Hillcrest Clinic in Norfolk, VA, where he went on another shooting spree, but nobody was hurt. And now we must ask ourselves what does this mean, who is John Salvi, and what does his life show us?

On Christmas eve, Salvi delivered a sermon about the Catholic Church and its failure to see the true meaning of Christ. But what was his motivation beyond whatever warped perceptions he had as a diviner of the scriptures?

Paul Hill, the minister currently on Florida's death row, gives us some insight into John Salvi's motivations. Hill gave us a chilling reason for killing a doctor and his assistant in Pensacola. He said:

The Bible teaches us to do unto others as you would have them do unto you. Therefore, according to his reasoning killing a man who is about to kill an unborn child constitutes self-defense.

To Paul Hill, the murder was a justifiable homicide.

Mr. President, this syllogism lies at the heart of one of the most corrosive dangers that we face in an ever increasingly violent world and a violent America.

There are religious teachings that offer justifiable excuses for killing, but the mainstream religions, all of them, have always promoted tolerance over intolerance. The only people who use religion to justify cold-blooded murder are religious fanatics, and they must be recognized as such.

But what happened in Brookline and what happened to Shannon Lowney and Lee Ann Nicols and the tragedy of their deaths tells us that we can no longer dismiss these fringe elements of our society, we can no longer let good people fall victim to intolerance and fanaticism.

Yes, John Salvi read from the same Bible that Shannon and Lee Ann did. The teachings and the words were the same, but their lives could not have been more different.

It is our task to remember that commitment and dedication can be manifest in kindness and concern, or they can take the hideous form of fanaticism and hatred that motivated John Salvi to play God.

Mr. President, it is incumbent on all of us, and particularly as we begin this term in the Senate, to understand the increasing danger that can be wrought by those who interpret religious teachings as a crusade against others and as a justification for cold-blooded murder or for violent acts.

It is our task to understand that we live in dangerous times and that the easy availability of weapons in society makes it even more dangerous. People like John Salvi and Paul Hill have increased the danger and increased the threat to those who choose to show their commitment and their faith by helping others build a better life for themselves and their families.

So I believe, Mr. President, it is time for both sides on the abortion issue to exert leadership and to show that we can find a way to express our views without increasing the rhetorical violence or the physical violence.

It is our task to sit down and to talk to each other, and I commend my friend and constituent and his eminence, Cardinal Bernard Law of the Archdiocese of Boston, for his personal efforts to bring both sides together. He has shown courage in this regard. Even though he is strongly pro-life, he has called for an end, temporarily at least, to antiabortion protests in Boston. He is trying to bring everyone together in an unprecedented sense of negotiation.

Cardinal Law has shown leadership and tolerance, and his deep faith serves as an example to all of us who want to bring an end to the senseless violence. What we achieve together can send a loud and clear message to those who would use their beliefs as justification for murder that, though we may not

agree, we are still one people bound together not only by our faith and our commitments to our beliefs but by the expression of our common interest through tolerance for our differences and a mutual respect and understanding for each other.

Mr. President, Shannon Lowney, obviously, did not deserve her fate. She was a good and decent woman, though some might disagree with what she chose to do. They certainly could not wish on her the death she found. She was the personification of the principles of freedom, freedom of choice and equality and the justice that unites us as a people, and she was working to help others because she cared about other human beings.

Make no mistake, the wrong response to these shootings would be to turn clinics into armed fortresses on the fringes of our medical delivery system, further from those who have a constitutional right to seek the procedure.

We must learn from this and, indeed, in tribute to those who died, make certain that this constitutional right is protected at the Federal, State, and local level by providing the resources necessary to maintain peace in our country.

When those shots rang out in Brookline last Friday, Mr. President, John Salvi did not just take life, he took something very precious from all of us. He took our freedom to believe and to express our beliefs as we choose and he took our freedom to act on our beliefs without fear of violence. We cannot permit that to happen in this country.

For many days, there will be many who will continue to mourn the deaths of Shannon Lowney and Lee Ann Nicols. The people of my State will remain shocked and outraged at this senseless act of violence that took them from us. And I know I speak for every Member of the Senate in extending our deepest condolences to their families and friends and to all the victims of this tragedy.

The lesson, Mr. President, is tolerance, and it is a lesson we would do well to learn and to think about as we witness other divisions in the United States of America, particularly the division of race. If we do not learn it, then we will dishonor the memory of these two young women from Massachusetts who lost their lives through intolerance in the name of God.

I yield the floor.

Mr. BREAU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

PROPER AND LEGITIMATE ROLE OF GOVERNMENT

Mr. BREAU. Mr. President, I say to my colleagues, we have all just undergone an election process, a great debate that has occurred in this country, culminating in the elections on November 8, which saw those of us who are Democrats lose the majority both

in this body as well as in the other body.

I think a great part of that debate was over the proper and legitimate role of Government as it affects the individual lives of the citizens of this country.

Many traditional Democrats—not all, but many—have taken the view that the proper role of Government is to try to solve everybody's problem all of the time, and that necessarily meant that many of those suggestions were coming from Washington as to what those solutions should be. Many, not all, Republicans took the view that the role of Government was to get out of the way and that Government really had no role in helping people solve their problems, but that it was more of a survival of the fittest type of attitude that should be the predominant one by which we govern ourselves.

I think both of those roles are not what the American people were talking about when they went to the polls on November 8. Many self-styled new Democrats take the view that the legitimate and proper role of Government is to help equip people to solve their own problems. Government's role is not to solve their problems, nor is Government's role to get out of the way and let the survival of the fittest be the rule of the day. But, rather, the proper role of Government is to try to help and equip people to be able to solve their own problems. That is a viewpoint that I think is proper and one that I share.

In keeping with that perspective of what Government's role is, I have joined with Democratic leader DASCHLE and Senator KENNEDY, of Massachusetts, in introducing legislation, which is S. 6, which is entitled the Working Americans Opportunity Act.

I think it is legislation which all Members should carefully consider because it takes as its premise that the role of Government is to help people solve their own problems, to help them equip themselves to meet the needs and the problems they are facing.

We all know that in today's society the average American worker has to change jobs several times in a lifetime. We all know that a great deal of the insecurity that Americans have in their daily lives is because they do not know whether the job they are in today will be there tomorrow. They do not know whether they will have the training and the skills to go out and seek a new job, perhaps in a new area, perhaps in a new profession, because they have not been properly trained.

S. 6, the Working Americans Opportunity Act, provides the types of training, the types of opportunities that American workers need in order to equip themselves to meet the challenges of the future. President Clinton has in his proposal for a middle-class bill of rights a similar proposal. The President has said many times that what you earn is tied to what you learn in this country, and that is a very true statement.

Our legislation will try to help Americans learn more so that in their lives they can earn more. What we do with this legislation is to build on the old GI bill with which so many Americans are familiar, where returning servicemen after World War II were given an opportunity to select a college, an institution they would like to attend, and the Government helped them equip themselves by giving them the money which allowed them to select where they wanted to go to college, and also to select what courses they would take.

The Government did not make that decision. The Government in Washington, after World War II, did not tell young Americans where they had to go to college. It did not tell them, when they got there, what courses they had to take. It did not tell them in what they had to major. The Government at that time had faith in the individual American citizen to make that decision on their own because Government at that time felt the individual would make the right decision; they would take the courses they felt they were best able to do well in; they would go to the college they felt best suited their particular need.

There was no bureaucracy or no Government in Washington that made that decision. That is one of the reasons why the GI bill was such a good piece of legislation and why thousands and thousands of Americans today have lived a better life, because someone had the intelligence back in the 1940's to offer legislation which made that type of career education possible for hundreds of millions of Americans.

What we have offered today is building on that concept. It will give to Americans who have been dislocated because of a plant closing or because they have been fired, they have been laid off, vouchers to allow individuals to select the type of training they want, at the place they want, the type of program they want, they feel best suited they can handle, and then enroll and better themselves so they can earn more in later life.

Mr. President and my colleagues, we have hundreds of programs in the Federal bureaucracy. We have agencies all over the place that have job training programs where bureaucrats in Washington are deciding for an individual in my State of Louisiana what is the best course they can take or where they should go to school. This legislation says the individual should have the ability to make that decision; that our role in Government is to give that person a voucher and let them decide where they want to go and what courses they want to take. I think this concept is one of which the President is supportive, one of which I think many of our Republican colleagues will be supportive because it eliminates the bureaucratic, governmental decision maker in Washington and allows the decision to be made back at the local level by the person who is going to benefit from that decision in the first

place—the individual who is going to benefit from these vouchers.

I would point out that this concept of putting the workers in charge of their own fate rather than having their fate decided in Washington is going to accomplish a couple of things. No. 1, it would really I think for the first time allow the workers to take charge of their career, let them decide what they want to do instead of having that decision made in Washington.

Second, I think allowing that individual to decide where they want to go and what school they would like to attend for the training they are seeking is going to provide competition among private and public institutions for that individual's interest, to compete for that individual's business. I think that competition will provide better services. Right now there is not a great deal of competition among training institutions because the Government makes the decision where these individuals have to go. There is no competition. This legislation would create competition among these schools to compete for those individuals coming to their institutions, and I think they would provide a better product.

Third, competition would provide accountability for performance. Dissatisfied customers could vote with their feet, taking their business to more effective providers.

And fourth, bureaucracies that run the current program would certainly be reduced. I am told by I think the General Accounting Office that we have literally hundreds of departments and agencies in Washington that run job training programs. We already spend literally billions of dollars in Washington on job training programs right now. Our legislation says we should not be spending any more money. It is a question of spending it more wisely.

Our legislation takes money from existing bureaucratic programs in Washington and uses the dollars to create vouchers to give to individuals to let them make the decision as to where they can best get their best education and the best retraining to compete in today's modern world. The global economy that we are now talking about creates a lot of opportunities for Americans, but it also has created a lot of problems for Americans because many jobs people are involved in today are not going to be here tomorrow because of the changing global competition and environment.

This Congress just in the last year passed a North American Free Trade Agreement. We passed a GATT agreement. That is going to make global competition more and more and create more opportunities for American workers and for American businesses. But we cannot do it if our workers are not trained. We cannot do it if our workers are still educated to work in jobs that are not the jobs of the future, that are not the jobs in a global environment with global competition.

I think this legislation for the first time will say that we are going to recognize that individuals, citizens back home have the ability to make the decisions for themselves. But Government does have a role. It is not survival of the fittest. It is not just throwing everybody out there and saying some will survive and some will perish, but it is saying Government's role will be to help people make the best decisions for their lives.

So I would suggest the legislation we have introduced today, the Working Americans Opportunity Act, is in keeping with that theory, that there is a legitimate role for Government to help equip our citizens to make their own decisions and to help them solve their problems.

That is the role of Government I think most Americans share. I think it was one of the clear messages of the last election. I think all of us have to take heed of those results, Republicans and Democrats alike. This legislation is a major step in that direction, and I urge my colleagues to consider joining with us in supporting this legislation as it has been introduced.

Mr. President, I now yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I rise today to lend enthusiastic support to S. 9, which I think is probably one of the most important, if not far-reaching, measures that have been introduced today, along with very many other important measures.

S. 9 addresses the matter of the constitutional amendment to balance the budget. I have long been a supporter of that, and my name has been mentioned by my colleagues on both sides of the aisle. I was very pleased to join as a cosponsor of the bill of the Democratic leader to focus attention on this matter.

I also happen to be the ranking Democrat on the Budget Committee, and the Budget Committee, with all of its other very important responsibilities, is going to play a very key, a very decisive role in the constitutional amendment to balance the budget.

I rise today though to say while I voted for it before and I am going to vote for it again, I am going to be plowing a straight furrow down the road on this whole matter to explain to the Senate and to the House and to the people at large that passing a constitutional amendment to balance the budget is the easy part.

There has been no legislation introduced today, and I daresay there will be no legislation introduced in this Congress, that has such far-reaching implications. This is where the rubber meets the road. Passing a constitutional amendment—which I believe will be passed—is the easy part. In doing so, we have to have a thorough understanding by every Member of the Senate, every Member of the House of Representatives, every Governor, every

legislator in every State and the people at large, as to the awesome task that we take upon ourselves when we pass this measure. It is not going to be easy. It is probably one of the most difficult tasks that the Congress of the United States all during our history has ever saddled itself with. But saddle it we must if we are going to stop runaway deficits, skyrocketing national debts.

I think the first thing we have to have a full understanding with the people on, if they do not understand it now, is that there is a difference between the annual deficit and the national debt. I am afraid the people hear about the \$150 to \$350 billion annual deficit and then they hear about the skyrocketing national debt that was addressed earlier in the day by Senator DASCHLE, under \$1 trillion in 1980 and now it is \$4.7 trillion. They hear often that the fastest growing part of our budget is interest on the national debt.

I simply say that if we are going to balance the Federal budget by the year 2002, as is outlined in most of the measures that have been introduced thus far, we are going to have to cut \$1 trillion or more, depending on how much money we expend for tax decreases—worthy or unworthy, justified or unjustified. The political climate, it seems to me, is to make everybody happy we have to have a tax cut. Add that tax cut, if you will, to the \$1 trillion that I have already outlined and you see the monumental problem that we have on our hands.

Meanwhile back at the ranch we have all kinds of people, well-intentioned people, who are saying, "This has to be off limits. Of course that has to be off limits. We cannot touch this, we cannot touch that." I hope those of us who vote for a constitutional amendment to balance the budget recognize, as we must, that not all of us, maybe not a majority of us, will be here serving in the U.S. Senate and the House of Representatives in the year 2002. Yet we are mandating what people will do then. We, therefore, in my view, have the responsibility to plow a straight furrow, to tell the people exactly what the situation is, to put the pain and suffering that is going to take place in making these cuts so they are clearly understood—to recognize that, of all things, we may even have to raise taxes sometime before 2002 to accomplish the ends we are about to vote for. When you mention the tax word around here, though, that is a no-no.

I simply say in tackling this proposition this Senator, and I expect two-thirds of the Senate, are strongly in support of and will pass a constitutional amendment to balance the budget. We have the responsibility, not only to vote but we have the responsibility

to fully understand what we are tackling and what we are taking on. Therefore, I want to make the point that this S. 9 is a far-reaching measure. It has to be passed, I believe, to bring some sanity to the Federal Government, to begin to balance income with out-go. Therefore it is a necessity. It is a very, very painful one and the people of the United States who send us here to do their bidding should understand when we do what they want us to do—the vast majority want a constitutional amendment to balanced the budget. I say to the people of the United States of America, it is not going to be easy. I am afraid too many believe if we just eliminate the \$1,200 toilet seats and the \$500 hammer, and if we cut the salaries of the Members of the House and Senate and their staffs in half, we could do those things and everything would take care of itself. It would be balanced.

I heard a big debate on television last night about \$300 million for public radio and public television. That is what television shows are made of. The \$300 million that we spend on public broadcasting maybe should be cut. But it is a drop in the bucket. And we continue to focus on the little things, making believe if we do that, the problem is solved. It is a monumental problem of major proportions that all should understand, as we proceed down this dangerous course that in my view we must proceed on if we are ever going to bring outlays in line with expenditures.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I make inquiry to the Chair on a matter, a parliamentary inquiry as to what the proceedings are before the Senate now?

The PRESIDING OFFICER. The Senator may speak for up to 10 minutes.

SENATOR DASCHLE'S IMPORTANT MESSAGES TO THE AMERICAN PUBLIC

Mr. REID. Mr. President, at the beginning of every session of Congress the Senate, both the minority and the majority, introduce five bills. These are deemed to be the most important bills of the two parties during a Congress. I would like to congratulate and applaud the minority leader, Senator DASCHLE of South Dakota, for the choice he made in the bills that are part of the legislation that will be addressed by this Congress. The bills he has introduced are important messages to the American public.

I first want to talk about S. 6. This is a bill dealing with the American work-

ing class. It is called the Working Americans Opportunity Act. We have made great strides, these past couple of years, in creating new jobs. Over 5 million new jobs have been created. We have the lowest inflation rate since John Kennedy was President. Three years in a row we have had a deficit reduction. We will have a reduction in our annual deficit this year, the third year in a row. This is the first time in 50 years this has happened.

Industrial production is the highest since the days of President Lyndon Baines Johnson. Real business investment is the highest since World War II.

Mr. President, we have 100,000 fewer Federal employees than we had years ago. Corporate profits soared 45 percent in the last quarter. Productivity as I indicated is skyrocketing.

What then is the problem? The problem is that the American public generally is not benefiting from the gains that are being made.

Let me read from a speech that was given by the Secretary of Labor very recently. He said among other things, and I quote:

The old middle class has become an anxious class—worried not only about sustaining their incomes but also about keeping their jobs and their health insurance. Our large corporations continue to improve productivity by investing in technology and cutting payrolls. In a recent survey three out of four employers say their own employees fear losing their jobs. Meanwhile, 1994 is on track to become history's second-biggest year for mergers and acquisitions. But who wins in this \$300 billion deal? Certainly not the average American worker. When two industry giants merge, the advantages of the deal often come from layoffs. Across America, I hear the same refrain: "I've given this company the best years of my life, and now they dispose of me like a piece of rusted machinery." What has happened to the men and women who have lost their jobs? Some have navigated their way to new and better opportunities. But nearly one out of five who lost a full-time job since 1991 is still without work. And among those Americans who have landed new jobs, almost half—47 percent—are now earning less than they did before.

In sum, tens of millions of middle-class Americans continue to experience what they began to face in the late 1970's—downward mobility. They know that recoveries are cyclical, but fear that the underlying trend is permanent. They voted for change in '94 just as they voted for change in '92, and they will do it again and again until they feel that downward slide is reversing. But what so many Americans find shocking about today's economy is the seeming randomness of their fates.

On a recent poll, 55 percent of American adults said they no longer believe that you can build a better life for yourself and your family by working hard and playing by the rules. Of those without college degrees, 68 percent no longer believe it. Because they

have been working hard and they are still falling behind.

Mr. President, sure things are happening. Corporate profits are up 45 percent, and I am happy. That is the way it should be. We have added new jobs. But the problem is, I repeat, the middle class is not benefiting from what is taking place. That is why we had the vote in 1992 that was a minirevolution, and a vote in 1994 that was an outright revolution. People of the middle class that make up the vast majority of the people of this country are dissatisfied with what is going on.

Last year alone the top 20 percent of American households took home a record 48 percent of this Nation's total income. This same group, the top 20 percent of American households, pocketed 72 percent of the growth in incomes that took place. The top 5 percent of people who work in America took home 20 percent of the Nation's total income and more than 40 percent of all the growth that took place in income in this country. We know about rising interest rates that are also hitting the middle class with higher car payments, mortgages, and credit card payments.

Mr. President, men who lack a college degree—nearly three out of four working men—have suffered a decline in average real income since 1979 and women have just barely stayed even.

So as to the bill, the Working Americans Opportunity Act, I will not repeat what my colleague from Louisiana, Senator BREAU, said, but I believe, as Senator BREAU believes, that it is one of the most important pieces of legislation introduced in these Chambers in decades. Why? Because it is directly related to the American middle class. The bill will take bold steps, Mr. President, to complete the responsibility for economic viability for all American citizens. The bill will replace nine Federal job training programs. I mentioned nine job training programs. Each of these job training programs have a series of subcategories under them, dozens, as Senator BREAU said. Many of them are not relevant to the people that are coming to them seeking help. We want to replace these nine Federal job training programs with a new training account system for working Americans.

Mr. President, the vast majority of the people in America do not go to college. There is nothing wrong with that. I am not going to get into a debate about how our high schools only generally push college courses. I think that we should be more in tune with what people want and need in this country. But suffice it to say, the vast majority of people in this country do not go to college. We need people that do not go to college to be able to compete in the modern-day American workplace, and many people are not. They are being lost in the cracks. They go to find help from an agency that is supposed to help them and retrain them. They have lost jobs. They do not

have a job. They are lost. The job agencies simply do not give them the help they need.

These workers will be given a voucher. It is not welfare. We will save money in this program. Instead of giving this money to a Government bureaucrat we will give the money to an individual. That individual can look around and find a program that is in keeping with what they should do, what they want to do.

Mr. President, this is the way that we used to do things. We should now again take up what worked before.

They will receive training vouchers for job training and employment-related services. This legislation will offer workers who seek assistance a list of State-certified places to obtain job training and employment services. The places they will go will have been certified, and they will have a report card, so to speak, to indicate their success and failures.

It will establish through Federal grant programs to States a one-stop information center that provides easy access to a full range of job training and placement services. It will establish in the labor market an information system providing current data on available jobs and training to help working Americans keep pace with the changing workplace.

This legislation should receive bipartisan support. I am hopeful and I am confident that it will. There is no reason that we cannot join together in this. It does a number of things. It reduces the bureaucracy, returns programs to the State level, and gives individuals choice in how they are going to be able to complete the rest of their lives. There will not be meaningless programs that they are sent to for retraining.

So I do hope very much, Mr. President, that we can receive bipartisan support for this legislation that has been introduced by Senator DASCHLE.

Also part of Senator DASCHLE's legislation is the Family Health Insurance Protection Act. We all know that the work that was done in the hours and days and weeks and months spent on this floor and in the other body on health care reform bore no fruit. We can pass a lot of blame as to why.

Mr. President, I ask unanimous consent that I be allowed to speak for an additional 5 minutes.

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

Mr. REID. Mr. President, if we had to pick winners and losers in the health care debate, the winner clearly is the health insurance industry. They set out to confuse and frighten the American public, and they did that. I have to tell them that I think they did a good job. But that does not take away from the fact that we still now have problems with health care in this country.

Senator DASCHLE has recognized this in his legislation which continues a commitment to provide Americans

with accessible and affordable health care by addressing those pressing concerns of working families. This legislation will clamp down on insurance practices that often cause families and small businesses to lose their coverage.

I learned in this health care debate that we did not spend enough time trying to look out for small businesses. This legislation does that.

The elements in this bill are those areas upon which there is I believe, and Senator DASCHLE believes, broad bipartisan consensus to do some health care reform.

This bill will ensure portability, eliminate preexisting conditions exclusions, and prohibit companies from charging consumers higher rates than others with the same policy or raising rates after consumers get sick. This bill will also require all insurers to offer at least one plan that will give benefits similar to what Members of Congress have.

Also, I think very important—and I believe this is the most important part of Senator DASCHLE's bill—if we pass no other part, we should pass the part that says: This bill will return buying power to consumers by requiring health care providers, health plans, to make cost and quality information available to consumers so they can compare plans and make informed choices about the coverage.

We would require that the health care providers, in effect, have a report card so consumers can make an intelligent choice. We want to also reduce paperwork and have administrative simplification and reform of malpractice. I believe this is another piece of legislation on which we can join with our neighbors across the aisle and reform health care in America today.

Another piece of legislation is the Teen Pregnancy Prevention and Parent Responsibility Act. I am concerned about this issue. I am not proud of the fact, but the State of Nevada, in 1990, ranked No. 2 in the Nation in teenage pregnancy rates. There is only one other State in the Union that has a higher teenage pregnancy rate than the State of Nevada.

We have to address welfare reform generally. This legislation does this, with emphasis on the problems we have with teen pregnancy and establishes parent responsibility. We must have the parents of these children responsible for their well-being.

It is important to note, Mr. President, that 70 percent of births to teenage mothers were fathered by men who were 21 years of age and older. They should pay and be responsible. We know what is going on in our country today. It is devastating and it is hurting the moral fabric of this country. This legislation addresses that.

Because of the lack of time, I am not going to go into detail, but I say to my friends on the other side of the aisle that this is the third piece of legislation I have talked about today where we should have bipartisan support.

Senator EXON talked about joining the Republican colleagues on the balanced budget amendment. We need to do that.

The last part of the legislation that the minority leader introduced as part of the Democratic legislation is congressional coverage reform. It is important that we deal with Senate coverage. We are going to do that. That is going to be a bipartisan effort. I worked as chairman of a task force last year to report to the majority leader, and then the minority leader Senator DOLE, and I think much that we did on the bipartisan task force is going to be part of the legislation. Lobbying reform, gift ban and campaign finance reform are a part of Senator DASCHLE's legislation. I recommend it to my colleagues on this side and the other side of the aisle and say to the American public I think this is the year we are going to accomplish something through teamwork.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I have been pleased to listen to the statement of the distinguished Senator from Nevada, and I am very encouraged to hear his comments. I am satisfied that there are going to be many issues we will work together on, and I believe there are going to be many opportunities for cooperation in a bipartisan way this year.

I want to commend our new Republican majority leader for scheduling as the first piece of legislation we will take up the Congressional Accountability Act. We will have bipartisan support for that effort, and I think it is appropriate that we begin this year by saying we are going to have all the Federal laws that apply to the American people—in the States of Nevada, Tennessee, Mississippi, all across the country, apply to us also. So we will begin that debate on the first full legislative day of this year, and hopefully we will be able to reach an early agreement and pass that legislation quickly—perhaps in the next 2 days, or certainly by early next week. I look forward to working with the Senator from Nevada and others. I yield to the Senator from Nevada.

Mr. REID. I say to the Senator, my friend from Mississippi, through the Chair, that I congratulate him on his recent leadership position. I am glad to see that my former colleague from the House is doing well. He had good training there. I served in the House when the Senator from Mississippi was minority whip. He did a fine job there, as I am sure he will do here. I wish him the very best in this Congress.

Mr. BRADLEY addressed the Chair.

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

Mr. BRADLEY. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business for 5 minutes.

Mr. LOTT. Reserving the right to object, Mr. President.

Just for clarification, under a previous unanimous-consent agreement, there was a time agreement, I believe, for an hour and 20 minutes on each side. What is the present status of that time? All time has expired on the minority side. How much time is remaining on the majority side?

The PRESIDING OFFICER. The majority has 28 minutes and 16 seconds, and the minority is out of time.

Mr. LOTT. And when all time is used or yielded back, is the next order of business a statement by the Senator from Iowa [Mr. HARKIN], on his amendment?

The PRESIDING OFFICER. The next order of business would be to resume consideration of Senate Resolution 14.

Mr. LOTT. I thank you, Mr. President.

I withdraw my reservation.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BRADLEY. I thank the Chair.

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

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

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

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Mr. President, I ask unanimous consent that I may speak for up to 10 minutes as in morning business.

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

TAX CUT—WRONG THING TO DO

Mr. FEINGOLD. Mr. President, as the bipartisan stampede for tax cuts begins here in the 104th Congress, I would like to raise a dissenting voice. Like every other elected official, I would really like to be able to support a tax cut for middle-class Americans. In fact, it would be great to be able to support a tax cut for all Americans. That is usually a very pleasant opportunity for an elected official to vote for that kind of tax cut.

I think it is the wrong thing to do right now, when we have just begun to make headway on reducing the Federal deficit. This new tax cut fever is just the most recent example of how far we seem to be straying in the path toward economic stability. We started moving in the right direction with deficit reduction in 1993, but I think in 1994, we started to stray from the path a little. Now, there are just far too many signs that not only are we straying from the path, but that we are about to make a

complete U-turn and head back toward soaring deficits, a mounting national debt, and putting off until tomorrow the fiscal housecleaning that is so desperately needed today. Let me just tick off very quickly some of the bad signs that we are about to move in the wrong direction.

One is that the Republican Contract With America, frankly, lays out what I think is an irresponsible plan that proposes a balanced Federal budget and, at the same time, says we are going to have major tax cuts and a significant increase in military spending. This is a proposal that Nixon's economic adviser, Herbert Stein, labeled hypocritical. So that is one sign—the Republican contract.

The second sign is that some folks are also saying we should use something called dynamic scoring techniques. I think this dynamic scoring technique is a bit of fiscal hocus-pocus. Business Week described it this way:

* * * as the most dangerous thing to hit Washington since politicians discovered how to print money.

Dynamic scoring would abandon the tough pay-as-you-go budget rules that we have used in the past several years to bring down the Federal deficit. So I think that is a bad idea. In fact, we have seen voodoo economics in the past. I see this as voodoo mathematics.

Just so it is clear this is not just a partisan statement by any means, there is a third sign that we are moving in the wrong direction, and that is that President Clinton himself has proposed a \$25 billion increase in spending for a military budget that, in my view, is already bloated with obsolete, cold-war-era weapons systems.

Another sign: Members of both parties in this Senate just voted to waive the budget rules for the GATT implementing legislation. There are many other merits to it, but the fact is the measure does not offset the cost of the loss of tariffs of some \$40 billion over the next 10 years. So much of the progress we made on reducing the deficit could be lost because of the failure to pay for the GATT agreement.

The same goes, finally, for the proposal, the reaction to the Kerrey-Danforth Commission. People essentially ignore the important message that all things have to be on the table. Both discretionary spending and entitlements have to be on the table. You cannot have it only defense spending, only discretionary spending, or only entitlements if we are going to attack the deficit.

But perhaps the greatest risk to our efforts on the Federal deficit is the latest effort to try to come up with these tax cuts. That frenzy of tax cuts, particularly creating the tax breaks for special interests, gave us the biggest deficit in our history, a deficit that we have just begun to cut, with considerable pain and sacrifice for Americans. I do not think our economy can sustain another round of this political self-indulgence.

Mr. President, if the Federal Reserve reacts as anticipated and pushes interest rates up again, the economy could very well go through the windshield, and right now the President's proposed tax credit for families with incomes up to \$75,000 will cost \$90 billion over 10 years, and if you throw in the tax cuts he has proposed, the bill reaches \$174 billion. The Republican proposal to give tax credits for families earning up to \$200,000 will cost, Mr. President, \$244 billion over 10 years, and altogether the Republican contract, I am told, would cost a whopping \$712 billion over the next 10 years.

So, Mr. President, I think the conventional wisdom about tax cuts is something that has to be challenged. I realize not many people are doing it at this time. What I am noticing is that my constituents can smell a rat when someone suggests that a tax cut is just what the Nation needs right now.

It was not that long ago that I had a chance, as a candidate for U.S. Senate, to oppose a middle-class tax cut in a campaign. My opponents in the general election spent a lot of time and money making sure everybody in the State knew I was against the middle-class tax cut. But the voters realized that what they would get back in lower taxes, a meaningful amount to many people, was simply not worth it because of the devastation it would cause to our Federal budget.

Let me bring it right up to today. In my office, since the President made his speech, phone calls and letters have been running about 10 to 1 in favor of reducing the deficit rather than using spending cuts to cut taxes.

For example, a gentleman from Birnamwood, WI, wrote to me and said:

By all means, cut Government spending but use that savings to eliminate the deficit and pay down the debt that threatens to overwhelm us.

He said that is the only responsible thing to do.

A woman from Cornucopia, WI, the most northern point in Wisconsin, wrote:

I can't figure out why this is happening, this race to cut taxes, when the majority of people, according to all I have seen, heard, and read, don't care.

She says:

We wanted the deficit cut and we wanted our money spent more wisely.

A gentleman from Waupaca, a very Republican town in Wisconsin, wrote this to me. He said recently:

I want you to know that I strongly support your position against the proposed tax cuts. With an income of \$50,000, I guess I would benefit from most of the tax cut plans, but I feel the benefit would be short lived and would be clearly detrimental to the country. I hope that you will continue to oppose these tax-cut plans that are clearly nothing more than attempts to buy votes.

My office, Mr. President, has received hundreds of calls and letters that are similar to these. And I think that view is shared not just in Wisconsin. A USA Today-CNN poll published on December 20, 1994, found that 70 per-

cent of those polled said if Congress is able to cut spending, then reducing the deficit—reducing the deficit—is a higher priority than just giving out tax cuts.

So, Mr. President, to conclude, it is a little frustrating to hear constituents who could certainly use the money urge Congress to make deficit reduction a higher priority than tax cuts and then see this institution rush to see who can give the bigger tax cut. I hope the media and the political commentators will look closely at the campaign rhetoric of those who just recently pledged to fight to reduce the Federal deficit and compare that rhetoric to today's eagerness to join the bandwagon on tax cuts.

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

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

PASSAGE OF A PROCOMPETITIVE, DEREGULATORY TELECOMMUNICATIONS BILL, THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995

Mr. PRESSLER. Mr. President, I think one of the major duties of the new Congress will be to pass a major telecommunications reform bill—a new procompetitive, deregulatory bill. I know there are many views in this body on national telecommunications policy. The Republican controlled 104th Congress has a truly historic opportunity to pass comprehensive telecommunications reform legislation.

Last year, the Congress almost passed a bill. The House of Representatives passed a bill by an overwhelming vote. The Senate Commerce Committee passed out a bill 18 to 2 that became entangled here on the Senate floor.

Why should we pass a telecommunications bill in 1995? The reason is that the country needs a roadmap for the next century in telecommunications as we continue to move forward in the Information Age. We need to have more competition and more deregulation. Past efforts to craft telecommunications legislation have been bogged down by overly regulatory approaches. A fresh look at the issues, grounded in procompetitive, deregulatory principles, is the best way to meet our common policy objectives.

We need to have all telecommunications markets open to competition. We need to have the cable companies competing in the telephone business and telephone companies providing cable television service. We need to have the long-distance companies competing in local telephone markets, and vice versa. We no longer should have

this regulatory apartheid scheme of having little patches or enclaves of competition for only one group of people or companies.

Telecommunications policy in America, under the 1934 Communications Act, has long been based on the now faulty premise that information transmitted over wires could easily be distinguished from information transmitted over the air. Different regulatory regimes were erected around different information media. That is what I refer to as the regulatory apartheid scheme.

This is an extremely complex and difficult area. It is easier said than done. The telecommunications field is a unique area of regulation in that one frequently has to use someone else's coaxial cable to get to a home or someone else's fiber optic cable or someone else's copper cable or copper wire to get one's product delivered. Nonetheless, I am quite confident we can work out many of those problems through the development of opening requirements in terms of unbundling, in terms of interconnection, in terms of number portability, in terms of resale and so forth.

It is my strongest personal conviction that one of the great accomplishments, on a bipartisan basis, of this 104th Congress will be the passage of a new major telecommunications reform bill.

I have been meeting and speaking with numerous CEO's from around the country in the telecommunications and information technology industries. I am meeting with consumers. I am talking with my fellow Republican and Democratic colleagues, both in the House and the Senate. I have spoken on a number of occasions with Vice President GORE about this most important topic. We must work together on a bipartisan basis to achieve this laudable goal.

Much of the recent discussion around the country has been about the Contract With America and some of the partisanship that might surround that debate. I think the contract is a very healthy thing and I will vote for it. But we will also have a substantial piece of substantive legislation in the Commerce Committee this year—a new procompetitive, deregulatory telecommunications bill—the Telecommunications Competition and Deregulation Act of 1995. As the incoming chairman of the Senate Commerce Committee this year I have announced that this will be the Commerce Committee's top priority. I ask my colleagues to look at some of the materials we will send to your offices on this bill. It is very important that we reach consensus on this critically important issue and pass a new telecommunications bill.

My new telecommunications bill will rapidly accelerate private sector deployment of advanced telecommunications and information technologies and services to all Americans by open-

ing all telecommunications markets to competition. It will markedly improve international competitiveness, spur economic growth, job creation and productivity gains, delivery better quality of life through more efficient delivery of educational, health care and other social services, and enhance individual empowerment. All without spending taxpayer money.

Mr. President, I thank the Chair and I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE CIVIL JUSTICE SYSTEM

Mr. HATCH. Mr. President, I intend to introduce legislation very early in this Congress that will address some of the most serious deficiencies in our civil justice system. Litigation today is an extraordinarily expensive mechanism for compensating an injured party. The seriously injured victim in Utah and in all of our States is often not compensated fairly, and frequently there is an unconscionable delay in one's recovery.

In other instances, trial lawyers sue too easily, and often with no consequence for their unmeritorious position, knowing that the high cost of defending against even an unworthy claim will often induce at least a nuisance settlement.

The uncertainty of an excessive punitive damage award by a runaway jury cripples our business community and diverts resources that could be better used for research and employment. Moreover, the current joint liability laws make each defendant with any culpability liable for the entire amount of damages regardless of the degree of their culpability. Thus, for example, a defendant who is only 10 percent responsible for a wrong can wind up paying 100 percent of the damages.

Many defendants are unfairly held responsible for damages because those primarily responsible are uninsured or outside of the jurisdiction of the courts. Junk science has made a mockery out of our system of justice, leading juries to make unfair decisions in some cases.

In sum, we now have a civil justice system wherein true victims face unreasonable delay in receiving compensation for wrongs done to them, compensation which is often less than full, in any event. At the same time, the civil justice system imposes an enormous cost on society as a whole. The great expense of litigating against meritless claims, the unfair allocation of liability, the threat of unfair, excessive damage awards, collectively drive up the cost of doing business. This cost

is ultimately passed on to the consumer, and deters the development of new and worthwhile products and services.

I support a number of legal reforms that will improve our civil justice system, make the system fairer to all parties, allow for a quicker recovery for those injured, and make those most responsible for an injury liable for their fair share. I welcome the input of those concerned about these issues.

I am also committed to joining Senators GORTON and ROCKEFELLER in passing product liability reform legislation in the 104th Congress. I look forward to their continued leadership in the Commerce Committee in that important effort. I hope that my efforts to enact civil justice reform legislation will complement the products liability legislation.

TRIBUTE TO C.G. NUCKOLS

Mr. HATFIELD. Mr. President, I rise to pay tribute to one of the original staff members of the Congressional Budget Office, C.G. Nuckols. Mr. Nuckols has served the Congress at CBO for almost 20 years, most recently as Assistant Director for Budget Analysis. He is retiring today to begin a new career in the private sector.

C.G. Nuckols began his Federal service in 1963 as an operations research analyst for the Department of the Navy. From there he moved to the Office of the Secretary of Defense, where he became Director of the Program Cost Analysis Division. In recognition of his efforts, he was awarded the Defense Meritorious Civilian Service Medal. Soon after CBO started operations in 1975, Alice Rivlin and James Blum persuaded Mr. Nuckols to leave the Defense Department to help establish CBO's Budget Analysis Division.

Every Member and every committee of the Congress relies on the work of the Budget Analysis Division. We on the Appropriations Committee expect our appropriation bills to be scored overnight—or sooner. The Budget Committee depends on the division for help in preparing the functional totals and committee spending allocations for the budget resolution. And the authorizing committees routinely receive timely CBO cost estimates for virtually all reported bills.

Although the Congress now takes all of these things for granted, it was not always so. In 1975, CBO was a blank slate. Together with James Blum, C.G. Nuckols established the rules, formats, and procedures for preparing budget projections and bill cost estimates. He made sure that work was completed on time, that analyses were carefully justified, and that precedents were scrupulously followed—whether the estimate was for a freshman or a powerful chairman.

Yet if there is one item above all for which we have C.G. Nuckols to thank, it is for the quality of the budget analysis staff at CBO. From 1975 to today,

Mr. Nuckols has personally interviewed almost everyone hired by the Budget Analysis Division. Only those who meet his high standards of integrity, intellect, and training pass muster. Then, having hired the best, he has worked to ensure that they had the resources and support necessary to perform at their best.

Mr. President, the appreciation we feel for the work of the Congressional Budget Office is due in no small part to the efforts of C.G. Nuckols. During his 20 years at CBO, Mr. Nuckols has served the Congress with quiet, tireless, nonpartisan professionalism. I wish him well in his new venture, knowing that he leaves behind at CBO a staff that will continue the tradition he did so much to establish.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1996.

This report shows the effects of congressional action on the budget through December 1, 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. 218), show that current level spending is below the budget resolution by \$2.3 billion in budget authority and \$0.4 billion in outlays. Current level is \$0.8 billion over the revenue floor in 1995 and below by \$8.2 billion over the 5 years 1995-99. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$238.7 billion, \$2.3 billion below the maximum deficit amount for 1995 of \$241 billion.

This is my first report for the first session of the 104th Congress.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 4, 1995.

Hon. PETE DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through December 1, 1994. The estimates of budget authority, outlays and revenues are consistent with the technical economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

This is my first report for the first session of the 104th Congress.

Sincerely,

ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS DECEMBER 1, 1994

[In billions of dollars]			
	Budget resolution (H. Con. Res. 218) ¹	Current level ²	Current level over/under resolution
On-budget:			
Budget authority	\$1,238.7	\$1,236.5	-2.3
Outlays	1,217.6	1,217.2	-0.4
Revenues:			
1995	977.7	978.5	0.8
1995-1999 ³	5,415.2	5,407.0	-8.2
Maximum deficit amount	241.0	238.7	-2.3
Debt subject to limit	4,965.1	4,686.1	-279.0
Off-budget:			
Social Security outlays:			
1995	287.6	287.5	-0.1
1995-1999	1,562.6	1,562.6	*0.
Social Security revenues:			
1995	360.5	360.3	-0.2
1995-1999	1,998.4	1,998.2	-0.2

¹ Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit—Neutral reserve 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 Includes effects, beginning in fiscal year 1996, of the International Anti-trust Enforcement Act of 1994 (P.L. 103-438).

* Less than \$50 million.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS DECEMBER 1, 1994

[In millions of dollars]			
	Budget authority	Outlays	Revenues
Enacted in previous sessions			
Revenues			\$977,700
Permanents and other spending legislation	\$747,106	\$705,958	
Appropriation legislation		242,066	
Offsetting receipts	(203,681)	(203,681)	
Total previously enacted	543,425	744,344	977,700
Enacted 103d Congress, 2d session			
Appropriation bills:			
Emergency Supplemental, FY 1994 (P.L. 103-211)	18	(832)	
1994 FHA Supplemental (P.L. 103-275)	(2)	*	
Agriculture (P.L. 103-330)	67,515	43,218	
Commerce, Justice, State (P.L. 103-317)	26,832	19,052	
Offsetting receipts	(158)	(158)	
Defense (P.L. 103-335)	243,628	164,182	
District of Columbia (P.L. 103-334)	712	712	
Energy and Water (P.L. 103-316)	20,493	12,083	
Foreign Assistance (P.L. 103-306)	13,679	5,614	
Offsetting receipts	(45)	(45)	
Interior and Related Agencies (P.L. 103-332)	13,198	8,873	
Labor, HHS, Education (P.L. 103-333)	213,377	176,469	
Offsetting receipts	(38,233)	(38,233)	
Legislative Branch (P.L. 103-283)	2,367	2,174	
Military Construction (P.L. 103-307)	8,836	2,181	
Transportation (P.L. 103-331)	14,266	12,449	
Treasury, Postal Service (P.L. 103-329)	23,221	20,900	
Offsetting receipts	(7,340)	(7,340)	
Veterans, HUD and Independent Agencies (P.L. 103-327)	89,751	48,437	
Authorization bills:			
Federal Workforce Restructuring Act (P.L. 103-226)	443	443	
Offsetting receipts	(269)	(269)	
Extend Loan Ineligibility Exemption (P.L. 103-235)	5	5	
Foreign Relations Authorization Act (P.L. 103-236)	(4)	(4)	
Marine Mammal Protection Act Amendments (P.L. 103-238)		3	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS DECEMBER 1, 1994—Continued

[In millions of dollars]			
	Budget authority	Outlays	Revenues
Independent Counsel Reauthorization Act (P.L. 103-270)	2	2	
Disregard Certain Payments to Nazi Victims for Benefit Eligibility (P.L. 103-286)	1	1	
Independent Agency Act (P.L. 103-296)	(12)	(12)	(2)
Aviation Infrastructure Investment Act (P.L. 103-305)	2,161		
Crime Control Act of 1994 (P.L. 103-322)		(20)	1
Community Development Act of 1994 (P.L. 103-325)	(25)	(25)	
National Defense Authorization Act, FY 1995 (P.L. 103-337)	42	34	
Continuation of certain SEC fees (P.L. 103-352)	19	19	
Uniformed Services Employment and Reemployment Rights Act (P.L. 103-353)	(1)	(1)	
Federal Crop Insurance Reform Act (P.L. 103-354)	500	(154)	
Arizona Wilderness Land Title Resolution (P.L. 103-365)	4	4	
North American Wetlands Conservation Act Amendments (P.L. 103-375)	(1)	(1)	(1)
Social Security Domestic Employment Reform Act of 1994 (P.L. 103-387)			(81)
Bankruptcy Reform Act (P.L. 103-394)	(61)	(61)	6
State Department Authorization Technical Corrections (P.L. 103-415)	9	8	
California Desert Protection Act (P.L. 103-433)	1	1	
Yavapai-Prescott Indian Tribe Water Rights Claims Settlement Act (P.L. 103-434)	(12)	(12)	
International Antitrust Enforcement Assistance Act of 1994 (P.L. 103-438) ¹			
Veterans' Benefits Improvement Act of 1994 (P.L. 103-446)	(3)	(3)	
Healthy Meals for Healthy Americans Act (P.L. 103-448)	11	10	
Uruguay Round Agreements Act (P.L. 103-465)	111	30	843
Offsetting receipts	(86)	(86)	
For the relief of James B. Stanley (Pvt. L. 103-8)	*	*	
Total enacted this session	694,951	469,648	766
Entitlements and mandatory Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,887)	3,189	
Total Current Level ²	1,236,489	1,217,181	978,466
Total Budget Resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under Budget Resolution	2,255	424	
Over Budget Resolution			766

¹ The effects of this Act begin in fiscal year 1996.

² In accordance with the Budget Enforcement Act, the total does not include \$1,200 million in budget authority and \$635 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and \$1,027 million in budget authority and \$1,041 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

* Less than \$500 thousand.

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

WAS CONGRESS IRRESPONSIBLE?
THE VOTERS SAID YES

Mr. HELMS. Mr. President, I doubt that there have been many, if any, candidates for the Senate who have not pledged to do something about the enormous Federal debt run up by the Congress during the past half-century or more. But the Congress, both House and Senate, have never even toned down, let alone put an end to, the deficit spending that has sent the Federal debt into the stratosphere and beyond.

Mr. President, we must pray that this year will be different, that Federal spending will indeed be reduced drastically. Indeed, if we care about America's future, there must be some changes.

You see, Mr. President, as of the close of business yesterday, January 3, the Federal debt stood—down to the penny—at exactly \$4,798,116,945,333.39. This means that on a per capita basis, every man, woman, and child in America owes \$18,213.73 as his or her share of the Federal debt.

Compare this, Mr. President, to the total debt about 2 years ago, January 5, 1993, when the debt stood at exactly \$4,167,872,986,853.67—or averaged out, \$15,986.56 for every American. During the past 2 years—that is during the 103d Congress—the Federal debt increased by a total of \$630,243,958,749.72.

This illustrates, Mr. President, the point that so many politicians talk a good game—at home—about bringing the Federal debt under control, but vote in support of bloated spending bills when they get back to Washington. If the Republicans do not do a better job of getting a handle on this enormous debt, their constituents are not likely to overlook it 2 years hence.

IN HONOR OF RAMON RIVERA, RETIRING EXECUTIVE DIRECTOR OF LA CASA DE DON PEDRO

Mr. BRADLEY. Mr. President, on November 9, 1994, a very special man, Ramon Rivera, retired as executive director of the community based organization, La Casa de Don Pedro. After 25 years of public service, he was honored for his lifetime commitment to improving the lives of individuals and families in some of New Jersey's poorest neighborhoods.

La Casa de Don Pedro was founded by Ramon Rivera as Familias Unidas in 1971. It functioned as a resource for Hispanic families to find adequate child care and employment opportunities in Newark. Through the 1970's, 1980's, and 1990's La Casa blossomed into one of the largest community based organizations in New Jersey. Its services include child care, assistance for senior citizens, and job retraining. La Casa's most notable achievements include building low-income two-family housing units and town houses for the residents of Newark. La Casa also developed a credit union that has loaned \$2.2 million to residents. If it were not for the credit union, many of the community residents would have no place to deposit money, secure small loans, or take advantage of services we often take for granted.

Ramon Rivera, born in Puerto Rico, came to this country at the age of 12. He began his long career in community service as an organizer for the National Welfare Rights Organization, assisting Latina and non-Latina women seek food and clothing. He was then founder

and director of OYE, Inc., a nonprofit educational and cultural program for Hispanic youth. Before he founded La Casa, he was the northern regional representative for the Puerto Rican Congress of New Jersey. A graduate of the school of social work at Rutgers University, Ramon Rivera has devoted more than 30 years of his career to helping low-income families help themselves.

Ramon Rivera created an island of hope in a community that lacked access to opportunities and equity. He developed a vibrant social service organization that has served almost two generations of New Jersey residents. While his retirement will be a great loss for those who have worked with him and for those he has served, he has left an exemplary legacy of philanthropic effort and commitment.

CONCLUSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I believe, after consultation with both sides of the aisle, we are prepared now to yield back the remainder of our time of the 1 hour and 20 minutes we had.

The PRESIDING OFFICER. The Senator has that right and morning business is concluded.

AMENDING PARAGRAPH 2 OF RULE XXV

The PRESIDING OFFICER. The clerk will now report the pending business.

The legislative clerk read as follows:

A resolution (S. Res. 14) amending paragraph 2 of Rule XXV.

The Senate continued with the consideration of the resolution.

AMENDMENT NO. 1

(Purpose: To amend the Standing Rules of the Senate to permit cloture to be invoked by a decreasing majority vote of Senators down to a majority of all Senators duly chosen and sworn)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] for himself, Mr. LIEBERMAN, Mr. PELL, and Mr. ROBB, proposes an amendment numbered 1.

Mr. HARKIN. 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:

SEC. ____ SENATE CLOTURE PROVISION.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. (a) Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter

pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yeas-and-nays vote the question: "Is it the sense of the Senate that the debate shall be brought to a close?" And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more

than two hours so yielded to him and may in turn yield such time to other Senators.

"Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.

"(b)(1) If, upon a vote taken on a motion presented pursuant to subparagraph (a), the Senate fails to invoke cloture with respect to a measure, motion, or other matter pending before the Senate, or the unfinished business, subsequent motions to bring debate to a close may be made with respect to the same measure, motion, matter, or unfinished business. It shall not be in order to file subsequent cloture motions on any measure, motion, or other matter pending before the Senate, except by unanimous consent, until the previous motion has been disposed of.

"(2) Such subsequent motions shall be made in the manner provided by, and subject to the provisions of, subparagraph (a), except that the affirmative vote required to bring to a close debate upon that measure, motion, or other matter, or unfinished business (other than a measure or motion to amend Senate rules) shall be reduced by three votes on the second such motion, and by three additional votes on each succeeding motion, until the affirmative vote is reduced to a number equal to or less than an affirmative vote of a majority of the Senators duly chosen and sworn. The required vote shall then be an affirmative vote of a majority of the Senators duly chosen and sworn. The requirement of an affirmative vote of a majority of the Senators duly chosen and sworn shall not be further reduced upon any vote taken on any later motion made pursuant to this subparagraph with respect to that measure, motion, matter, or unfinished business."

Mr. HARKIN. Mr. President, for the benefit of the Senators who are here and watching on the monitors, we now have before us an amendment by myself, Senator LIEBERMAN, Senator PELL, and Senator ROBB that would amend rule XXII, the so-called filibuster rule of the U.S. Senate. This is an amendment that was agreed upon—at least the procedure was agreed upon for this amendment—between Senator DOLE and myself earlier today under a unanimous consent agreement.

This amendment would change the way this Senate operates more fundamentally than anything that has been proposed thus far this year. It would fundamentally change the way we do business by changing the filibuster rule as it currently stands.

Mr. President, the last Congress showed us the destructive impact filibusters can have on the legislative process, provoking gridlock after gridlock, frustration, anger, and despondency among the American people, wondering whether we can get anything done at all here in Washington. The pattern of filibusters and delays that we saw in the last Congress is part of the rising tide of filibusters that have overwhelmed our legislative process.

While some may gloat and glory in the frustration and anger that the American people felt toward our institution which resulted in the tidal wave of dissatisfaction that struck the majority in Congress, I believe in the long run that it will harm the Senate and our Nation for this pattern to continue. As this chart shows, Mr. President, there has indeed been a rising tide in the use of the filibuster. In the last two Congresses, in 1987 to 1990, and 1991 to 1994, there have been twice as many filibusters per year as there were the last time the Republicans controlled the Senate, from 1981 to 1986, and 10 times as many as occurred between 1917 and 1960. Between 1917 and 1960, there were an average of 1.3 per session. However, in the last Congress, there were 10 times that many. This is not healthy for our legislative process and it is not healthy for our country.

The second chart I have here compares filibusters in the entire 19th century and in the last Congress. We had twice as many filibusters in the 103d Congress as we had in the entire 100 years of the 19th century.

Clearly, this is a process that is out of control. We need to change the rules. We need to change the rules, however, without harming the longstanding Senate tradition of extended debate and deliberation, and slowing things down.

The third chart I have here shows the issues that were subject to filibusters in the last Congress. Some of these were merely delayed by filibusters. Others were killed outright, despite having the majority of both bodies and the President in favor of them. That is right. Some of these measures had a majority of support in the Senate and in the House, and by the President. Yet, they never saw the light of day. Others simply were perfunctory house-keeping types of issues.

For example, one might understand why someone would filibuster the Brady Handgun Act. There were people that felt very strongly opposed to that. I can understand that being slowed down, and having extended debate on it. Can you say that about the J. Larry Lawrence nomination? I happen to be a personal friend of Mr. Lawrence. He is now our Ambassador to Switzerland, an important post. He was nominated to be Ambassador there, and he came through the committee fine. Yet, his nomination was the subject of a filibuster. Or there was the Edward P. Berry, Jr., nomination. There was the Claude Bolton nomination. You get my point.

We had nominations that were filibustered. This was almost unheard of in our past. We filibustered the nomination of a person that actually came through the committee process and was approved by the committee, and it was filibustered here on the Senate floor.

Actually, Senators use these nominations as a lever for power. If one Senator has an issue where he or she wants something done, it is very easy. All a

Senator needs to do is filibuster a nomination. Then the majority leader or the minority leader has to come to the Senator and say, "Would you release your hold on that, give up your filibuster on that?"

"OK," the Senator will reply. "What do you want in return?"

Then the deals are struck.

It is used, Mr. President, as blackmail for one Senator to get his or her way on something that they could not rightfully win through the normal processes. I am not accusing any one party of this. It happens on both sides of the aisle.

Mr. President, I believe each Senator needs to give up a little of our pride, a little of our prerogatives, and a little of our power for the good of this Senate and for the good of this country. Let me repeat that: Each Senator, I believe, has to give up a little of our pride, a little of our prerogatives, and a little of our power for the better functioning of this body and for the good of our country.

I think the voters of this country were turned off by the constant bickering, the arguing back and forth that goes on in this Senate Chamber, the gridlock that ensued here, and the pointing of fingers of blame.

Sometimes, in the fog of debate, like the fog of war, it is hard to determine who is responsible for slowing something down. It is like the shifting sand. People hide behind the filibuster. I think it is time to let the voters know that we heard their message in the last election. They did not send us here to bicker and to argue, to point fingers. They want us to get things done to address the concerns facing this country. They want us to reform this place. They want this place to operate a little better, a little more openly, and a little more decisively.

Mr. President, I believe this Senate should embrace the vision of this body that our Founding Fathers had. There is a story—I am not certain whether it is true or not, but it is a nice story—that Thomas Jefferson returned from France, where he had learned that the Constitutional Convention had set up a separate body called the U.S. Senate, with its Members appointed by the legislatures and not subject to a popular vote. Jefferson was quite upset about this. He asked George Washington why this was done. Evidently, they were sitting at a breakfast table. Washington said to him, "Well, why did you pour your coffee in the saucer?" And Jefferson replied, "Why, to cool it, of course." Washington replied, "Just so: We created the Senate to cool down the legislation that may come from the House."

I think General Washington was very wise. I think our Founding Fathers were very wise to create this body.

They had seen what had happened in Europe—violent changes, rapid changes, mob rule—so they wanted the process to slow things down, to delib-

erate a little more, and that is why the Senate was set up.

But George Washington did not compare the Senate to throwing the coffee pot out the window. It is just to cool it down, and slow it down.

I think that is what the Founding Fathers envisioned, and I think that is what the American people expect. That is what we ought to and should provide. The Senate should carefully consider legislation, whether it originates here, or whether it streams in like water from a fire hose from the House of Representatives, we must provide ample time for Members to speak on issues. We should not move to the limited debate that characterizes the House of Representatives. I am not suggesting that we do that. But in the end, the people of our country are entitled to know where we stand and how we vote on the merits of a bill or an amendment.

Some argue that any supermajority requirement is unconstitutional, other than those specified in the Constitution itself. I find much in this theory to agree with—and I think we should treat all the rules that would limit the ability of a majority to rule with skepticism. I think that this theory is one that we ought to examine more fully, and that is the idea that the Constitution of the United States sets up certain specified instances in which a supermajority is needed to pass the bill, and in all other cases it is silent. In fact, the Constitution provides that the President of the Senate, the Vice President of the United States, can only vote to break a tie vote—by implication, meaning that the Senate should pass legislation by a majority vote, except in those instances in which the Constitution specifically says that we need a supermajority.

The distinguished constitutional expert, Lloyd Cutler, a distinguished lawyer, has been a leading proponent of this view. I have not made up my mind on this theory, but I do believe it is something we ought to further examine. I find a lot that I agree with in that theory.

But what we are getting at here is a different procedure and process, whereby we can have the Senate as the Founding Fathers envisioned—a place to cool down, slow down, deliberate and discuss, but not as a place where a handful—yes, maybe even one Senator—can totally stop legislation or a nomination.

Over the last couple of years, I have spent a great deal of time reading the history of this cloture process. Two years ago, about this time, I first proposed this to my fellow Democratic colleagues at a retreat we had in Williamsburg, VA. In May of that year, I proposed this to the Joint Committee on Congressional Reform. Some people said to me at that time: Senator HARKIN, of course you are proposing it, you are in the majority, you want to get rid of the filibuster. Well, now I am in the minority and I am still proposing it

because I think it is the right thing to do.

Let me take some time to discuss the history of cloture and the limitations on debate in the Senate. Prior to 1917 there was no mechanism to shut off debate in the Senate. There was an early version in 1789 of what was called the "previous question." It was used more like a tabling motion than as a method to close debate.

In the 19th century, Mr. President, elections were held in November and Congress met in December. This Congress was always a lame duck session, which ended in March of the next year. The newly elected members did not take office until the following December, almost 13 months later. During the entire 19th century, there were filibusters. But most of these were aimed at delaying congressional action at the end of the short session that ended March 4. A filibuster during the 19th century was used at the end of a session when the majority would try to ram something through at the end, over the objections of the minority. Extended debate was used to extend debate to March 4, when under the law at that time, it automatically died.

If the majority tried to ram something through in the closing hours, the minority would discuss it and hold it up until March 4, and that was the end of it. That process was changed. Rather than going into an automatic lame-duck session in December, we now convene a new Congress in January with the new Members. I think this is illustrative that the filibuster used in the 19th century was entirely different in concept and in form than what we now experience here in the U.S. Senate.

So those who argue that the filibuster in the U.S. Senate today is a time-honored tradition of the U.S. Senate going clear back to 1789 are mistaken, because the use of the filibuster in the 19th century was entirely different than what it is being used for today, and it was used in a different set of laws and circumstances under which Congress met.

So that brings us up to the 20th century. In 1917, the first cloture rule was introduced in response to a filibuster, again, at the end of a session that triggered a special session. This cloture rule provided for two-thirds of Members present and voting to cut off debate. It was the first time since the first Congress met that the Senate adopted a cloture rule in 1917. However, this cloture rule was found to be ineffective and was rarely used. Why? Because rulings of the chair said that the cloture rule did not apply to procedural matters. So, if someone wanted to engage in a filibuster, they could simply bring up a procedural matter and filibuster that, and the two-thirds vote did not even apply to that. For a number of years, from 1917 until 1949, we had that situation.

In 1949 an attempt was made to make the cloture motion more effective. The 1949 rule applied the cloture rule to

procedural matters. It closed that loophole but did not apply to rules changes. It also raised the needed vote from two-thirds present and voting to two-thirds of the whole Senate, which at that time meant 64 votes. That rule existed for 10 years.

In 1959, Lyndon Johnson pushed through a rules change to change the needed vote back to two-thirds of those present and voting, and which also applied cloture to rules changes.

There were many attempts after that to change the filibuster. In 1975, after several years of debate here in the Senate, the current rule was adopted, as a compromise proposed by Senator BYRD of West Virginia. The present cloture rule allows cloture to be invoked by three-fifths of Senators chosen and sworn, or 60 votes, except in the case of rules changes, which still require two-thirds of those present and voting.

This change in the rule reducing the proportion of votes needed for cloture for the first time since 1917, and was the culmination of many years of efforts by reformers' numerous proposals between 1959 and 1975.

Two of the proposals that were made in those intervening years I found particularly interesting. One was by Senator Hubert Humphrey in 1963, which provided for majority cloture in two stages. The other proposal I found interesting was one by Senator DOLE in 1971 that moved from the then current two-thirds present and voting down to three-fifths present and voting, reducing the number of votes by one with each successive cloture vote.

We drew upon Senator DOLE's proposal in developing our own proposal. Our proposal would reduce the number of votes needed to invoke cloture gradually, allowing time for debate, allowing us to slow things down, but ultimately allowing the Senate to get to the merits of a vote.

Under our proposal, the amendment now before the Senate, Senators still have to get 16 signatures to offer a cloture motion. The motion would still have to lay over 2 days. The first vote to invoke cloture would require 60 votes. If that vote did not succeed, they could file another cloture motion needing 16 signatures. They would have to wait at least 2 further days. On the next vote, they would need 57 votes to invoke cloture. If you did not get that, well, you would have to get 16 signatures, file another cloture motion, wait another couple days, and then you would have to have 54 votes. Finally, the same procedure could be repeated, and move to a cloture vote of 51. Finally, a simple majority vote could close debate, to get to the merits of the issue.

By allowing this slow ratchet down, the minority would have the opportunity to debate, focus public attention on a bill, and communicate their case to the public. In the end, though, the majority could bring the measure to a final vote, as it generally should in a democracy.

Mr. President, in the 19th century, as I mentioned before, filibusters were used to delay action on a measure until the automatic expiration of the session.

Senators would then leave to go back to their States, or Congressmen back to their districts, and tell people about the legislation the majority was trying to ram through. They could get the public aroused about it, to put pressure on Senators not to support that measure or legislation.

Keep in mind that in those days, there was no television, there was no radio, and scant few newspapers. Many people could not read or write and the best means of communication was when a Senator went out and spoke directly with his constituents. So it was necessary to have several months where a Senator could alert the public as to what the majority was trying to do, to protect the rights and interests of the minority.

That is not the case today. Every word we say here is instantaneously beamed out on C-SPAN, watched all over the United States, and picked up on news broadcasts. We have the print media sitting up in the gallery. So the public is well aware and well informed of what is happening here in the Senate on a daily basis. We do have a need to slow the process down, but we do not need the several months that was needed in the 19th century.

So as a Member of the new minority here in the Senate, I come to this issue as a clear matter of good public policy. I am pleased to say that it is a change that enjoys overwhelming support among the American people.

A recent poll conducted by Action Not Gridlock—and I will have more to say about them in a second—found that 80 percent of Independents, 84 percent of Democrats, and 79 percent of Republicans believe that once all Senators have been able to express their views, the Senate should be permitted to vote for or against a bill.

As I mentioned, Mr. President, this poll was commissioned by a group called Action Not Gridlock, a broad array of distinguished Democratic and Republican leaders around the country formed to change the filibuster rule. These leaders include former Republican Senators Mac Mathias, Barry Goldwater, and Bob Stafford, as well as former Iowa Governor Bob Ray and former Secretary of HHS Arthur Flemming, all Republicans, as well as Democrats former Senator Bill Proxmire, former Senator Terry Sanford, and Ray Marshall. Action Not Gridlock has also formed a number of chapters around the country working to end the gridlock in Washington.

In my own State of Iowa, there is a truly impressive bipartisan group working on this issue. It includes Michael Reagan, president of the Des Moines Chamber of Commerce; Republican majority leader of the Iowa House, Brent Siegest; Abbi Swanson, president of the League of Women Vot-

ers of Iowa; and former Democratic Congressman Berkeley Bedell.

So, again, as you see, Mr. President, Action Not Gridlock has a broad array of Republicans, Democrats, and Independents.

Well, slaying the filibuster dinosaur—and that is what I call it, a dinosaur, a relic of the ancient past—slaying the filibuster dinosaur has also been endorsed by papers around the country, including the New York Times, which just editorialized on this last Sunday; the USA Today; the Washington Post; the Fort Worth Star-Telegram; in my own State, the Des Moines Register, the Cedar Gazette, the Quad-City Times, and the Council Bluffs Non-Parleil.

Mr. President, I ask unanimous consent that those editorials that I just mentioned be printed at this point in the RECORD.

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

DOWN WITH THE FILIBUSTER

One of the mandates voters gave to Republicans on Nov. 8 was to reform the way Congress operates. There's no better place to begin than with the Senate filibuster.

The filibuster allows a minority to block passage of any bill unless a supermajority of 60 votes in the 100-member Senate can be mustered to overcome it. Republicans used the filibuster liberally in the last few years to tie the majority Democrats in knots.

Next year, with Republicans in the majority, Democrats will be in a position to return the favor. Nevertheless, Iowa Democratic Senator Tom Harkin is right in saying that the Democrats should resist the temptation to "do unto the Republicans what they did unto us."

Instead, Harkin is urging that the filibuster be tempered. Reform-minded members of both parties should join Harkin's effort. There may have been some justification for the filibuster in its quaint original form, but the modern version of the filibuster has become nothing more than a cost-free device that lets a willful minority thwart the will of the majority, or hold legislation hostage to extort concessions.

The filibuster evolved from the Senate's tradition of unlimited debate. To carry out a filibuster, opponents of a bill had to try, literally, to talk it to death. Those engaged in a filibuster had to be prepared to keep talking around the clock. It required determination and stamina, and the filibustering senators risked arousing the public's anger at their obstructionism. As a result, filibusters were rare.

In recent years, the Senate adopted rules intended to curb filibusters. They ended up having precisely the opposite effect. Filibusters became an everyday tactic. By one count, there were twice as many filibusters in the last two years of Congress than during the entire 19th century.

The new rules established a "two-track" procedure that allows the Senate to continue with other business while a filibuster is under way. All action does not grind to a halt, as it did previously.

The two-track rule made filibusters much easier to use. Stamina is no longer required. Now, all the minority need do is declare its intention to filibuster, and the Senate switches to other businesses. In most cases, the mere threat of a filibuster does the trick. The bill is sidetracked until the majority finds 60 votes.

The modern filibuster gives the minority an absolute veto. It is, quite simply, undemocratic.

Defenders of the filibuster have argued that it is useful in preventing precipitous action. Harkin's proposal addresses that argument by allowing filibusters to delay action, but not stop it completely. Under his plan, the number of votes required to end a filibuster would gradually decline over a period of weeks until, eventually, only 51 votes would be needed.

A truer reform would be to abolish the undemocratic anachronism outright. Harkin's proposal is quite modest. There should be no reasonable objection to it.

[From the Fort Worth Star-Telegram, June 30, 1994]

If you started out to formulate the rules for a legislative body in a new democracy, the last example you would follow would be that of the U.S. Senate.

Things have gotten so bad in the Senate that there is a growing movement to change the rules about unlimited debate—the filibusters that prevent action on legislation.

If extended debate were really used to examine issues and change senators' minds by force of powerful reason, there would be a case for keeping the present rules. But in truth, the Senate's rules are being used to thwart the principle of majority rule and to further individual or partisan political interests to the detriment of the legislative process.

To be sure, changing the cloture rule (which requires 60 votes to end debate and means that a 41-senator minority can effectively shut down the Senate) would not be a cure-all. Republicans this year have perfected the tactic of offering endless amendments to unrelated bills as a means of delaying legislative progress. But tempering the effect of the filibuster would help.

The fate of the western grazing lands fee change was an example of the filibuster at work. In the Congress as a whole, 373 votes out of 535 (70 percent) were in favor, but the majority lost because 44 senators prevented cloture.

This week, a 13-year effort to change product liability laws failed because of a filibuster, just as it had in 1986 and 1992. The 41 senators voting against cloture included archconservatives (Alan Simpson, R-Wyo., Thad Cochran, R-Miss., and Strom Thurmond, R-S.C.) and archliberals (Paul Wellstone, D-Minn., Harris Wofford, D-Pa., and Ben Nighthorse Campbell, D-Colo.) and some in between (such as Bill Bradley, D-N.J., and John Breaux, D-La.). It was a good bill, one that would mean more jobs without sacrificing legitimate consumer interests. Much of the opposition came from trial lawyers. In the end, 57 senators voted for it. Forty-one opponents were enough to kill it. Is that democracy?

The Senate has reached the point where the mere threat of a filibuster can bring the body's work to a screeching halt.

Sen. Tom Harkin, D-Iowa, has suggested a four-vote process that would break this impasse. On the first cloture vote, 60 votes would be needed to end debate, as now. On the next vote, 57 would be required; on the third, 54, and on the fourth, only a 51-vote majority. This would preserve Senate tradition and give the minority plenty of time to plead its case, without allowing a majority to be forever thwarted. Sounds good to us.

Now into the fray comes Action, Not Gridlock!, an anti-filibuster group dedicated to changing the Senate rules. It is led by a bipartisan group of former senators, representatives and other government officials. What they share is belief in majority rule. We wish them godspeed.

[From USA Today, Nov. 25, 1994]

REIN IN THE POWER TO SHUT DOWN THE SENATE

In 1908, Sen. Robert M. La Follette Sr. of Wisconsin was in the middle of a filibuster when he discovered the egg-nog he was drinking for energy had been poisoned. La Follette survived. So did the filibuster.

Indeed, the filibuster today is more poisonous than La Follette ever could have imagined. Instead of providing a dramatic final forum for individuals against a stampeding majority, it has become a pedestrian tool of partisans and gridlock-meisters.

Since 1990, the Senate has averaged at least 15 filibusters a year, more than in all the 140 years before. In 1994 alone, filibusters were used to weaken or kill legislation ranging from lobbying and campaign finance reform to clean water.

You need not be a bow-tied parliamentarian to see the problem. The filibuster allows single lawmakers to derail the Senate's majority—easily, arbitrarily. If the Senate is to honor its deliberative tradition, it must restrain the filibuster.

The modern filibuster vexes Congress two ways. First, opponents must find 60 votes to break it. That's called cloture, and it's almost impossible to achieve. In 1987, only one of 15 votes succeeded—on a proposal for a \$12,000 congressional pay raise.

Second, the mere threat of a filibuster is enough to sidetrack a bill. Instead of requiring filibusters to take the floor, Senate leaders just move on to the next issue.

The 60-vote requirement means, in effect, that all legislation must have a supermajority to pass. Yet the Constitution requires supermajorities in only five areas: treaty ratification, presidential veto overrides, impeachment votes, constitutional amendments, and to expel a member of Congress. The framers, who never foresaw the filibuster's abuse, considered supermajorities for other matters and rejected them.

They protected against tyrannical majorities in other ways: by dividing government power among three branches, by splitting Congress into two parts, by guaranteeing basic rights in the Constitution.

Those are ample safeguards. The filibuster, on the other hand, lets a lone lawmaker impose his will, not just amplify his voice.

Solutions? Several.

First, make a filibusterer put his body where his mouth is. Sen. Strom Thurmond prepared for his record-setting 24-hour, 18-minute speech against the 1957 Civil Rights Act by visiting a steam room, hoping to diminish the call of nature once on the floor. Sen. Estes Kefauver strapped on a motor-man's friend for his 1950 filibuster. The device was misaligned, though, and only a timely quorum call prevented him from making the wrong kind of splash.

The point is that old-time filibusterers had to have the courage of their convictions. The rigors of floor debate were not undertaken lightly.

Such was the case even when filibusterers formed talking tag teams. In 1960, 18 Southern lawmakers formed two-man partnerships to hold the floor against civil rights legislation. After 157 hours—the Senate's longest continuous session—they prevailed. That was not a proud moment in national lawmaking, but at least the racists were accountable, something today's fiddle-footed rules make unnecessary.

More recently, the government this year had to sell billions of dollars' worth of American gold to a Canadian firm for just \$10,000 because filibusterers prevented reform of an 1872 mining law.

Sen. Tom Harkin this week has revived another idea: Gradually lower the number of

votes needed for cloture. The first vote would still require 60 "ayes." But subsequent votes would require 57, then 54, then 51. This could preserve both the dramatic effect of a filibuster and majority rule.

The filibuster is a supervirus in the Senate. It causes massive hemorrhaging of majority rule and the orderly process of legislating. If Senate leaders don't cure themselves soon, they might as well ask La Follett's ghost to, please, pass the egg nog.

[From the New York Times, Jan. 1, 1995]

TIME TO RETIRE THE FILIBUSTER

The U.S. Senate likes to call itself the world's greatest deliberative body. The greatest obstructive body is more like it. In the last season of Congress, the Republican minority invoked an endless string of filibusters to frustrate the will of the majority. This relentless abuse of a time-honored Senate tradition so disgusted Senator Tom Harkin, a Democrat from Iowa, that he is now willing to forgo easy retribution and drastically limit the filibuster. Hooray for him.

For years Senate filibusters—when they weren't conjuring up romantic images of Jimmy Stewart as Mr. Smith, passing out from exhaustion on the Senate floor—consisted mainly of negative feats of endurance. Senator Sam Ervin once spoke for 22 hours straight. Outrage over these tactics and their ability to bring Senate business to a halt led to the current so-called two-track system, whereby a senator can hold up one piece of legislation while other business goes on as usual.

The two-track system has been nearly as obstructive as the old rules. Under those rules, if the Senate could not muster the 60 votes necessary to end debate and bring a bill to a vote, someone had to be willing to continue the debate, in person, on the floor. That is no longer required. Even if the 60 votes are not achieved, debate stops and the Senate proceeds with other business. The measure is simply put on hold until the next cloture vote. In this way a bill can be stymied at any number of points along its legislative journey.

One unpleasant and unforeseen consequence has been to make the filibuster easy to invoke and painless to pursue. Once a rarely used tactic reserved for issues on which senators held passionate convictions, the filibuster has become the tool of the sore loser, dooming any measure that cannot command the 60 required votes.

Mr. Harkin, along with Senator Joseph Lieberman, a Connecticut Democrat, now proposes to make such obstruction harder. Mr. Harkin says reasonably that there must come a point in the process where the majority rules. This may not sit well with some of his Democratic colleagues. They are now perfectly positioned to exact revenge by frustrating the Republican agenda as efficiently as Republicans frustrated Democrats in 1994.

Admirably, Mr. Harkin says he does not want to do that. He proposes to change the rules so that if a vote for cloture fails to attract the necessary 60 votes, the number of votes needed to close off debate would be reduced by three in each subsequent vote. By the time the measure came to a fourth vote—with votes occurring no more frequently than every second day—cloture could be invoked with only a simple majority. Under the Harkin plan, minority members who feel passionately about a given measure could still hold it up, but not indefinitely.

Another set of reforms, more incremental but also useful, is proposed by George Mitchell, who is retiring as the Democratic majority leader. He wants to eat away at some of the more annoying kinds of brakes that can

be applied to a measure along its legislative journey.

One example is the procedure for sending a measure to a conference committee with the House. Under current rules, unless the Senate consents unanimously to send a measure to conference, three separate motions can be required to move it along. This gives one senator the power to hold up a measure almost indefinitely. Mr. Mitchell would like to reduce the number of motions to one.

He would also like to limit the debate on a motion to two hours and count the time consumed by quorum calls against the debate time of a senator, thus encouraging senators to save their time for debating the substance of a measure rather than in obstruction. All of his suggestions seem reasonable, but his reforms would leave the filibuster essentially intact.

The Harkin plan, along with some of Mr. Mitchell's proposals, would go a long way toward making the Senate a more productive place to conduct the nation's business. Republicans surely dread the kind of obstructionism they themselves practiced during the last Congress. Now is the perfect moment for them to unite with like-minded Democrats to get rid of an archaic rule that frustrates democracy and serves no useful purpose.

[From the Washington Post, Nov. 23, 1994]

THE GORED OXEN

One of the most comical aspects of politics concerns how high principles about procedural fairness can evaporate when circumstances change. There could be much such comedy in the new Congress as Democrats and Republicans change roles.

In the House, Newt Gingrich's Republicans have assembled a series of reform measures that grew from their experience as frustrated members of what seemed a permanent opposition. They rightly criticized Democratic House leaders for closing off Republican amendments to important bills. Now Mr. Gingrich pledges to change that, even though doing so would let the now-minority Democrats challenge the most unpopular of the Republican majority's proposals. Republicans have also long been in favor of the line-item veto, which would let the president excise particular parts of spending bills he found offensive. Republicans liked this when the Democrats in Congress were responsible for writing the spending bills, since they presumed that Republican presidents would cut out what Republicans saw as "pork." Now the line-item veto would empower a Democratic president facing a Republican Congress.

In the Senate, the problem is different. Senate rules permit essentially unlimited debate. It takes 60 votes to shut the talking down. That means 41 senators can block a bill and frustrate the will of even an overwhelming majority. In the last Congress, the Democrats were critical of Republican abuse of the filibuster. But now the procedural shoe is on the other foot. It's the Democratic minority that is likely to want to block many Republican measures. Will Democrats keep saying the filibuster is a bad thing? To his credit, one Democrat, Sen. Tom Harkin of Iowa, has done so. He proposes that the two parties agree to new rules. Mr. Harkin would still let the minority slow down consideration of controversial measures, but he doesn't think the minority should ultimately frustrate the majority's will.

It is not even necessary to get to the question of whether the filibuster rule itself should be eliminated to believe that there has been too much abuse of the filibuster in the Senate. The same can be said of the closed rule in the House. We hope Mr. Gingrich sticks to his promise of opening up the

House, even if that might sometimes inconvenience his party. Similarly in the Senate, we hope both parties can find a more reasonable accommodation between minority rights and majority rule. Going to the brink every time, on every issue, is not the way a democracy is supposed to work.

HARKIN EARNS BOUQUET, BRICKBAT

We have a bouquet and a brickbat for Iowa's Democratic Sen. Tom Harkin.

The bouquet is for advocating limits on the filibuster, a technique used by the minority party in the U.S. Senate to thwart the will of the majority.

The brickbat is for his lukewarm support for the General Agreement on Tariffs and Trade.

Harkin is calling for revision of the filibuster rules that would provide a means for the minority to slow down legislation and allow fuller debate, but at the same time it places limits on the delaying tactic.

Under Harkin's plan, 60 votes would be necessary in the first attempt to halt a filibuster debate.

The second attempt would require only 57 votes. The number would continue to drop on each successive vote until only a simple majority was needed.

Currently, a single senator can tie up legislation endlessly, which Harkin says adds to the deadlock.

Harkin's plan would limit the delay to a maximum of about three weeks.

As American politics becomes more contentious, the filibuster is being used increasingly. But Harkin says there is less need for it.

In the last century when communication was slower, senators felt the need to stall for long periods to allow their objections to reach constituents.

In these days of almost instant communication, voters and others can be alerted to problems in a matter of hours.

We believe the senator is on track and should pursue his efforts. Continuing the current processes is simply obstructionism, whether by Republicans or Democrats.

We are less enthusiastic about the senator's doubts concerning GATT.

Unfortunately, these seem to be based on some vague concerns about ill-defined political horse trading that may be under way by supporters to ensure passage of the measure through the Senate.

Passage in the House seems a surer bet with the strong support voiced by Speaker-designate Newt Gingrich. Gingrich seems to understand the obvious advantages for the U.S. economy and the need for a workable free trade mechanism.

We get the feeling that Harkin may not be sure which direction the political winds are blowing in Iowa, and wants more time to determine the level of support for GATT.

He admits that he will likely face stiff competition for his Senate seat in two years. Given the Republican landslide in Iowa, political caution may become increasingly important for Harkin.

However, we do not believe this is a Republican vs. Democrat issue. Passage of GATT is needed to make sure the United States is a major player in the world.

The death of GATT, which a delay very seriously threatens, could throw orderly world trade into chaos and possibly lead to the emergence of regional trading blocks with barriers against U.S. products.

The impact on the future of the U.S. economy could be disastrous and possibly irreversible.

The argument that senators have not had time to study the GATT document is not

compelling. The agreement has been hammered out by representatives of 123 nations over the past eight years.

For a document of such magnitude and importance for open world trade, we wonder why more attention has not been paid by Harkin and others until the last weeks before the vote.

There may be flaws. No document requiring the assent of 123 countries can be perfect. Every nation had to give up some special interest.

But those flaws do not appear sufficient to warrant opposition to congressional passage.

[From Quad-City Times, Nov. 22, 1994]

HARKIN KEEPS HIS PROMISE

Two months ago, Sen. Tom Harkin of Iowa expressed dismay at the way Republicans had repeatedly blocked legislation that was supported by a majority of the Senate.

"I've been in Congress 20 years," he said, "and this has been the worst year I've seen. The constant use of the filibuster, the gridlock . . . And there's a meanness, a mean spiritedness, I have never seen before." Harkin said he intended to introduce a bill next year that would greatly curtail the filibustering powers of the minority party.

But in the two months since making those comments, Harkin and other Democrats have become the minority party. With the Republicans now in control of the Senate, Democrats will need every weapon in the arsenal to fight the GOP agenda. So does he still see a need to revise the filibuster rule?

Yes—and his position now carries more weight because of his new status as a member of the Senate's minority party.

Today, Harkin is expected to formally announce his plans to introduce a bill that would allow the filibuster to slow, but not kill, legislation. The bill mirrors legislation once proposed by Bob Dole, and it deserves passage.

And Tom Harkin deserves credit for continuing to advocate this long-overdue change.

HARKIN'S GOOD IDEA: DEFLATING FILIBUSTER

Iowa Sen. Tom Harkin is putting his money where his mouth is.

He is no fan of the filibuster, a device used almost exclusively by minority senators to impede distasteful legislation. So he has offered legislation to create an alternative parliamentary tool.

As it stands, if 41 senators (out of the 100-member chamber) are able to stand firm, they can prevent action on an issue by applying Senate rules allowing them to filibuster. Halting the filibuster requires 60 votes. Tough to get.

Harkin and Sen. Joe Lieberman, a Connecticut Democrat, have co-sponsored a measure that still enables a minority to have its voice, but not in perpetuity.

It is a noteworthy position for minority lawmakers who potentially could lose their only real tool against a dominating majority. (It wouldn't be surprising if both are confident that their upcoming minorityhood is merely an aberration that voters will correct in 1996.) Their plan would give the minority the 60-vote cushion on the first call for cloture, dropping to 57 votes on a second call, 54 on a third and, finally, to a simple majority of 51 on a fourth cloture vote.

Our sense of the filibuster has been that it can be the only way a congressional minority might have a voice in formation of public policy. Majority parties don't have a patent on perfection, but frequently choose to ignore even reasonable suggestions from minority lawmakers. There's often not even a hint of the compromise we should expect in government.

Conceding that the process can be abused, however, perhaps the Harkin-Lieberman approach deserves a thorough hearing. Filibustering is not a constitutional right. It exists only at the pleasure of Congress. Any substitute would have a similarly tenuous existence.

Gridlock has become a buzzword characterizing Congress. Any mechanism to prevent that condition and restore the job description originally given members of Congress would be most welcome.

The anti-gridlock, anti-filibuster concept shouldn't be scrapped without closer scrutiny.

(Mr. FRIST assumed the chair.)

Mr. HARKIN. Let me just quote from a couple of these editorials, because I think it really puts things in the proper perspective.

First, let me quote from the Des Moines Register's sterling editorial of the 23d of November.

The modern filibuster gives the minority an absolute veto. It is, quite simply, undemocratic.

Defenders of the filibuster have argued that it is useful in preventing precipitous action. Harkin's proposal addresses that argument by allowing filibusters to delay action, but not stop it completely. Under his plan, the number of votes required to end a filibuster would gradually decline over a period of weeks until, eventually, only 51 votes would be needed.

A truer reform would be to abolish the undemocratic anachronism outright. Harkin's proposal is quite modest. There should be no reasonable objection to it.

And this from the Fort Worth Star Telegram, Fort Worth, TX.

If you started out to formulate the rules for a legislative body in a new democracy, the last example you would follow would be that of the U.S. Senate.

Things have gotten so bad in the Senate that there is a growing movement to change the rules about unlimited debate—the filibusters that prevent action on legislation.

If extended debate were really used to examine issues and change senators' minds by force of powerful reason, there would be a case for keeping the present rules. But in truth, the Senate's rules are being used to thwart the principle of majority rule and to further individual or partisan political interests to the detriment of the legislative process.

In truth, the Senate rules are being used to thwart the principles of majority rule and to further individual or partisan political interests to the detriment of the legislative process. And this from the USA Today. The 60-vote requirement means, in effect, all legislation must have a supermajority to pass. Yet, the Constitution requires supermajorities in only five areas: treaty ratification, Presidential veto overrides, impeachment votes, constitutional amendments, and expelling a Member of Congress.

The Framers, who never foresaw the filibuster's abuse, considered the supermajority for other matters and rejected it. They protected against tyrannical majorities in other ways by dividing Government power among three branches, by splitting Congress into two parts, and by guaranteeing basic rights in the Constitution.

The USA Today editorial ends by saying, "The filibuster is a super virus

in the Senate. It causes massive hemorrhaging of majority rule and the orderly process of legislation. If Senate leaders do not curb themselves soon, they might as well ask LaFollette's ghost to, please, pass the egg nog." I did not read the first part of this editorial which says that "In 1908, Senator Robert M. LaFollette, Sr., of Wisconsin, was in the middle of a filibuster, when he discovered the egg nog he was drinking for energy had been poisoned. La Follette survived, and so did the filibuster."

From the New York Times: "The United States Senate likes to call itself the world's greatest deliberative body. Greatest obstructive body is more like it."

Later they write: "The Harkin plan, along with some of Mr. Mitchell's proposals, would go a long way toward making the Senate a more productive place to conduct the Nation's business. Republicans surely dread the kind of obstructionism they themselves practiced during the last Congress. Now is the perfect moment for them to unite with like-minded Democrats to get rid of an archaic rule that frustrates democracy and serves no useful purpose."

Those are just some of the quotes from some of the editorials that I had asked be inserted in the RECORD. Mr. President, I think you get the idea that changing this filibuster rule has great support around the country, both from what one might call liberal newspapers to those of a more conservative bent.

Mr. President, the Members of the Senate that were sworn in today are sending us a message that we need to change. The present occupant of the chair was one of those just sworn in today. The filibuster rule is one area where change is most desperately needed, a dinosaur that has somehow survived from a previous age.

I would like to read a couple of other quotes. In 1893, then Senator Henry Cabot Lodge, Sr., from Massachusetts, was opposing a filibuster. He made this quote:

To vote without debate is perilous, but to debate and never vote is imbecile.

Here is another quote that I found in the CONGRESSIONAL RECORD of February 10, 1971:

It is one thing to provide protection against majoritarian absolutism; it is another thing again to enable a vexatious or unreasoning minority to paralyze the Senate, and America's legislative process along with it.

Senator BOB DOLE, February 10, 1971.

So I consider myself to be in reasonably good company when I say that it is time to change the filibuster rule so that we can get on with the Nation's business. I know there are those who believe very strongly we must maintain it, but as I said earlier, Mr. President, I think it is time for each of us to give up a little bit of our pride, a little bit of our privilege, a little bit of our prerogative, and a little bit of our

power for the smoother functioning of the U.S. Senate and for the good of this country.

By passing this amendment, we can take a giant step forward toward restoring the faith of the American people in their Government. We can tell the American people that we got their message that they want action and not gridlock. We can say that the time for change is now. And we can greatly improve the workings and productivity of the Senate.

There will be many packages introduced to reform Congress. I think the House is even now debating reforms in their body. There will be reforms suggested here—gift-ban laws, lobbying disclosure laws—making Congress live by the same laws and regulations by which businesses live. These are good laws and good reforms.

But Mr. President, there is no reform more important to this country and to this body than slaying the dinosaur called the filibuster. We need to change it so that we can really get back to what our Founding Fathers envisioned—a process whereby the minority can slow things down, debate them, but not kill things outright. Give the minority that protection.

As the USA Today editorial pointed out, there are other ways the Framers protected against majoritarian absolutism—separate branches and powers, and the basic rights guaranteed by the Constitution.

So, Mr. President, I submit that many of the reforms that will be offered here in the Senate in these opening days are very good. I intend to support many if not all of them. But if we do not change the way the filibuster operates here in the Senate, then I do not think that we heard the message that the American people sent to us.

With that, I see my colleague, Senator LIEBERMAN, a cosponsor of the amendment, on the floor. Mr. President, I yield the floor at this time.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, thank you.

I am very proud to join with my colleague from Iowa in cosponsoring and supporting this amendment. A new day has dawned here on Capitol Hill today. A new majority has come to power; but, hopefully, more than a new majority—a new sense of responsiveness to the public, a new understanding of what it means to do the public's business here in Congress, and a new openness to looking at some parts of the operation in Congress which we have previously either not questioned or felt it was inappropriate to question.

I must say that over the last couple of years, as I watched the filibuster being used and, I think, in my respectful opinion, ultimately misused and overused, it seems to me that what had originally appeared to be a reasonable

idea was being put to very unreasonable use.

Therefore, I promised myself that if I was fortunate enough to be reelected by the people of Connecticut to return for the 104th Congress, I would do what I could to try to change this filibuster rule, which I am afraid has come to be a means of frustrating the will of a majority to do the public's business and respond to the public's needs. And so when I heard that Senator HARKIN had put this program and plan together, I called him and I said, "My distinguished colleague and friend, I admire you for what you are doing." There are those who undoubtedly will think this is a quixotic effort, that it is a kind of romantic but unfeasible effort.

It is important now to make this effort to show that we have heard the message and that we are prepared to not only shake up the Federal Government but shake up the Congress. And not just for the sake of shaking it up, but because of a fundamental principle that is basic to our democracy, that is deep into the deliberations of the Framers of our Constitution and appears throughout the Federalist Papers, which is rule of the majority in the legislative body. It is this majority rule has been frustrated by the existing filibuster rule. So I am privileged to join as a cosponsor with my colleague from Iowa in this effort.

Mr. President, whenever I explain to my constituents at home in Connecticut that a minority of Senators can by a mere threat of a filibuster—not even by the continuous debate, but by a mere threat of a filibuster—kill a bill on the Senate floor, they are incredulous. When I tell them that now as a matter of course a Senator needs to obtain 60 votes in order to pass a bill to which there is opposition, frankly, the folks back home are suspicious.

When I explain how often the threat of a filibuster has been used to tie the Senate in knots and kill legislation that is actually favored by a majority of Senators—and the filibuster was used more times last year than in the first 108 years of the Senate combined—well, the folks back home honestly think I am exaggerating. Unfortunately, I am not. Those are the facts.

Mr. President, when I entered the Senate 6 years ago, I asked to be briefed by a staff person at the Congressional Research Service on the Senate rules. I wanted to figure out how the place worked.

I must say, after that briefing, I, like my constituents, was incredulous. I had been the majority leader of the Connecticut State Senate, so I had some familiarity with parliamentary procedures, but I must say I did not understand how the Senate's debate and amendment rules were being used to keep the Senate, presumably the greatest deliberative body in the world, from getting things done.

Like many Americans of my generation, I remembered the dramatic filibuster battles of the 1950's and 1960's

and assumed that filibusters were relatively uncommon and were employed only in the great issues of the time which divided a country. I assumed—like most Americans, I would guess, drawing from probably the broadest experience America has had with filibusters, which is mainly "Mr. Smith Goes to Washington," when James Stewart stood in that magnificent portrayal and carried out a principled filibuster—that filibusters were to be reserved for only the most significant of legislative battles.

While I quickly learned that while real filibusters are uncommon, current Senate rules allow the mere threat of a filibuster to rule the way we do or do not do business.

The gentleman from the Congressional Research Service used a powerful analogy here. He said to me, "Senator, you have to think of the Senate as if it were composed of 100 nations, each Senator representing a nation, and each nation has an atomic bomb and can blow up the place any time it wants. And that bomb is a filibuster."

That may make us feel good about our power and our authority, but it is not the way to run the greatest deliberative body in the world. In fact, I state this with some humility because I do not remember the exact quote, I asked the gentleman from the Congressional Research Service, "Is there any precedent for this kind of procedure in the history of legislative bodies?"

He said he thought the closest modern precedent was a Senate that sat in Poland in the 18th century which, because of unique historical circumstances that are not to the point, with approximately 700 members, the rule was that nothing could be done without unanimous consent. That, I hope, is not the model that we aspire to copy here.

What was once an extraordinary remedy, used only in the rarest of instances, has unfortunately become a commonplace tactic to thwart the will of the majority. Just as insidiously, allowing legislation to be killed on procedural votes, as we so often have here in the Senate, protects us from having to confront the hard choices that we were sent here to make and, in that sense, makes us a less accountable body.

Mr. President, this has to end and it will not end unless an effort begins to end it as we are attempting to do here today. As I believe Senator HARKIN has indicated, the Senate filibuster rule has actually been changed five times in this century. In most cases, particularly when the changes were substantial, they did not occur the first time the proponents charged the fortress. Perhaps they will not occur on this occasion. But I know Senator HARKIN and I are prepared to keep fighting until this change occurs because of what is on the line, which is the credibility and the productivity of the U.S. Senate.

The change that we are proposing, as Senator HARKIN has indicated, will

make it more difficult for a minority of Senators to absolutely stop, to block, to kill Senate action on legislation favored by a majority of the Senate, but it will still protect the ability of that minority to be heard before up or down majority votes on legislation are taken. It will give the minority opposed to what the majority wants to do the opportunity to educate and arouse the public as to what may be happening here to give the public the opportunity perhaps to change the inclination of the majority.

The procedure of succeeding votes with 2-day intervals, 60 being required, first 57, 54 and finally a simple majority of Senators being able to work its will—our intent here is to give the minority a chance to make their case and to persuade others but not to continue to grant them an effective veto power which they now enjoy.

We recognize that the opposition to this proposal is bipartisan, just as the use of the filibuster rule has been bipartisan. We also understand that as Members of the new minority, Senator HARKIN and I perhaps are not the likeliest people to be proposing to limit the powers of the new Democratic minority, but we both firmly believe that regardless of how our resolution may limit our personal options as Members of the minority party in the Senate in the short-term, it is essential that this reform be undertaken now when the problem of filibuster-created gridlock is so fresh in all of our minds.

For too long, we have accepted the premise that the filibuster rule is immune. Yet, Mr. President, there is no constitutional basis for it. We impose it on ourselves. And if I may say so respectfully, it is, in its way, inconsistent with the Constitution, one might almost say an amendment of the Constitution by rule of the U.S. Senate.

The Framers of the Constitution, this great fundamental, organic American document considered on which kinds of votes, on which issues the will of the majority would not be enough, that a vote of more than a majority would be required, and the Constitution has spelled those instances out quite clearly. Only five areas: Ratification of a treaty requires more than a majority of the Senate; override by the Senate of a Presidential veto requires more than a majority; a vote of impeachment requires more than a majority; passage of a constitutional amendment requires more than a majority; and the expulsion of a Member of Congress requires more than a majority.

The Framers actually considered the wisdom of requiring supermajorities for other matters and rejected them.

So it seems to me to be inconsistent with the Constitution that this body, by its rules, has essentially amended the Constitution to require 60 votes to pass any issue on which Members choose to filibuster or threaten to filibuster.

The Framers, I think, understood—more than understood—expressed

through the Constitution and their deliberations and their writings, that the Congress was to be a body in which the majority would rule.

I know that some of our colleagues will oppose the alteration, the amendment, that Senator HARKIN and I are proposing on the grounds the filibuster is a very special prerogative that is necessary to protect the rights of a minority. But in doing so, and I say this respectfully, I believe they are not being true to the intention of the Framers of the Constitution, which is that the Congress was the institution in which the majority was to rule, not to be effectively tyrannized by a minority. And the Framers, Madison and the others, who thought so deeply and created this extraordinary instrument that has guided our country for more than 200 years now, developed the system in which the rights of the minority were to be protected by the republican form of government, by the checks and balances inherent in our Government and ultimately by the courts applying the great principles of the Constitution, particularly the Bill of Rights, to protect the rights of a minority that might be infringed by a wayward majority.

So this procedure that has grown up over the years has turned the intention of the Framers, in my opinion, on its head, and in doing so has not only created gridlock but has given power to a minority as against the will of the majority. The majority in the Senate, as reflecting the majority of the people of the United States, has allowed that minority to frustrate the will of the majority improperly.

So I think this is at the heart of the change for which the people have cried out. It is right, and it is fair. It is our belief in that most fundamental of democratic principles, majority rule, that motivates our introduction of this amendment. I am confident that if we ever put this issue, or could put this issue, before the American people for a vote, they would direct us to end the current filibuster practice. Majority rule is not and should not be a controversial proposition. Minority rights are protected by the checks and balances in our system.

Mr. President, it is my pleasure as a Senator from Connecticut to welcome the occupant of the chair as a new Member of the Senate. Perhaps you have observed from your viewing of the Senate before you arrived here that our problem seems not to have been that things move through this institution too quickly, that we hastily trample upon the rights of the minority. The problem, if anything—and it is not a bad problem and it does carry out the intention and will of the Framers—is that there are a lot of checks and balances here, and it is often hard to do the people's business and respond to the people's needs, and the filibuster has made it even harder to do so.

So I thank the Chair and the Senate for their indulgence. I congratulate

again my colleague from Iowa for initiating this forthright and, in its way, courageous attempt to change the status quo, and I urge my colleagues to support the amendment.

Mr. HARKIN. Before the Senator yields the floor, will the Senator yield?

Mr. LIEBERMAN. I would certainly yield the floor to my friend from Iowa.

Mr. HARKIN. I thank my colleague and good friend from Connecticut for his support, his involvement, and his help in the drafting of this amendment and putting it together. The Senator from Connecticut is one of those who stood in the well today and took his oath of office for the second time. The Senator from Connecticut, I think I can say without any fear of being in error, in his entire first term in the Senate was recognized for his constant effort to provide for reform, for change in the way this place operates to make it more open, to make us more accountable, and to ensure that the people of Connecticut, indeed the people of the United States, have the right to insist that Senators vote on the merits of legislation. So the Senator is not a newcomer to congressional reform and to making this body operate more effectively and efficiently. I congratulate the people of Connecticut for their wisdom in returning him to this body.

I thank the Senator very much for his support of this measure. As the Senator so wisely said, any time that the rules have been changed on the filibuster in the past, it has sometimes taken a great deal of time and effort. We will persevere in this effort because we believe it is the right course for the American people. But I believe by the changes that were made in November, the big changes that were made, the American people were sending us a very powerful message, and I believe, if we do not do something about this dinosaur, we are going to be involved in another couple of years of frustration.

So I just wanted to thank the Senator for his support, for his involvement, for his help in the drafting of this amendment, and I thank him for his 6 years of efforts to make the Senate a more responsive and responsible body.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Iowa for his kind words. I would just say to him that it is really an honor to begin this session by being his partner in this effort that I think is really at the heart of making the Senate a more responsive body.

I thank the Chair, and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, before the distinguished Senator from Connecticut leaves the floor—and I know he must depart soon; he has someone waiting on him—my concern is that in an effort to kill this so-called dinosaur we are really taking a sledge hammer to kill a beetle, small beetle.

I agree with the Senators that the rule has been abused. Would the Senators agree with me that, in the abuse of this rule, it has been most abused in preventing, or attempting to prevent, the taking up of a measure or matter or nomination? Would the Senators agree with me on that?

The able Senator from Iowa cited the number of times that the "filibuster" was resorted to last year, or in the last session of Congress or in the last Congress, the 103d Congress, and I have a feeling that most of those instances to which he alluded were instances in which the effort was being made to proceed to take up a measure or matter or nomination and there was the threat of a filibuster at least which perhaps had some impact on the taking up of the measure.

Would the Senators agree that it is there, in the taking up of a measure, that the real problem lies, or at least that that has been our experience in recent months and years, not so much after the Senate is on a matter or measure or nomination but proceeding to the matter? Would the Senators agree?

Mr. HARKIN. I do not know if the question is directed to both of us, but if I might respond—

Mr. BYRD. I ask unanimous consent that I may ask this question and retain my rights to the floor.

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

Mr. HARKIN. I respond to the Senator by saying that that has been a problem. But I would also note that last year there were three or four instances—I am a little unclear—of when the filibuster was used on disagreeing with amendments of the House, appointing conferees, and insisting on Senate amendments. That can also be filibustered.

Mr. BYRD. But wouldn't—

Mr. HARKIN. Even after the whole measure has been passed.

Mr. BYRD. Would not the Senator agree that filibusters used in such instances as he has just related here are not the filibusters which have caused the Senate the problems of abuse which most Senators and I perceive as being problems? Do the Senators not agree if real problems have arisen—if there have been real problems, and assuming that there have been, assuming that what we call filibusters were really filibusters on motions to proceed—would the Senators not agree that on motions to proceed most of these filibusters, so-called filibusters, have occurred?

Mr. LIEBERMAN. Mr. President, if I may respond to the distinguished Senator from West Virginia, it is true—and I do not have the statistics in front of me, but my recollection tells me that a good number of the filibusters that have occurred have occurred on the motion to proceed. But it is my opinion that the fact that many filibusters occurred on the motion to proceed does not encourage or lead to the conclusion that the problem is the motion to proceed. The filibusters have occurred on

the motion to proceed because that has generally been the first opportunity that opponents of a measure have had to filibuster. The fact that a measure can be blocked by conducting a filibuster of the motion to proceed, of course, makes it even more frustrating. The very attempt to proceed to a matter of legislation or a nomination can be filibustered before the Senate even gets to the substance of it, but breaking the filibuster of the motion to proceed does not eliminate the threat of a filibuster of the bill itself.

This Senator can remember at least one example which makes the point that I am trying to make. On product liability reform, my recollection is that in the 102d Congress the filibuster occurred on the motion to proceed and cloture could not be obtained. In the 103d Congress, because of changes of attitude, because of changes of the membership of the Senate, because a number of Members of the Chamber had committed to at least let the Chamber get to the substance, it was apparent that the filibuster of the motion to proceed would be broken, that cloture would be granted. But then a filibuster did begin on the bill itself, after the motion to proceed was granted, and that filibuster was again successful in blocking the will of the majority.

So I would most respectfully say to the Senator from West Virginia that it does seem to me that, though the filibuster has been more frequently a problem on the motion to proceed, the problem is the filibuster. And if once the opponents of a measure, a minority, are not successful and let the motion to proceed be agreed to, then this minority has the right to frustrate the will of the majority on the substance of the matter once it comes before the Chamber.

Mr. BYRD. Well, Mr. President, I want to protect the right of the minority on a matter of substance in particular. But do the Senators not agree that most of the cloture motions that have been laid down by the majority leader in the past few years have been laid down on motions to proceed? Would the Senators not agree to that?

Mr. HARKIN. I would agree to that. I would agree, I think—and I have a table here on that—and the Senator is right.

Mr. BYRD. All right.

Mr. HARKIN. Most of them have been on motions to proceed.

Mr. BYRD. I thank the Senator.

Now, before the Senator leaves the floor, why do we want to use this cloture—why do we want to use this sledgehammer to eliminate the potential filibuster on a motion to proceed? That is where the problem has arisen. Our friends—now in the majority, then in the minority—objected to the taking up of measures. Consequently the majority leader put in a cloture motion; 2 days later the vote occurred.

Now if, as the Senator from Iowa has stated, it is true that most of the so-called filibusters, I say so-called because—I will explain that further in a

moment—so-called filibusters have occurred on motions to proceed, and the Senator from Iowa says that is the case, if that is true, then we do not need this. We do not need this. We do not need to kill the opportunity for unlimited debate in order to get at that. Have the Senators read rule VIII, paragraph 2, of the Standing Rules of the Senate? Here is what it says. "All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter"—any matter except a motion to change the rules, any matter—"shall be determined without debate."

Let me read that again for the edification of all Senators and all who are listening. Here in the Senate rules, paragraph 2, rule VIII.

All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable. Motions made after the first two hours of a new legislative day to proceed to the consideration of bills and resolutions are debatable.

Now here it is in plain, unmistakable language in the Senate rules, rule VIII, that a motion to proceed to take up a matter other than a rules change during the first 2 hours of a new legislative day shall be determined without debate. There you are. Why does not a majority leader use rule VIII? It is here. It has been here all the time.

Mr. President, I was majority leader and I was the Secretary of the Democratic Conference, beginning in 1967, for 4 years. I sat on this floor and did Mr. Mansfield's floor work for him as Secretary of the Democratic Conference. And beginning in 1971 I sat on this floor as Democratic whip and did Mr. Mansfield's floor work for him. He was the majority leader.

And in 1977 I was elected majority leader. I was elected majority leader for 2 years and then reelected in 1979 for 2 years. Then the Republicans took over the control of the Senate after the 1980 election. I was minority leader for 6 years. Then I became majority leader again for 2 years, the 100th Congress. That rule was there all the time that I was leader. I never had any big problems.

I will tell you, rules VII and VIII, I believe, have, if it is researched, if it is researched by the Journal clerk—I have a feeling that rules VII and VIII have not been used since I was majority leader. Rules VII and VIII have not been used since I was majority leader. I think that is correct, unless it happened one day when I was in a committee meeting and was not aware of what was going on on the floor. I will say this as a former majority leader and as a former minority leader. I will say that it is sometimes difficult. But the rule is there which allows for a motion to proceed, a nondebatable motion to

proceed. And I have used it. I have used it. I have used it when our Republican friends did not want to take up something. I used that rule.

Mr. HARKIN. Will the Senator yield?

Mr. BYRD. Let me just complete my thought and then I will be glad to yield.

A majority leader has enormous power when it comes to the schedule of the Senate, the scheduling of bills and resolutions, and the programming of the Senate schedule. The majority leader has first recognition power and that is a big arrow in his arsenal.

He has the power of first recognition. Nobody can get recognition before the majority leader. If he has the power of first recognition, then he can make a motion that is nondebatable. He can sit down if he wants to. If someone wants to put in a quorum call, that is OK. Let the quorums chew up the rest of the 2 hours. That motion is in there. That nondebatable motion is still pending before the Senate after that 2 hours. At least that is the way I recall it. But there is a nondebatable motion. Why has not rule VII or VIII been used?

So we have had all of these motions to proceed. The Republicans objected. Then we slapped in cloture motions. That has been called a filibuster. There is no filibuster. That is a threat to filibuster. But again, the majority leader has the power to go to something else. Once that cloture motion is in, he does not have to waste 2 days. He has the power to go to something else, take up something else. And then 2 days later the cloture motion ripens and you vote on that cloture motion. It does not mean that we have been losing time. We just moved on to another measure in the meantime.

So I say to my friends before we get all steamed up and start referring to something around here as a leviathan, dragon, or a big lizard, whatever, let us read the rules and see what we all have here. And let us use them. I will be glad to yield.

Mr. HARKIN. I thank the Senator for yielding.

I asked my staff. It was either last year or the year before when I first started getting involved in this that I then came to the majority leader, Mr. Mitchell, with that same proposal because I am trying to remember the bill we were trying to get up that was being filibustered. I had checked on this legislative day. The response that I got was what difference does it make? If we are going to filibuster, we might as well do it on a motion to proceed as anything else. It does not make any difference.

In other words, there are six hurdles. There is the motion to proceed. There is the bill, disagreement with the House, insist on amendments, appoint conferees—there are six when we get over there. The Senator from West Virginia says we take down the first rule. It still leaves five rules. Every one of those can be filibustered and we are right back in the same stew again. I be-

lieve that is why rule VIII is not used more often because it does not really make much difference.

Mr. BYRD. Mr. President, it makes a lot of difference. We so programmed ourselves around here that we get unanimous consent. And I started a lot of it. So I cannot wash my hands and walk away. I did a lot of this programming myself; program the next day; morning business. I daresay that half of the Senators do not know what morning business is. They do not know the difference between the morning hour and morning business.

I do not mean to cast aspersions on them. But I hear a lot of Senators talking about how we should change the rules. They do not know the rules. They do not know the rules. They think morning business is a period when there is a period for speeches. Morning business is not a period for speeches. Under rules VII and VIII, speeches are not to be made in morning business. Morning business is a period for the offering of petitions and memorials and bills and resolutions and so forth, but no speeches. A lot of Senators think, well, morning business. I would imagine if they went out to a high school or a college and answered some questions on the Senate rules, they would talk about morning business, that is the time you make speeches. Morning business is not a time for speeches.

So we get consent, not that there be a limitation on speeches in morning business because there are not supposed to be any speeches, but that Senators be permitted to speak in morning business for not to exceed.

I say all of that to say this, Mr. President. The rule is here. I daresay that if Mr. DOLE gets a notion to call up a measure he will probably resort to paragraph 2, rule VIII and he may go back to using rules VII and VIII. I hope we will. I do not want to see these rules atrophy from misuse. The Senate is being programmed too much. As I say, I guess I started some of it. But it has gone too far.

Here are the rules. The majority leader has all of his power of first recognition. Any majority leader can find a way to make a motion during the first 2 hours of a new legislative day. A lot of Senators do not know what that means—new legislative day. They probably do not know the difference between a legislative day and a calendar day. I do not want to be unfair to my colleagues. But they have other things to do, things that there are headlines in, votes to be made back home. Who wants to fool with these old Senate rules? It is not interesting reading. It will not compare with Milton, Dante, Roman history or the history of England. This is dry reading. Who wants to fool around and spend their hours reading these old dry rules? No headlines are made.

So I hope that we will start using rules VII and VIII. I think Senators would get over here then and use the 5-

minute rule and speak on matters more often.

Mr. LIEBERMAN. Will the Senator yield?

Mr. BYRD. Yes. I ask that I retain my right to the floor, not that I think anyone is going to try to take it away from me.

Mr. LIEBERMAN. I thank the distinguished Senator from West Virginia. There is no better not only student but teacher of the rules who understands the rules better than the Senator from West Virginia. I respect him greatly for that.

I would make this point and I do think the Senator has made an important point in saying that the problem of the filibuster, to use the term we have been using and perhaps in some measure agreeing on it, the misuse of the filibuster has arisen most frequently on the motion to proceed. I must say that if there was a way that the Chamber could limit or eliminate the opportunity to filibuster on the motion to proceed I would certainly consider that to be a step forward—to put it in a more clear way, if I may, a step toward diminishing the misuse of the power of the filibuster. But it does seem to me that the problem here has arisen most frequently on the motion to proceed but the problem remains the filibuster which is the ability in this Senator's opinion of a minority to frustrate the will of 51 Members of this Senate to represent their constituents and get something done. It has arisen most frequently on the motion to proceed because that is the first time it could arise.

My friend and colleague from Iowa has talked about the six occasions in which in the consideration of a typical matter here in the Senate a filibuster could occur. In fact, if one considered amendments and the opportunity to filibuster amendments, there are even more than six. But let us talk about the six. It is as if there were six hurdles or six obstacles on the passage of a measure. And it is true that the first hurdle is the motion to proceed. So the filibuster has arisen most often on that because it is the first hurdle. If we eliminated that hurdle, I would say that would be a step toward eliminating or diminishing the misuse. But the fact other hurdles would remain and would be there is an opportunity to frustrate the will of the majority and to bring gridlock.

I say that with great respect for my distinguished colleague from West Virginia. I thank him for yielding the floor.

Mr. BYRD. Mr. President, I have great respect for both Senators. I have great admiration for them. Mr. HARKIN serves on my Appropriations Committee. He has his heart in this matter. But as one who has been a leader of the majority and the leader of the party when in the minority, I can say to my friends that the majority leader, whose job it is and responsibility it is to bring up matters—that is not the responsibility

ity of the minority leader—the majority leader, with his power of first recognition, with his majority votes to back him up on most measures, certainly on taking up measures, he can get measures up. There might come an occasion now and then in the effort to proceed to take up something when he would have to use cloture. That is all right. I used it a few times, too. But that has been the problem, as I have observed it here in recent years, the “filibuster,” because it really was not a filibuster. It was the failure to give consent to take up a matter. Consent is needed to take up a matter, except on a motion. So if we can ask unanimous consent to take up a matter, to proceed to a matter, any one Senator can object, and that may appear to be a filibuster. That may appear to be a threat of a filibuster.

Well, a majority leader can call that threat. He does not have to roll over and play dead. Time and time again—do not worry about these holds, do not worry about them. I have heard that argument. Senators have holds on things. We ought to stop that. Well, when I was leader, I recognized a hold only for a time, and many Senators have placed a hold on a piece of legislation just so they can be notified when that piece of legislation is about to come up. They want to be notified. They do not want it to be taken up without their being consulted.

I never tolerated a hold; I never allowed any hold to keep me from attempting to take up a measure. If someone had a hold on a nomination, I would go to the Republican leader and I would say: You better tell Senator So and So that I am going to move to take up that nomination. I hope he will give me consent, but if he does not and I see he has had a hold 2 weeks, 3 weeks, or a month, or whatever it is, then I am going to move, and the hold would break. If it did not, we just moved to take it up.

So, Mr. President, to those, especially inside the Senate, who do not understand, I cannot blame the people on the outside for not understanding. I can understand how editors of the newspapers around the country might not understand when Senators themselves do not understand. We have a rule here that allows taking up a measure without debate.

Let me say that I hope the Republican leader will resort to rule VIII once in a while, if for nothing else but to recall to all of us that it is in the rule book.

(Mr. GORTON assumed the chair.)

Mr. HARKIN. Will the Senator yield?

Mr. BYRD. Yes, I will yield for a question.

Mr. HARKIN. This is very instructive to me, also. As the Senator from Connecticut said, there is no one who knows his rules better and more in depth than the Senator from West Virginia. I like this debate because I am learning from him.

I have to have something cleared up for me, if the Senator would be so kind. Let us assume that the majority leader does use rule VIII to bring up a motion to proceed, which then would not be debatable; let us say that I was opposed to the measure, and say I had two or three other people opposed to the measure that indicated we were going to filibuster the motion to proceed. So the majority leader says: We will get around HARKIN; we will bring it up under rule VIII. There is nothing I can do about it. It is nondebatable. But what is to prevent me from saying when the bill comes up we will filibuster it now?

Mr. BYRD. Sure, that is all right. A minority ought to have a right somewhere to debate and to resort to unlimited debate. There are two things that make the Senate, two things in particular, aside from the Senate's judicial powers, its executive powers, and its investigative powers; there are two things that make it the premier upper body in the world. One is the right to amend. The Constitution gives it that right to amend, even on revenue bills which originate in the House. The other factor is the right of unlimited debate.

I sought to get the campaign financing reform measure up in the 100th Congress, in 1987, and our Republican friends would not give me a unanimous consent to take it up. So one day—I am getting to the point the Senator raised—I said to the Republican leader, when I had the floor: I wonder if the leader would give me consent to proceed to the consideration of whatever the bill number was, the campaign financing reform bill. He said: I do not think so; I think we want to talk a while about that. I said: Well, I wish the Senator would let me take this up. He said: Well, Senator MCCONNELL might want to talk about it. I said: Right there he is; ask him. The Republican leader asked Senator MCCONNELL, and he said Senator MCCONNELL wanted to talk.

Well, Mr. President, I was in a position right then to move to take that bill up, and it is a nondebatable motion. You see, it was a new legislative day, and it was during that 2 hours. I am now in a position to move. I said: So, Mr. Leader, if you give me unanimous consent, we will save 15 minutes, or if you will not give me unanimous consent, we will just vote right now, and we will vote up or down. He said: Well, give me a few minutes to talk with my colleagues. I said: Sure, how much time you want? He said: Oh, 20, 30 minutes. I said: Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes and that I be recognized at the reconvening of the Senate, and at that point no time be charged against the recess, and that I retain my rights at that point as of the status quo. We recessed for 30 minutes and went out and Mr. DOLE came back and said: OK, we will give you

consent. Then they filibustered the measure.

I offered a cloture motion eight times—more than any majority leader has ever offered on any measure. Unlike Robert Bruce, who succeeded on the seventh time after he had seen that spider spin his web, I failed eight times. Do you think I was frustrated? Of course I was. But they had a right. They were exercising their rights. They were in the minority, but a minority can be right. A minority can be right. So I have always defended the rights of the minority, whether I was in the majority or minority, because I also remember that we can be in the minority—and we are now. I remember, too, that this is not a democracy.

With 260 million people, would anybody stand up and claim that this could be a democracy? This is a Republic. It is a representative democracy. The people speak through their elected representatives. So a minority may be over there or may be over here on a given measure, or a minority may be a combined minority. But that minority may represent a majority of the people. That is the purpose. That is why unlimited debate is something we should never, never give away—unlimited debate; right of unlimited debate.

I have been in the House of Representatives. I have been in the House of Representatives before I came here. I do not want to make the Senate a second House of Representatives. There is a place for both in the constitutional scheme. Each has its role to play in its own proper sphere. The Senate ought not change its role.

I may want to filibuster, to use the word. I may want to use it someday to protect poor little West Virginia and her rights. This is the forum of the States. We are here to represent States. And the State of West Virginia, the State of Iowa, the State of Kentucky, the State of Mississippi, each of these States is equal to the great State of California with its 30-odd million—equal. We speak for the States, and it is the only forum in the Government in which the States are equally represented—equally represented.

Now, if we do not have the right for unlimited debate, these poor little old States like West Virginia, they will be trampled underfoot. We have three votes in the House. Now in the House, we had six votes. Now we have half that many in the House, three votes.

Mr. President, we had better stop, look, and listen before we give away this right of unlimited debate. What is wrong with using the rules? My friends did not like it. I did not like it when Mr. DOLE used the rules on me when he was in the majority. I did not like it, but I said he has a right to do it; he is playing by the rules.

Mr. President, I came prepared to speak not long, but let me say a few words in accordance with what I had planned.

The filibuster has become a target for rebuke in this efficiency-obsessed

age in which we live. We have instant coffee, instant potatoes to mix, instant this and instant that. So everything must be done in an instant; must be done in a hurry.

I lived in an earlier age. I remember when Lindbergh flew across the ocean in a plane that carried a 5,500-pound load. He had five sandwiches. He ate one and one-half of them on his way. He flew 3,600 miles in 33½ hours, sometimes 10 feet above water, sometimes 10,000 feet. Crowds gathered to see him off; crowds gathered in Paris to see him land.

He flew over Cape Breton, Nova Scotia, at the great speed of 100 miles an hour. That is what the New York Times said. That is the paper that prints everything there is fit to print. I wish other newspapers would follow that same rule. Great speed. Flew over at great speed, it said—100 miles an hour.

JOHN GLENN went around the Earth, I would assume, at a speed of something like, I would imagine, as I recall he traveled around the Earth in about 80 minutes, something like that. That would be what? Eighteen thousand miles an hour.

Anyhow, everything has to be done in a hurry. We have to bring efficiency to this Senate. That was not what the Framers had in mind.

Recently, much of the talk of abolishing filibusters was coming from the other body, but apparently the criticism has begun to seep in the Senate Chamber, as well.

The filibuster is one of the easier targets in this town. It does not take much imagination to decry long-winded speeches and to deplore delay by a small number of determined zealots as getting in the way of the greater good.

It does, however, take more than a little thought to understand the true purpose of the tactic known as filibustering and to appreciate its historic importance in protecting the viewpoint of the minority.

In many ways, the filibuster is the single most important device ever employed to ensure that the Senate remains truly the unique protector of the rights of the people that it has been throughout our history.

I believe that it is always worthwhile to try to educate the public and hopefully any new Members who have not yet fully grasped the noble purpose fulfilled by this much maligned exercise known as the Senate filibuster.

Mr. President, let it be clearly understood that I favor a change in the filibuster rule. I will eliminate filibusters on the motion to proceed to take up a measure or matter other than a matter affecting a rules change. I would favor changing the rules to provide that there be a motion to proceed limited to 2 hours of debate or 1 hour of debate. I have no problem with that. Because that to me appears to have been, the last few years, where the real abuse has lain, real abuse of the rule. If we eliminate that, Senators should retain full

rights to debate at any length the measure or matter, once the Senate has proceeded to take it up.

So let us have that change in the rules. That will get rid of most of the so-called filibusters.

A lot of these are not really filibusters. What is involved is a motion to proceed. Because unanimous consent could not be gotten to take up the matter, one Senator or two Senators were objecting, so the motion to proceed was made and then immediately a cloture motion was laid down.

Now, that cloture rule came as a result of real filibusters, and what was perceived at that time as an abuse of unlimited debate. That is why the cloture rule was created in 1917.

As the Senator has appropriately pointed out—and I have listened to him carefully and he has revealed to me that he has read a great deal of history concerning these rules—may I say to the Senator that I have likewise read a great deal of it. I have likewise written a great deal on it, and I have likewise experienced the use of it and experienced dealing with it as majority leader, as minority leader, as whip, and as secretary of the Democratic conference.

Mr. HARKIN. Senator, much of the history I have read.

Mr. BYRD. I could tell that just by listening. And I compliment the Senator.

By the way, all of this section here, "The Filibuster 1789-1917," I read the old CONGRESSIONAL RECORDS. I went through the old CONGRESSIONAL RECORD. I read those debates by Benjamin Tillman. I read them. I did the footnoting in this book. I did not have a staffer do that footnoting. I did it. I read those CONGRESSIONAL RECORDS.

And so I have read the history. And I have helped to make a lot of the history. And I have helped to write a lot. And I feel very deeply that as long as we have a Senate in which there is unlimited debate, the liberties of the American people will always be protected. I think that we change that rule at our peril, and at the peril of the liberties of the American people.

One of the filibuster, so-called filibuster, is of ancient origin. Cato ordered a filibuster. Cato the Younger. His sister married Brutus. Marcus Junius Brutus. Cato the Younger. He committed suicide in the year 46, 46 B.C., after he had heard that Caesar has won the battle of Thapsus. He committed suicide. Cato. Marcus Porcius Cato Uticensis committed suicide. He admonished all of his men, the officers in his military, to leave Utica because Caesar was approaching. He admonished his son to give himself over to Caesar. Cato himself did none of these things. He elected to read Plato's book on the soul. Phaedo. And after he had read that book, his friends had taken his sword from beneath his pillow, fearful he might use it against himself. And he asked them to send it back. And a little boy came carrying the

sword back into the room. Cato felt of its point, felt of its edge, said, "Now, I am master of myself." And a little later he plunged it into his abdomen. Cato. We need more Catos in the Senate.

The Cato in the year 60 B.C. resorted to a filibuster. Caesar wanted to stand as a candidate for consul. He had to be in the city to do that. He also wanted to be rewarded a triumph for his victories in Spain. For that he had to be on the outside of the city and come in a triumph. He had to give up one or the other, but his friends in the Senate sought to introduce legislation that would allow him to stand as the candidate while on the outside of the city, but Cato, and I say it in here better, "Cato spun out the hours by speaking until the Sun went down." In the Roman Senate, Sun went down, that was the end of the session. So he spun out the day talking until the Senate adjourned. And so we see a successful filibuster occurs in the Roman Senate 2055 years ago. Not bad. 2055 years ago. So, it is a matter of ancient origin.

Did the Senator want me to yield?

Mr. HARKIN. Mr. President, I was just fascinated by listening to the history lesson is all.

Mr. BYRD. I ask unanimous consent that I may yield for a statement, if the Senator wishes to make it, without losing my right to the floor.

The PRESIDING OFFICER. Without objection.

Mr. HARKIN. Mr. President, I thank the Senator. It is always instructive to engage in the debates with the Senator from West Virginia who is a great student of Roman history. I have always enjoyed listening to him tell about the different Roman battles. Always very instructive. I am not a student of Roman history at all and do not pretend to be. I find it fascinating.

I tend to think that we in our great American experiment embarked upon something quite different perhaps than what the Roman Senate was. I think our roots, again, go back to the Magna Carta, the great charter of King John, and to the parliamentary procedures of Great Britain, of England.

In 1604 the Parliament of Great Britain adopted what was then known as a motion for the previous question to bring to finality debate and to move to the merits of the proposition. That was in 1604. When our Constitution, and I pose this in a manner of a question to the Senator from West Virginia because this is another branch of the argument on the filibuster, sort of the branch that I had been arguing on is the basis that a filibuster ought to be used to slow down, temper legislation, alert the public, change minds, but should not be used as a measure whereby a small minority can totally keep the majority from voting on the merits of a bill. That is one branch.

The other branch is the constitutional branch. The Senator from West Virginia said that we, at our peril, I believe, give up this right of unlimited

debate. From whence does this right spring? It is not mentioned in the Constitution. At least I cannot find it in the Constitution.

In fact, the Constitution, article I, section 3, outlines what the Senate shall be. Two Senators from each State chosen by the legislature, which was changed by the 18th amendment and made Senators popularly elected, goes on to tell what Senators do. They each get a vote. The Vice President will be President of the Senate but will have no vote unless they be equally divided. Then it goes on to tell all of the different cases wherein there has to be more than a majority vote. Five cases.

I postulate a question to the Senator from West Virginia. Let us suppose that an election were held and 90 Members of the Senate were elected from one party; let us say that those 90 Members then decided that they were going to change the rules of the Senate. And they did change the rules of the Senate.

And then they put in the Senate a rule that said that no changes in the rules could be done unless 90 percent agreed. Not two-thirds, but 90 would have to agree to change the rules, and that 90 Senators would have to reach that agreement. It probably would never happen again, 90 Members of the same party, but then that rule would go on in perpetuity. So then does that not lead to a possibility of a Senate setting up a supermajority that completely does away with the will of the majority to enact legislation? It sort of is an extension, and it is the extreme of what we have here, I think, with a filibuster.

So I ask the Senator, from whence does this right spring of this unlimited debate? I find it not in the Constitution.

Mr. BYRD. The right of freedom of speech was publicly accorded to both Commons and the House of Lords by Henry V in 1407. He reigned from 1399 to 1413. He publicly declared that the Commons, members of both Houses of Parliament, had the right to speak and speak without any fear of being challenged in any other place. That right was written into the English Bill of Rights, article 9—the English Bill of Rights, which was enacted in December 1689.

William III and Mary were offered the joint sovereignty by Commons, the House of Commons, when James II, just before he left England and went to the court of France, never to return to England, they offered to William and Mary the joint sovereignty. And in early 1689, William and Mary were crowned joint sovereigns. But first of all they had to agree to a Bill of Rights. And in that Bill of Rights, in the ninth article, there is a provision that members of Parliament should not be questioned in any place but Parliament. And in our own Constitution, article I, section 6, we find virtually the same language, no Member of either House may be questioned in any

other place, or anything said in debate, so on and so on.

So there was the right of freedom of speech. Our English forebears recognized that important right, and they wrote it into the Bill of Rights, the English Bill of Rights. And our Constitution forebears, who knew much about the English struggle, who knew much about Roman history, who knew much about Montesquieu and Hobbs and Moore and all of the other great philosophers, they wrote it into our Constitution.

We have freedom of speech. The Roman Senate, under the Republic, which lasted from 509 B.C. up to the Battle of Actium in 31 B.C., the Roman Republic had freedom of speech in the Senate, and there was a check on freedom of speech on the length of speeches first instituted by Augustus—Gaius Julius Caesar Octavianus, given the title of Augustus by an innervated Roman Senate that had lost its nerve, lost its vision and lost its way. Augustus finally put an end to this business of freedom of speech in the Senate. He reigned from 27 B.C. to 14 A.D.

So it has its roots in antiquity. It is a property, yeah; it is far more than a property, it is a right that is cherished by free men: The right of freedom of debate.

Take away that right and you take away my liberties. You take away my right of freedom of debate as an elected representative of the people, and you take away their liberties. It is a right that Englishmen have known for centuries for which they struggled against monarchs.

The Senate, as the Senator pointed out early today, first started out with the previous question in the Senate. That was discarded. Aaron Burr, when he made that great speech after he had murdered Alexander Hamilton in Weehawken, NJ, and had presided over the Senate trial of Samuel Chase, I believe it was, made a speech to the Senate, his last speech before he went out the door for the last time, and he recommended that the Senate do away with the previous question.

So we have had unlimited debate in the Senate now for 200 years, and surely with 200 years of trial and testing, we should know by now it is something to be prized beyond measure.

And so it is not a matter of pride and prerogative and privilege and power with this Senator. It is a matter not only of protecting this institution, it is a matter of protecting the liberties of free men under our Constitution. And as long as I can stand on this floor and speak, I can protect the liberties of my people. If I abuse the power by threatening to filibuster on motions to proceed, take away that power of mine to abuse. Let us change the rule and allow a motion to proceed under a debate limitation of 2 hours, 1 hour, or whatever, except on motions to proceed to a rules change. I am for that.

And so by doing that, the Senator will have performed a great service. He

will have eliminated—he will have eliminated—the source of the irritations and aggravations that have permeated through this body over the last few years of most of those so-called filibusters.

They were not filibusters. They were simply motions to take up a matter that were objected to and immediately a cloture motion being thrown down. That cloture motion was created to shut off debates on filibusters. And yet the cloture motion was used to get a vote on a motion to proceed.

So I think it has been blown out of proportion a great deal, but I agree that that rule has been abused to that extent. I have said that continued abuse of that rule will result in taking away the right of Senators to have unlimited debate. I see that danger. And I am trying to protect against that danger. So I would agree that we make that kind of rules change.

As far as I am concerned, we could go back to the two-thirds rule rather than the three-fifths—two-thirds of those present and voting. That would ensure that Senators come to the floor and vote. Where we have 60 votes, 39 or 40 can leave town. The other side has to produce 60 votes.

So if the Senate wanted to change it back to two-thirds of those present and voting, fine. As he pointed out directly, the present rule was reached through compromise, those who thought the two-thirds too difficult and those who thought that a majority was not enough, so we arrived at the present rule. But I am not unalterably against change if it is change for what I see would be for the better. I think that would be for the better. But I am against change, I am against emasculating the filibuster rule.

In the "Lady of the Lake," I guess it was Fitz-James who said;

Come one, come all. This rock shall fly
From its firm base as soon as I.

That is the way I feel about the filibuster:

Come one, come all. This rock shall fly
From its firm base as soon as I.

So it is not a matter of power and privilege and prerogative, as the Senator has said, and pride. It is a matter of pride in this institution with me. That is where the pride is, pride in this institution and pride in the Constitution.

I wish Senators would develop an institutional memory. Stop coming over here from the House of Representatives and immediately trying to make this a second House of Representatives. The Senate was created for a purpose in the minds of those great framers. And the test of time has proved that they were right and that they were wise.

I had intended to read several chapters from my book, volume two, but I have enjoyed the exchange with my friends to the extent that I feel no need of proceeding as I had earlier intended.

Let me just call attention to my book—and I get no royalties on this

book—"The Senate, 1789-1989, Addresses on the History of the Senate." This is volume two. Volume two is the Senator's copy. Volume one was a chronological history of the U.S. Senate. A history of the United States Senate is American history. But volume two I intended for Senators to read.

What is in it? Well, there are chapters on treaties, and on impeachment trials, and on other matters that are fairly unique to the Senate. I hope Senators will read my chapter on impeachment trials. Some Senators who claim to be lawyers cannot, really cannot, get away from the idea that they are still in a courtroom and that an impeachment trial is a trial in the sense of a civil or criminal trial that is being tried in a court of law.

I hope that Senators who listen tonight and those who read will take me up on that and go back and read my chapter on impeachment trials because there will be some more impeachment trials as time comes on. And I have chapters on committees, on the various officers of the Senate.

But in this respect which we are now discussing, I would suggest they begin on page 93, chapter 5, titled "Extended Debate, Filibusters, 1789 to 1917." There they will find written down the instance to which I earlier referred when Plutarch reported that Cato opposed Caesar's request and "attempted to prevent his success by gaining time; with which views he spun out the debate till it was too late to conclude upon any thing that day."

So that was that successful filibuster 2,055 years ago.

Then this gives the history of filibusters when filibusters were real filibusters, as Mr. HARKIN stated earlier. Back in the 19th century, they had real filibusters, and in the early part of this century. And there have been some real ones since I have been in the Senate, real in the sense that it took days and days and days to reach a decision. And the debate was germane, at least during the filibusters that I experienced in the Senate.

I mentioned three in particular. The civil rights debate, 1964. I was not a leader at that time, but I participated in that debate. I spoke 14 hours and 13 minutes during that debate. That was a bill that was before the Senate for a total of 77 days including Saturdays, Sundays, and holidays. It was actually debated 57 days, 6 of which were Saturdays. We have had some real filibusters. Still the bill was not passed until 9 days after cloture was voted. Hence, 103 days had passed between March 9 when the motion was made to take up the bill and final passage on June 19.

Now, this was the civil rights filibuster. Then there was a filibuster on the natural gas bill, in 1977 I believe it was. And then I speak of the filibuster that occurred on the campaign financing reform bill, 1987 and 1988. That spread across a period of 2 years.

So I have seen filibusters. I have helped to break them. There are few Senators in this body who were here

when I broke the filibuster on the natural gas bill. Two Senators, Senator Metzenbaum and former Senator Abourezk, tied up the Senate for 13 days and 1 night—I believe it was 13 days and 1 night—and in that time we had disposed of a half-dozen amendments. So I asked Mr. Mondale, the Vice President, to go please sit in the chair; I wanted to make some points of order and create some new precedents that would break these filibusters.

So he got in the chair, and Howard Baker and I, working together, pounded some points of order, and we broke that filibuster. And I disposed of more than 30 amendments within the course of a few minutes. And the filibuster was broken—back, neck, legs, arms. It went away in 12 hours.

So I know something about filibusters. I helped to set a great many of the precedents that are in the books here. Dizzy Dean said you can say these things, you can brag, if you have done it. So I do not know whether one wants to call that bragging or not, but that is fact—I think it is facts I am stating. And I am simply stating them to let other Senators know that I understand what frustrations are. I have been over this road, up and down the hill. And I think we give away something, something we can never retrieve, if we give away the right of unlimited debate. We ought to forget about streamlining, streamlining—the Senate was not meant to be streamlined. The process here was not meant to be streamlined.

And again I say I understand that the rule has been abused. I understand that Senators do not really very often stand up and debate anymore. But let us not try to blame it on the rules. Blame it on Senators. Rules should not be blamed for it. The rule is there. I have already read that rule whereby a motion can be made, that is nondebatable, to proceed. Let us not throw out the baby with the bath water. The minority can be right and the minority has been right and I will always take my stand in support of this institution, the Constitution, and the rights of the minority.

And I close by reading merely 2 pages, whereas I had intended to read 70 pages when I began. Page 162:

Arguments against filibusters have largely centered around the principle that the majority should rule in a democratic society. The very existence of the Senate, however, embodies an equally valid tenet in American democracy: the principle that minorities have rights.

Of course, a minority abuses the rights, but the majority abuses the rights also—there are times.

Furthermore, a majority of Senators, at a given time and on a particular issue, may not truly represent majority sentiment in the country. Senators from a few of the more populous States may, in fact, represent a majority in the Nation while numbering a minority of votes in the Senate, where all the States are equal.

Take California, Texas, Florida, Michigan, Ohio, Illinois, New York—there is a minority of States. I have

not counted the votes recently, but I would daresay there is about—almost a majority of the population, if not a majority. There is a minority of States. They can be right. We ought to think long and long and long and long and hard before we tinker with something that has been tried and tested for 200 years because there is a problem with it. Let us see if we cannot heal that problem in other ways. Let us have resort to Rule VIII. Of course, we are not the majority again. Right now we cannot resort to it. But the majority can resort to it.

Well, back on my reading. Let me repeat:

Senators from a few of the more populous States may, in fact, represent a majority in the Nation while numbering a minority of votes in the Senate, where all the States are equal. Additionally, a minority opinion in the country may become the majority view, once the people are more fully informed about an issue through lengthy debate and scrutiny. A minority today may become the majority tomorrow.

Why should not a majority have a right to stop a piece of legislation? My friend says, well, let us retain the right to slow down, the right to slow down, but let us take away this power to stop something.

I understand how Napoleon felt when he was banished to Elba. I have a room down here in the corner. Here I was majority leader and had this six vast rooms, and along came the election and I was banished to almost Outer Mongolia. I know how Napoleon felt because I have seen him in his picture with his hands folded behind him, looking out upon the sad and solemn sea. But that is the way it is in politics. You are up one day, you are down the next. So I am in the minority right now.

Moreover, the framers of the Constitution thought of the Senate as the safeguard against hasty and unwise action by the House in response to temporary whims and storms of passion that may sweep over the land. Delay, deliberation, and debate—though time consuming—may avoid mistakes that would be regretted in the long run. The Senate is the only forum in the government where the perfection of laws may be unhurried and where controversial decisions may be hammered out on the anvil of lengthy debate. The liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed.

The most important argument supporting extended debate in the Senate, and even the right to filibuster, is the system of checks and balances. The Senate operates as the balance wheel in that system, because it provides the greatest check against an all-powerful executive through the privilege that Senators have to discuss without hindrance what they please for as long as they please. A minority can often use publicity to focus popular opinion upon matters that can embarrass the majority and the executive. Without the potential for filibusters, that power to check a Senate majority or an imperial presidency * * *

We are not talking about pride and prerogative and privilege and power here. Here is what is involved. "Without the potential for filibusters, that power to check a Senate majority or an

imperial presidency"—and we have seen an imperial presidency in this land—would be destroyed."

It is a power too sacred to be trifled with. As Lyndon Baines Johnson said on March 9, 1949:

*** if I should have the opportunity to send into the countries behind the iron curtain one freedom and only one, I know what my choice would be. *** I would send to those nations the right of unlimited debate in their legislative chambers.

Peter the Great did not have a Senate with unlimited debate, with power over the purse, when he enslaved hundreds of thousands of men in the building of Saint Petersburg.

*** If we now, in the haste and irritation, shut off this freedom, we shall be cutting off the most vital safeguard which minorities possess against the tyranny of momentary majorities.

As one who has served both as majority leader and as minority leader, as a senator who has engaged both in filibustering and in breaking filibusters during my thirty-one years in this body, I believe that Rule XXII today strikes a fair and proper balance between the need to protect the minority against hasty and arbitrary action by a majority and the need for the Senate to be able to act on matters vital to the public interest. More drastic cloture than the rules now provide is neither necessary nor desirable.

We must not forget that the right of extended, and even unlimited, debate is the main cornerstone of the Senate's uniqueness. It is also a primary reason that the United States Senate is the most powerful upper chamber in the world today. The occasional abuse of this right has been, at times, a painful side effect, but it never has been and never will be fatal to the overall public good in the long run. Without the right of unlimited debate, of course, there would be no filibusters, but there would also be no Senate, as we know it. The good outweighs the bad, even though they may have been exasperating, contentious, and perceived as iniquitous. Filibusters are necessary evil, which must be tolerated lest the Senate lose its special strength and become a mere appendage of the House of Representatives. If this should happen, which God avert, the American Senate would cease to be "that remarkable body" about which William Ewart Gladstone spoke—"the most remarkable of all the inventions of modern politics."

Mr. President, I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

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

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

ADDITIONAL COSPONSOR TO S. 2

Mr. LOTT. Mr. President, I ask unanimous consent that I be added as a cosponsor of S. 2.

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

MEASURE PLACED ON THE CALENDAR—S. 2

Mr. LOTT. Mr. President, I ask unanimous consent that S. 2, the congressional coverage bill introduced earlier today, be placed on the calendar.

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

ORDERS OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that at 10:15 on Thursday, January 5, 1995, the Senate resume consideration of Senate Resolution 14, and at that time the debate on the Harkin amendment prior to a motion to table be divided in the following manner: 30 minutes under the control of Senator BYRD and 45 minutes under the control of Senator HARKIN. I further ask unanimous consent that at 11:30 a.m., the majority leader or his designee be recognized to make the motion to table amendment No. 1. I ask unanimous consent further that, if the amendment is not tabled, it be subject to further debate and amendment. I further ask unanimous consent that if the amendment is tabled, the Senate proceed immediately to adoption of the resolution without any intervening action or debate. Finally, I ask unanimous consent that immediately following the adoption of the resolution the Senate proceed to S. 2, the congressional coverage bill.

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

"DISPLACED STAFF MEMBER"

Mr. LOTT. Mr. President, I send an enclosed resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:
S. RES. 25

Resolved, That, for the purpose of section 6 of Senate Resolution 458 of the 98th Congress (agreed to October 4, 1984), the term "displaced staff member" includes an employee in the office of the Minority Whip who was an employee in that office on January 1, 1995, and whose service is terminated on or after January 1, 1995, solely and directly as a result of the change of the individual occupying the position of Minority Whip and who is so certified by the individual who was the Minority Whip on January 1, 1995.

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

The resolution (S. Res. 25) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

The resolution is as follows:

Resolved, That, for the purpose of section 6 of Senate Resolution 458 of the 98th Congress

(agreed to October 4, 1984), the term "displaced staff member" includes an employee in the office of the Minority Whip who was an employee in that office on January 1, 1995, and whose service is terminated on or after January 1, 1995, solely and directed as a result of the change of the individual occupying the position of Minority Whip and who is so certified by the individual who was the Minority Whip on January 1, 1995.

AWARDS FOR ATTORNEY'S FEES

Mr. LOTT. Mr. President, I send a bill to the desk and ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill to amend section 526 of Title 28, United States Code, to authorize awards for attorneys' fees.

Mr. LOTT. Mr. President, I ask for a second reading.

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

MODIFICATION OF SENATE RESOLUTION 16

Mr. FORD. Mr. President, I ask unanimous consent to modify S. Res. 16 adopted earlier today with language which I now send to the desk. This modification has been cleared by the majority leader and it does not change the ratio agreed to.

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

MODIFICATION OF SENATE RESOLUTION 17

Mr. FORD. Mr. President, I ask unanimous consent that S. Res. 17 adopted earlier today be modified by the following language, which I send to the desk. This request has been cleared by the majority leader and does not alter our agreements with the committee ratios.

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

THE SENATE GIFT RULE

Mr. FORD. Mr. President, I understand that S. 71 regarding the Senate gift rule introduced earlier today by Senators WELLSTONE and FEINGOLD is at the desk.

The PRESIDING OFFICER. That is correct.

Mr. FORD. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 71) regarding the Senate gift rule.

Mr. FORD. Mr. President, I ask for its second reading.

Mr. LOTT. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

MEASURE INDEFINITELY POSTPONED—S. RES. 19

Mr. LOTT. Mr. President, I ask unanimous consent that S. Res. 19, a resolution regarding committee funding, submitted earlier today be indefinitely postponed.

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

ORDERS FOR TOMORROW

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand adjourned until 10 a.m., Thursday, January 5, and that when the Senate reconvenes the Journal of proceedings be deemed to have been approved to date, that the call of the calendar be waived, that no motions or resolutions come over under the rule, that the morning hour be deemed to have expired, and that the time until 10:15 a.m. be reserved for the two leaders. I further ask unanimous consent that at 10:15 the Senate resume consideration of Senate Resolution 14 under the terms of the previous agreement.

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

Mr. LOTT. Mr. President, if there are no further Senators seeking recognition, I ask unanimous consent that the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Will the Senator withhold for a moment?

APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair announces the following two appointments made by the Democratic leader, the Senator from Maine [Mr. MITCHELL], during the sine die adjournment:

Pursuant to provisions of Public Law 103-236, the appointment of Senator MOYNIHAN and Samuel P. Huntington, of New York, as members of the Commission on Protecting and Reducing Government Secrecy.

Pursuant to provisions of Public Law 100-458, Sec. 114(b)(1)(2), the reappointment of William Winter to a 6-year term on the Board of Trustees of the John C. Stennis Center for Public Training and Development, effective Oct. 11, 1994.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair announces the following appointment made by the Republican leader, the Senator from Kansas [Mr. DOLE], during the sine die adjournment:

Pursuant to provisions of Public Law 103-359, the appointment of Senator JOHN WARNER of Virginia, and David H. Dewhurst of Texas, as members of the Commission on the Roles and Capabilities of the United States Intelligence Community.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair announces the following appointment made by the President pro tempore, Senator BYRD of West Virginia, during the sine die adjournment:

Pursuant to provisions of Public Law 103-394, and upon the recommendation of the Republican leader, the appointment of James I. Shepard, of California, as a member of the National Bankruptcy Review Commission.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolutions:

H. Res. 2. Resolution informing the Senate that a quorum of the House of Representatives has assembled.

H. Res. 3. Resolution notifying the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 2. A bill to make certain laws applicable to the legislative branch of the Federal Government.

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-1. A communication from the President of the United States, transmitting, consistent with the War Powers Resolution, a report on deployment of a U.S. Army peacekeeping contingent as part of the United Nations Protection Force in the Former Yugoslav Republic of Macedonia (received on December 22, 1994); to the Committee on Foreign Relations.

EC-2. A communication from the President of the United States, transmitting, consistent with the Use of Military Force Against Iraq Resolution, a report on the status of ef-

forts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council (received on January 3, 1995); to the Committee on Foreign Relations.

EC-3. A communication from the President of the United States, transmitting, pursuant to law, the third monthly report on the situation in Haiti (received on January 3, 1995); to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-1. A petition from a citizen of the State of California; to the Committee on Rules and Administration.

PETITION FOR ELECTION CONTEST

INTRODUCTION

Now comes Petitioner and contestant Michael Huffington before the Senate of the United States. Petitioner prays that the Senate deny Dianne Feinstein a seat in the 104th Congress of the United States on the grounds that she has not been "duly elected" by a majority of legal ballots cast in the State of California in the election held on November 8, 1994. In the alternative, Petitioner asks that if the Senate seats Feinstein, it do so without prejudice because the misconduct, irregularities and fraud in the California election system were so widespread that the true results of the election cannot be known. Furthermore, Petitioner is informed and believes that additional investigation by the Senate before her seating becomes final will make clear that the serious systemic problems in California's and the nation's voter registration and verification system are so pervasive as to render the results of the 1994 California Senate election invalid.

In support thereof, the petitioner alleges the following:

JURISDICTION

1. The Senate of the United States, pursuant to Article 1, Section 5, clause 1 of the Constitution of the United States, is "the Judge of the Elections, Returns, and Qualifications of its own Members" and has final jurisdiction over election contests concerning its Members.

PARTIES

2. The Petitioner and contestant, Republican Party candidate for the Office of United States Senator from the State of California in the November 8, 1994 general election, is an elector and citizen of the State of California and the United States and a legal voter in the State of California in the November 8, 1994 general election. He is qualified to bring this petition, and brings this action as a contestant and on behalf of the almost 4,000,000 voters of the State who cast legal ballots on his behalf.

3. Dianne Feinstein, the Democrat candidate for the office of United States Senator from the State of California in the November 8, 1994 general election, was certified as the winner of the election by approximately 160,000 votes by the California Secretary of State on December 16, 1994, prior to numerous of the facts alleged herein being known.

FACTUAL ALLEGATIONS

4. Article I, Section 4, clause 2 of the Constitution of the United States grants the states the power to prescribe the time, places, and manner of holding elections for United States Senators and Representatives, subject to the congressional power to preempt state law on this subject.

5. The State of California has adopted a comprehensive California State Elections

Code which proscribes the time, place and manner of holding elections for the Office of United States Senator which was not preempted by federal law in this election. (CAL. ELEC. CODE §§ 1-35150)

6. Article II, Section 2 of the Constitution of the State of California proscribes the following qualifications for electors in the State of California: "A United States citizen 18 years of age and resident in this state may vote."

7. The California Elections Code provides that persons who no longer reside 28 days before a general election in the precinct for which they are registered may not vote in a general election unless they change their registration address 28 days or more before that general election. (CAL. ELEC. CODE §§ 305 and 311.6)

8. The California Elections Code provides that felons, deceased persons, minors, non-citizens, non-residents and others not qualified to vote may neither register nor vote in elections in the State. (CAL. ELEC. CODE §§ 100, 300.5, 701 and 14216)

9. The California Elections Code requires that precinct officials conducting the elections account for all the ballots and the signatures of voters who are given ballots at the precinct polling places on election day, and that these numbers be reconciled as part of the official count. (CAL. ELEC. CODE §§ 14005.5, 14006 and 14305)

10. The California Elections Code requires that precinct officials conducting the elections require all voters to identify themselves when voting and to sign the register of voters with their name and registration address. (CAL. ELEC. CODE § 14211)

I. FIRST GROUNDS OF CONTEST: A GENERAL PATTERN OF IRREGULARITIES, FRAUD, AND OTHER VIOLATIONS OF THE CALIFORNIA ELECTIONS CODE HAS RENDERED THE RESULT OF THE 1994 UNITED STATES SENATE ELECTION UNRELIABLE

11. The allegations contained in Paragraphs 1-10 are incorporated herein.

12. A study of 84 representative sample precincts in California reveals a general pattern of voting irregularities, illegal voting, and other violations of the California Elections Code in the conduct of the November 8, 1994 general election so widespread as to render the result of the United States Senate Election unreliable.

13. Based upon this study, on information and belief, Petitioner alleges that the violations, irregularity and fraud are so pervasive in the State of California that the certification of the United States Senate election is rendered unreliable. This study shows that:

a. California election workers made sufficient errors in counting and reconciling ballots in the sample precincts to render the result of the United States Senate election certified by the California Secretary of State unreliable. Comparing the number of ballots voted with the number of signatures on the voting rosters in the sample precincts reveals that election officials accepted an average discrepancy of one (1) vote per precinct in certifying the returns. This one (1) vote per precinct discrepancy results both from more ballots than signatures and more signatures than ballots. Projecting such discrepancies on a statewide basis would produce an error in the certification of approximately 20,000 to 25,000 votes.

b. The number of extra ballots certified by California election officials in the sample precincts plus the number of ballots not certified compared to the ballots reportedly sent to the Registrar of Elections from the sample precincts produces a discrepancy of 1.38 ballots per precinct. If extrapolated statewide, these tabulation errors would amount to approximately 35,000 votes in the

certification of the results. Such errors were more likely to occur in the heavily Democratic precincts of the precincts sampled.

c. Precinct workers permitted persons who did not meet the statutory qualifications for voting in that precinct to cast ballots and allowed persons who did not live in the precinct for which they were registered to cast illegal ballots in substantial numbers. Comparing the voting roster to registration books used on election day shows that the number of voters who failed to sign the registration book with any residential address is approximately 3.5 votes per precinct. Extrapolated statewide, this could reveal as many as 85,000 improperly cast ballots, which are probably illegal.

d. Comparing the voting rosters with the registration books used on election day shows that the number of voters who signed the roster with an address different from their registration address and who resided outside of the precinct in which they voted or who did not sign any address at all was approximately .93 votes per precinct. Extrapolated statewide, this could result in as many as 23,000 improperly cast ballots, which are probably illegal. These ballots are in addition to the 85,000 ballots reported above. Moreover, persons registered as Democrats in the precincts sampled were twice as likely as persons registered as Republicans to sign an address different than where they were living.

e. Approximately seven (7) voters per precinct voted from an address they had listed as their former address on a National Change of Address ("NCOA") request from the voter had filed. Extrapolated statewide, this would result in as many as 175,000 ballots being improperly cast. If only one-half of these voters had actually changed their residence but were allowed to vote, it would produce approximately 88,000 improperly cast ballots.

f. Of those who cast absentee ballots, approximately 1.7 voters per precinct sampled had filed a NCOA request with the post office for the address from which they voted in the November 8, 1994 election. Extrapolated statewide, this would result in as many as 43,000 improperly cast ballots. If only one-quarter of these voters cast their ballot improperly it would produce 10,700 such ballots.

14. In sum, it is alleged on information and belief that extrapolating the results of this study to the entire State of California will present a prima facie case that over 170,000 votes were illegally cast in the November 8, 1994 general election, more than Feinstein's certified margin of victory and large enough to cast doubt upon the certification of the United States Senate election.

15. The study in the sample precincts also suggests that if the percentage figures were projected for the entire state of California, more Democrat voters than Republican voters cast illegal ballots.

16. In addition to the more than 170,000 projected illegal votes indicated by the study of sample precincts in the State of California, an ongoing investigation of voter fraud in California reveals that numerous persons not qualified to vote in the 1994 general election in California, including dead persons who were recorded as having voted in November, remained on the registration rolls and did vote in that election, thereby rendering the results of the 1994 United States Senate election unreliable.

17. On November 8, 1994, precinct officials allowed persons who were not residing in the precinct from which they voted 28 days before the election, and therefore were not eligible to vote, to cast ballots in such numbers that the results of the 1994 California United States Senate election cannot be reliably known.

18. On November 8, 1994, precinct officials and election officials allowed persons not qualified to vote, including, it is alleged on information and belief, non-citizens who were motivated by defeating a ballot initiative measure entitled "Proposition 187", to cast illegal votes in such numbers that the results of the 1994 California United States Senate election cannot be reliably known.

19. On and before the November 8, 1994 election, election officials allowed persons to cast absentee ballots in a manner not authorized by law in such numbers that the result of the 1994 California United States Senate election cannot be reliably known.

20. The irregularities, mistakes and fraud described in the above paragraphs are not isolated and are so pervasive as to constitute a general pattern in the conduct of the November 8, 1994 general election that renders the certification of the California United States Senate election unreliable.

II. SECOND GROUNDS OF CONTEST: STATE, COUNTY AND PRECINCT ELECTION OFFICIALS INADEQUATELY ADMINISTERED THE 1994 GENERAL ELECTION AND FAILED TO ENSURE THE SANCTITY OF THE ELECTORAL PROCESS IN CALIFORNIA SO THAT THE RESULTS OF THE 1994 UNITED STATES SENATE ELECTION ARE IN DOUBT

21. The allegations contained in Paragraphs 1-20 are incorporated herein.

22. The public officials charged with conducting the elections in the State of California did not enforce or satisfy the requirements of the California Elections Code in the conduct of the 1994 United States Senate Election so that the result of the California United States Senate election cannot be reliably known without further investigation.

23. The Registrars of Election allowed numerous persons to register to vote in the 1994 general election in California who were not qualified under the State's Constitution or laws to be registered voters in the State in that election.

24. The Registrars of Election allowed numerous persons to register to vote more than once in the November 8, 1994 general election in California, a violation of the California Elections Code.

25. On November 8, 1994, precinct officials allowed to be deposited into the ballot boxes more ballots than there were voters who presented themselves for the purpose of voting in such numbers that the result of the 1994 California United States Senate election cannot be reliably known.

26. On November 8, 1994, precinct officials failed to deposit into the ballot boxes all the ballots that were given to voters who presented themselves for the purpose of voting and these precinct officials failed to account for the reason that these ballots were not deposited in such numbers that the result of the 1994 California United States Senate election cannot be reliably known.

27. These irregularities in process were known or should have been known to the Secretary of State of California prior to the election and prior to his issuance of the certificate of election in the United States Senate election, yet he refused to investigate these problems or to take corrective action both prior to the election and during the canvass to insure that the certificate of election was reliable.

28. The failures of the election officials which are complained of herein relate to duties which are mandatory in nature and not directory in nature.

29. These irregularities in process were known or should have been known by the county Registrars since they appear on the original election documents containing the totals certified to the Secretary of State during the canvass period. Notwithstanding this fact, the Registrars failed to resolve the

discrepancies that appeared on the documents sent to them by the precinct officials.

30. Because of these irregularities and discrepancies, the Secretary of State's certificate of election is unreliable and the margin between the two major party candidates is less than the number of unaccounted for ballots and illegal ballots cast in the November 8, 1994 election.

31. The total number of illegal ballots cast or ballots unaccounted for and the insufficiency of ballots in some precincts and excess of ballots in other precincts is sufficiently large throughout the State of California to cast doubt on the election certificate issued by the Secretary of State and to cast doubt on which of the two major party candidates won the election for the United States Senate.

32. These failures of the election officials cannot be remedied by a recount of the votes or the remedies available in the California Elections Code for an election contest.

33. Because California lacks any reliable verification system in its registration process to determine the identity and eligibility of voters, the failure of election officials to enforce the statutory requirements makes unreliable the certificate of election in close contests, such as the contest at issue here.

34. The general pattern of irregularities in the election process and illegal ballots cast is so pervasive that the results of the 1994 United States Senate election are in doubt and, upon information and belief, it is alleged that if the illegal ballots cast could be removed from the certificate so issued, the result of the election would be changed.

III. THIRD GROUNDS OF CONTEST: THE IRREGULARITIES AND ERRORS COMPLAINED OF CONSTITUTE A VIOLATION OF THE 14TH AMENDMENT

35. The allegations contained in paragraphs 1-34 are incorporated herein.

36. The failure of California to provide a reliable election system whereby only legal voters are allowed to cast ballots and illegal ballots are not counted and to administer the 1994 Senate election according to its own Constitution and Elections Code constitutes a denial of 14th Amendment protections to the legal voters of California in that such failure structurally dilutes the valid votes cast for both candidates for United States Senator in 1994.

IV. PRAYER FOR RELIEF

That based upon the foregoing, the Petitioner and Contestant pray:

1. That on the day of covering, the Secretary of the Senate be instructed to not accept the certification from the State of California for the 1994 United States Senate election.

2. That, in the alternative, Dianne Feinstein be seated without prejudice to the rights of the Senate to revoke her seating by majority vote after full investigation of the conduct of the election.

3. That the matter be referred to the Rules and Administration Committee with instructions to investigate immediately the allegations set forth above in order to advise the Senate on the action to take in this matter.

4. That upon finding the facts to be substantially as set forth in the petition or upon receipt of additional evidence, to declare the Senate seat in question be vacant and request that the State of California conduct a new election, or in the alternative, to declare the person who received the highest number of legal votes duly elected if such numbers of legal votes can be determined.

5. That the Senate grant such additional relief that the Senate deems warranted by the facts.

REPORT OF COMMITTEE SUBMITTED DURING SINE DIE ADJOURNMENT

Pursuant to the order of the Senate of December 1, 1994, the following report was submitted on January 3, 1995, during the sine die adjournment of the Senate:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Special Report entitled "Madison Guaranty S&L and the Whitewater Development Corporation Washington, DC Phase: Inquiry Into the U.S. Park Police Investigation of the Death of White House Deputy Counsel Vincent W. Foster, Jr." (Rept. No. 103-433).

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. KEMPTHORNE (for himself, Mr. DOLE, Mr. GLENN, Mr. ROTH, Mr. DOMENICI, Mr. EXON, Mr. COVERDELL, Mr. BROWN, Mr. BURNS, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BOND, Mr. BREAUX, Mr. CAMPBELL, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. D'AMATO, Mr. DEWINE, Mrs. FEINSTEIN, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. INHOFE, Mrs. KASSEBAUM, Mr. KYL, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PACKWOOD, Mr. PRESSLER, Mr. ROBB, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, and Mr. WARNER):

S. 1. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, Mr. DOLE, Mr. NICKLES, Mr. ROTH, Mr. GLENN, Mr. SMITH, Mr. SPECTER, Mr. BROWN, Mr. INHOFE, Mr. THOMPSON, Ms. SNOWE, Mr. ABRAHAM, Mr. SANTORUM, Mr. THOMAS, Mr. COHEN, Mr. CRAIG, Mrs. BOXER, Mr. ROBB, Mr. KOHL, Mr. WARNER, Mr. BAUCUS, Mr. HELMS, Mr. GREGG, Mr. DEWINE, Mr. CAMPBELL, Mr. BENNETT, Mr. MACK, Mr. KERREY, Mrs. KASSEBAUM, and Mr. LOTT):

S. 2. A bill to make certain laws applicable to the legislative branch of the Federal Government; read twice.

By Mr. DOLE (for himself, Mr. HATCH, Mr. THURMOND, Mr. SIMPSON, Mr.

GRAMM, Mr. SANTORUM, Mr. ABRAHAM, Mr. DEWINE, and Mr. KYL):

S. 3. A bill to control crime, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. MCCAIN, Mr. COATS, Mr. KYL, Mr. HELMS, Mr. MURKOWSKI, Mr. ASHCROFT, Mr. BOND, Mr. GRAMS, and Mr. GRAMM):

S. 4. A bill to grant the power to the President to reduce budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DOLE (for himself, Mr. HELMS, Mr. THURMOND, Mr. COHEN, Mr. WARNER, Mrs. HUTCHISON, Mr. MCCAIN, Mr. LOTT, Mr. NICKLES, and Mr. MACK):

S. 5. A bill to clarify the war powers of Congress and the President in the post-Cold War period; to the Committee on Foreign Relations.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BREAUX, Ms. MIKULSKI, Mr. REID, Mr. ROCKEFELLER, Mr. DODD, Mr. KERRY, Mr. DORGAN, and Ms. MOSELEY-BRAUN):

S. 6. A bill to replace certain Federal job training programs by developing a training account system to provide individuals the opportunity to choose the type of training and employment-related services that most closely meet the needs of such individuals, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. DODD, Mr. BREAUX, Ms. MOSELEY-BRAUN, Mr. PELL, Mrs. MURRAY, and Mr. INOUE):

S. 7. A bill to provide for health care reform through health insurance market reform and assistance for small business and families, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. BREAUX, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. REID, Mr. KERRY, Mrs. MURRAY, Mr. DORGAN, Ms. MOSELEY-BRAUN, and Mr. ROBB):

S. 8. A bill to amend title IV of the Social Security Act to reduce teenage pregnancy, to encourage parental responsibility, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. EXON, Ms. MIKULSKI, Mr. BREAUX, Mr. ROBB, Mr. KERRY, Mr. PELL, Ms. MOSELEY-BRAUN, and Mr. HARKIN):

S. 9. A bill to direct the Senate and the House of Representatives to enact legislation on the budget for fiscal years 1996 through 2003 that would balance the budget by fiscal year 2003; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DASCHLE (for himself, Mr. GLENN, Mr. LEVIN, Ms. MIKULSKI, Mr. BREAUX, Mr. KERRY, Ms. MOSELEY-BRAUN, and Mr. HARKIN):

S. 10. A bill to make certain laws applicable to the legislative branch of the Federal Government, to reform lobbying registration and disclosure requirements, to amend the gift rules of the Senate and the House of Representatives, and to reform the Federal election laws applicable to the Congress; to the Committee on Governmental Affairs.

By Mr. KYL:

S. 11. A bill to award grants to States to promote the development of alternative dis-

pute resolution systems for medical malpractice claims, to generate knowledge about such systems through expert data gathering and assessment activities, to promote uniformity and to curb excesses in State liability systems through federally-mandated liability reforms, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. BREAUX, Mr. PRYOR, and Mr. MURKOWSKI):

S. 12. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Finance.

By Ms. MOSELEY-BRAUN:

S. 13. A bill to require a Congressional Budget Office analysis of each bill or joint resolution reported in the Senate or House of Representatives to determine the impact of any Federal mandates in the bill or joint resolution; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4 1977, that if one Committee reports, the other Committee have 30 days to report or be discharged.

By Mr. DOMENICI (for himself, Mr. EXON, Mr. CRAIG, Mr. BRADLEY, Mr. COHEN, and Mr. DOLE):

S. 14. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. MOYNIHAN:

S. 15. A bill to provide that professional baseball teams and leagues composed of such teams shall be subject to the antitrust laws; to the Committee on the Judiciary.

By Mr. DOLE:

S. 16. A bill to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself and Ms. MOSELEY-BRAUN):

S. 17. A bill to promote a new urban agenda, and for other purposes; to the Committee on Finance.

S. 18. A bill to provide improved access to health care, enhance informed individual choice regarding health care services, lower health care costs through the use of appropriate providers, improve the quality of health care, improve access to long-term care, and for other purposes; to the Committee on Finance.

By Mr. NICKLES (for himself, Mr. HELMS, Mr. SMITH, and Mr. GRASSLEY):

S. 19. A bill to amend title IV of the Social Security Act to enhance educational opportunity, increase school attendance, and promote self-sufficiency among welfare recipients; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 20. A bill to amend title 18, United States Code, with respect to the licensing of ammunition manufacturers, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. LIEBERMAN, Mr. HELMS, Mr. THURMOND, Mr. MCCONNELL, Mr. LOTT, Mr. FEINGOLD, Mr. D'AMATO, Mr. MCCAIN, Mr. BIDEN, Mr. MACK, Mr. KYL, Mr. GORTON, Mr. HATCH, Mr. SPECTER, Mr. PACKWOOD, and Mr. CRAIG):

S. 21. A bill to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; to the Committee on Foreign Relations.

By Mr. DOLE (for himself, Mr. HEFLIN, Mr. BROWN, Mr. BURNS, Mr. HATCH, Mr. NICKLES, Mr. CRAIG, and Mrs. KASSEBAUM):

S. 22. A bill to require Federal agencies to prepare private property taking impact analyses; to the Committee on Governmental Affairs.

By Mr. HELMS:

S. 23. A bill to protect the First Amendment rights of employees of the Federal Government; read the first time.

S. 24. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes; read the first time.

S. 25. A bill to stop the waste of taxpayer funds on activities by Government agencies to encourage its employees or officials to accept homosexuality as a legitimate or normal lifestyle; read the first time.

S. 26. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes; read the first time.

S. 27. A bill to prohibit the provision of Federal funds to any State or local educational agency that denies or prevents participation in constitutionally-protected prayer in schools; read the first time.

S. 28. A bill to protect the lives of unborn human beings, and for other purposes; read the first time.

S. 29. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes; read the first time.

By Mr. MCCAIN:

S. 30. A bill to amend the Social Security Act to increase the earnings limit, to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits and to provide incentives for the purchase of long-term care insurance, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. BRYAN, Mr. COATS, Mr. GORTON, Mr. HEFLIN, Mr. HELMS, Mr. KYL, Mr. LOTT, Mr. MACK, Mr. REID, Mr. SHELBY, Mr. SMITH, Mr. STEVENS, Mr. WARNER, and Mr. GRAMS):

S. 31. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. 32. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the production of oil and gas from existing marginal oil and gas wells and from new oil and gas wells; to the Committee on Finance.

S. 33. A bill to amend the Oil Pollution Act of 1990 to clarify the financial responsibility requirements for offshore facilities; to the Committee on Environment and Public Works.

S. 34. A bill to amend the Internal Revenue Code of 1986 to treat geological, geophysical, and surface casing costs like intangible drilling and development costs, and for other purposes; to the Committee on Finance.

S. 35. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for fuels produced from offshore deep-water projects; to the Committee on Finance.

By Mr. KOHL:

S. 36. A bill to replace the Aid to Families with Dependent Children under title IV of the Social Security Act and a portion of the food stamp program under the Food Stamp Act of 1977 with a block grant to give the States the flexibility to create innovative welfare to work programs, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 37. A bill to terminate the Extremely Low Frequency Communication System of the Navy; to the Committee on Armed Services.

By Mr. HATCH (for himself, Mr. DOLE, Mr. THURMOND, Mr. SIMPSON, Mr. GRASSLEY, Mr. KYL, Mr. ABRAHAM, Mr. NICKLES, Mr. GRAMM, Mr. SANTORUM, and Mr. ASHCROFT):

S. 38. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. KERRY, and Mr. MURKOWSKI):

S. 39. A bill to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 40. A bill to direct the Secretary of the Army to transfer to the State of Wisconsin lands and improvements associated with the LaFarge Dam and Lake portion of the project for flood control and allied purposes, Kickapoo River, Wisconsin, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 41. A bill for the relief of Wade Bomar, and for other purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 42. A bill to terminate the Uniformed Services University of the Health Sciences; to the Committee on Armed Services.

S. 43. A bill to phase out Federal funding of the Tennessee Valley Authority; to the Committee on Environment and Public Works.

By Mr. REID (for himself and Mr. BRYAN):

S. 44. A bill to amend title 4 of the United States Code to limit State taxation of certain pension income; to the Committee on Finance.

By Mr. FEINGOLD:

S. 45. A bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes; to the Committee on Energy and Natural Resources.

S. 46. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; to the Committee on Rules and Administration.

By Mr. SARBANES:

S. 47. A bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MCCAIN:

S. 48. A bill to amend title II of the Social Security Act to impose the social security earnings test on the retirement annuities of Members of Congress; to the Committee on Governmental Affairs.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 49. To amend the Federal Water Pollution Control Act to modify the wetlands reg-

ulatory program corresponding to the low wetlands loss rate in Alaska and the significant wetlands conservation in Alaska, to protect Alaskan property owners, and to ease the burden on overly regulated Alaskan cities, boroughs, municipalities, and villages; to the Committee on Environment and Public Works.

By Mr. LOTT (for himself, Mr. KYL, Mr. MACK, Mr. SHELBY, and Mr. WARNER):

S. 50. A bill to repeal the increase in tax on social security benefits; to the Committee on Finance.

By Mr. THURMOND:

S. 51. A bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts; to the Committee on the Judiciary.

S. 52. A bill to provide that a justice or judge convicted of a felony shall be suspended from office without pay; to the Committee on the Judiciary.

S. 53. A bill to amend title 18, United States Code, to prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis; to the Committee on the Judiciary.

S. 54. A bill to amend title 18 to limit the application of the exclusionary rule; to the Committee on the Judiciary.

Mr. INOUE:

S. 55. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

S. 56. A bill for the relief of Susan Rebola Cardenas; to the Committee on the Judiciary.

S. 57. 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.

S. 58. A bill to increase the role of the Secretary of Transportation in administering section 901 of the Merchant Marine Act, 1936, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 59. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Labor and Human Resources.

S. 60. A bill to amend title VII of the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; to the Committee on Labor and Human Resources.

S. 61. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State Medicaid programs, and for other purposes; to the Committee on Finance.

S. 62. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician, and for other purposes; to the Committee on Finance.

S. 63. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the Medicare program, and for other purposes; to the Committee on Finance.

S. 64. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in clinical psychology eligible to participate in various health professions loan programs, and for other purposes; to the Committee on Labor and Human Resources.

S. 65. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Labor and Human Resources.

S. 66. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under the Health Careers Opportunity Program, the Minority Centers of Excellence Program, and programs of grants for training projects in geriatrics, to establish a social work training program, and for other purposes; to the Committee on Labor and Human Resources.

S. 67. A bill to amend title 10, United States Code, to authorize former members of the Armed Forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

S. 68. A bill to amend title 10, United States Code, to authorize the appointment of health care professionals to the positions of the Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Air Force; to the Committee on Armed Services.

S. 69. A bill to amend section 1086 of title 10, United States Code, to provide for payment under CHAMPUS of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under Medicare, and for other purposes; to the Committee on Armed Services.

By Mr. DOLE (for Mr. MURKOWSKI (for himself, Mr. BREAUX, Mr. STEVENS, and Mr. HEFLIN)):

S. 70. A bill to permit exports of certain domestically produced crude oil, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WELLSTONE (for himself, Mr. FEINGOLD, and Mr. LAUTENBERG):

S. 71. A bill regarding the Senate Gift Rule; read the first time.

By Mr. INOUE:

S. 72. A bill to direct the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Armed Services.

S. 73. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary stores and post and base exchanges; to the Committee on Armed Services.

S. 74. A bill to amend title 10, United States Code, to provide for jurisdiction, apprehension, and detention of members of the Armed Forces and certain civilians accompanying the Armed Forces outside the United States, and for other purposes; to the Committee on Armed Services.

S. 75. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect to be conducted by a clinical social worker; to the Committee on the Judiciary.

S. 76. A bill to recognize the organization known as the National Academies of Practice, and for other purposes; to the Committee on the Judiciary.

S. 77. A bill to restore the traditional observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

S. 78. A bill to establish a temporary program under which parenteral diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer; to the Committee on Labor and Human Resources.

S. 79. A bill to require the Secretary of Agriculture to extend a nutrition assistance program to American Samoa, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 80. A bill to amend the Perishable Agricultural Commodities Act, 1930, to include marketing of fresh cut flowers and fresh cut foliage in the coverage of the Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 81. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of child restraint systems used in motor vehicles; to the Committee on Finance.

S. 82. A bill to amend title 38, United States Code, to revise certain provisions relating to the appointment of clinical and counseling psychologists in the Veterans Health Administration, and for other purposes; to the Committee on Veterans Affairs.

S. 83. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

S. 84. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel BAGGER, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself and Mr. SIMON):

S. 85. A bill to provide for home and community-based services for individuals with disabilities, and for other purposes; to the Committee on Finance.

S. 86. A bill to modify the estate recovery provisions of the Medicaid program to give States the option to recover the costs of home and community-based services for individuals over age 55, and for other purposes; to the Committee on Finance.

By Mr. INOUE:

S. 87. A bill to amend the Foreign Trade Zones Act to permit the deferral of payment of duty on certain production equipment; to the Committee on Finance.

By Mr. HATFIELD:

S. 88. A bill to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans; to the Committee on Governmental Affairs.

By Mr. INOUE:

S. 89. A bill to amend the Science and Engineering Equal Opportunities Act; to the Committee on Labor and Human Resources.

By Mr. HATFIELD:

S. 90. A bill to amend the Job Training Partnership Act to improve the employment and training assistance programs for dislocated workers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COVERDELL:

S. 91. A bill to delay enforcement of the National Voter Registration Act of 1993 until such time as Congress appropriates funds to implement such Act; to the Committee on Rules and Administration.

By Mr. HATFIELD (for himself and Mrs. MURRAY):

S. 92. A bill to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 93. A bill to amend the Federal Land Policy and Management Act of 1976 to provide for ecosystem management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COVERDELL (for himself, Mrs. HUTCHISON, Mr. SMITH, Mr. LOTT, Mr. KEMPTHORNE, Mr. MCCAIN, and Mr. WARNER):

S. 94. A bill to amend the Congressional Budget Act of 1974 to prohibit the consideration of retroactive tax increases; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. COVERDELL:

S. 95. A bill to ensure that no person is required, other than on a voluntary basis, to complete certain quarterly financial reports of the Bureau of the Census; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 96. A bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUE:

S. 97. A bill to amend the Job Training Partnership Act to provide authority for the construction of vocational education and job training centers for Native Hawaiians and Native American Samoans, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BRADLEY (for himself, Mr. DASCHLE, and Mr. KERRY):

S. 98. A bill to amend the Congressional Budget Act of 1974 to establish a process to identify and control tax expenditures; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mrs. FEINSTEIN:

S. 99. A bill to provide for the conveyance of lands to certain individuals in Butte County, California; to the Committee on Energy and Natural Resources.

By Mr. GLENN:

S. 100. A bill to reduce Federal agency regulatory burdens on the public, improve the quality of agency regulations, increase agency accountability for regulatory actions, provide for the review of agency regulations, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, Mr. WELLSTONE, Mr. FEINGOLD, and Mr. LAUTENBERG):

S. 101. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GLENN:

S. 102. A bill to amend the Nuclear Non-Proliferation Act of 1978 and the Atomic Energy Act of 1954 to improve the organization and management of United States nuclear export controls, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 103. A bill entitled the "Lost Creek Land Exchange Act of 1995"; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO:

S. 104. A bill to establish the position of Coordinator for Counter-Terrorism within the office of the Secretary of State; to the Committee on Foreign Relations.

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mrs. KASSEBAUM, and Mr. BAUCUS):

S. 105. A bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation; to the Committee on Finance.

By Mr. DASCHLE:

S. 106. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles; to the Committee on Finance.

S. 107. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. JEFFORDS):

S. 108. A bill to amend the Internal Revenue Code of 1986 to allow the energy investment credit for solar energy and geothermal property against the entire regular tax and the alternative minimum tax; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mr. PRESSLER, Mr. GRASSLEY, Mr. BAUCUS, Mr. BURNS, and Mr. HARKIN):

S. 109. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. BREAUX, Mr. BAUCUS, Mr. PRESSLER, Mr. CONRAD, Mr. BURNS, and Mr. DORGAN):

S. 110. A bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. BREAUX, Mr. CAMPBELL, Mr. GLENN, Mr. HARKIN, Mr. JOHNSTON, and Mr. PRYOR):

S. 111. A bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. CONRAD, and Mr. DORGAN):

S. 112. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company; to the Committee on Finance.

By Mr. DASCHLE:

S. 113. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

By Mrs. BOXER:

S. 114. A bill to authorize the Securities and Exchange Commission to require greater disclosure by municipalities that issue securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself and Mr. ROBB):

S. 115. A bill to authorize the Secretary of the Interior to acquire and to convey certain

lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 116. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to prohibit participation in Federal elections by multicandidate political committees, to establish a \$100 limit on individual contributions to candidates, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WELLSTONE (for himself and Mr. FEINGOLD):

S. 117. A bill to amend rule XXXV of the Standing Rules of the Senate; to the Committee on Rules and Administration.

By Mr. MOYNIHAN:

S. 118. A bill to amend chapter 44 of title 18, United States Code, to prohibit the manufacture, transfer, or importation of .25 caliber and .32 caliber and 9 millimeter ammunition; to the Committee on the Judiciary.

S. 119. A bill to tax 9 millimeter, .25 caliber, and .32 caliber bullets; to the Committee on Finance.

S. 120. A bill to provide for the collection and dissemination of information on injuries, death, and family dissolution due to bullet-related violence, to require the keeping of records with respect to dispositions of ammunition, and to increase taxes on certain bullets; to the Committee on Finance.

By Mr. GRAMM:

S. 121. A bill to guarantee individuals and families continued choice and control over their doctors and hospitals, to ensure that health coverage is permanent and portable, to provide equal tax treatment for all health insurance consumers, to control medical cost inflation through medical savings accounts, to reform medical liability litigation, to reduce paperwork, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 122. A bill to prohibit the use of certain ammunition, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. LIEBERMAN):

S. 123. A bill to require the Administrator of the Environmental Protection Agency to seek advice concerning environmental risks, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN:

S. 124. A bill to amend the Internal Revenue Code of 1986 to increase the tax on handgun ammunition, to impose the special occupational tax and registration requirements on importers and manufacturers of handgun ammunition, and for other purposes; to the Committee on Finance.

S. 125. A bill to authorize the minting of coins to commemorate the 50th anniversary of the founding of the United Nations in New York City, New York; to the Committee on Banking, Housing, and Urban Affairs.

S. 126. A bill to unify the formulation and execution of United States diplomacy; to the Select Committee on Intelligence.

S. 127. A bill to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

S. 128. A bill to establish the Thomas Cole National Historic Site in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. FEINGOLD):

S. 129. A bill to amend section 207 of title 18, United States Code, to tighten the re-

strictions on former executive and legislative branch officials and employees; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. JEFFORDS, Mr. MOYNIHAN, and Mr. LAUTENBERG):

S. 130. A bill to amend title 13, United States Code, to require that any data relating to the incidence of poverty produced or published by the Secretary of Commerce for subnational areas is corrected for differences in the cost of living in those areas; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN:

S. 131. A bill to specifically exclude certain programs from provisions of the Electronic Funds Transfer Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MOYNIHAN (for himself and Mr. INOUE):

S. 132. A bill to require a separate, unclassified statement of the aggregate amount of budget outlays for intelligence activities; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 133. A bill to establish the Lower East Side Tenement Museum National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

S. 134. A bill to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 135. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 136. A bill to amend title 1 of the United States Code to clarify the effect and application of legislation; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself, Mr. CAMPBELL, Mr. COATS, and Mr. ROBB):

S. 137. A bill to create a legislative item veto by requiring separate enrollment of items in appropriations bills and tax expenditure provisions in revenue bills; to the Committee on Rules and Administration.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 138. A bill to amend the Act commonly referred to as the "Johnson Act" to limit the authority of States to regulate gambling devices on vessels; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 139. A bill to provide that no State or local government shall be obligated to take any action required by Federal law enacted after the date of the enactment of this Act unless the expenses of such government in taking such action are funded by the United States; to the Committee on Governmental Affairs.

By Mrs. KASSEBAUM (for herself, Mr. BENNETT, and Mr. BROWN):

S. 140. A bill to shift financial responsibility for providing welfare assistance to the States and shift financial responsibility for providing medical assistance under title XIX of the Social Security Act to the Federal Government, and for other purposes; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself, Mr. JEFFORDS, Mr. CHAFEE, Mr. COATS, Mr. GREGG, Mr. BROWN, Mr. CRAIG, Mr. NICKLES, Mr. COCHRAN, Mr. DOMENICI, Mr. GRASSLEY, Mr. SIMPSON, Mr. WARNER, Mr. PRESSLER, and Mr. GRAMS):

S. 141. A bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal con-

struction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. KASSEBAUM:

S. 142. A bill to strengthen the capacity of State and local public health agencies to carry out core functions of public health, by eliminating administrative barriers and enhancing State flexibility, and for other purposes; to the Committee on Labor and Human Resources.

S. 143. A bill to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LOTT (for Mr. HATCH):

S. 144. A bill to amend section 526 of title 28, United States Code, to authorize awards of attorney's fees; read the first time.

By Mr. GRAMM (for himself, Mr. LOTT, Mr. BURNS, Mrs. HUTCHISON, Mr. THOMAS, and Mr. INHOFE):

S. 145. A bill to provide appropriate protection for the Constitutional guarantee of private property rights, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRAMM:

S. 146. A bill to authorize negotiation of free trade agreements with the countries of the Americas, and for other purposes; to the Committee on Finance.

S. 147. A bill to amend the Internal Revenue Code of 1986 to increase the personal exemption for dependents to \$5,000, and for other purposes; to the Committee on Finance.

S. 148. A bill to promote the integrity of investment advisers; to the Committee on Banking, Housing, and Urban Affairs.

S. 149. A bill to require a balanced Federal budget by fiscal year 2002 and each year thereafter, to protect Social Security, to provide for zero- based budgeting and decennial sunseting, to impose spending caps on the growth of entitlements during fiscal years 1996 through 2002, and to enforce those requirements through a budget process involving the President and Congress and sequestration; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. HATCH, Mr. SIMON, Mr. THURMOND, Mr. HEFLIN, Mr. CRAIG, Ms. MOSELEY-BRAUN, Mr. BROWN, Mr. KOHL, Mr. SIMPSON, Mr. GRASSLEY, Mr. SPECTER, Mr. KYL, Mrs. FEINSTEIN, Mr. NICKLES, Mr. MURKOWSKI, Mr. BRYAN, Mrs. HUTCHISON, Mr. EXON, Mr. SHELBY, Mr. CAMPBELL, Mr. SMITH, Mr. COHEN, Mr. PRESSLER, Mr. GREGG, Mr. GORTON, Mr. ASHCROFT, Mr. BURNS, Mr. MCCONNELL, Mr. INHOFE, Mr. GRAMM, Mr. LOTT, Mr. DEWINE, Ms. SNOWE, Mr. THOMPSON, Mr. ROTH, Mr. LUGAR, Mr. BOND, Mr. THOMAS, Mr. COVERDELL, Mr. SANTORUM, Mr. GRAMS, and Mr. MACK):

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. DOLE, and Mr. SIMPSON):

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation; to the Committee on the Judiciary.

By Mr. KYL:

S.J. Res. 3. A joint resolution proposing an amendment to the Constitution of the United States to provide that expenditures for a fiscal year shall neither exceed revenues for such fiscal year nor 19 per centum of the Nation's gross national product for the last

calendar year ending before the beginning of such fiscal year; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

S.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. FAIRCLOTH, Mr. LOTT, and Mr. SHELBY):

S.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. BYRD (for himself and Mr. HELMS):

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer; read the first time.

By Mr. COVERDELL (for himself, Mrs. HUTCHISON, Mr. SMITH, Mr. LOTT, Mr. KEMPTHORNE, Mr. CRAIG, Mr. SHELBY, Mr. MCCAIN, Mr. WARNER, and Mr. ROTH):

S.J. Res. 8. A joint resolution proposing an amendment to the Constitution of the United States to prohibit retroactive increases in taxes; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. BROWN, Mr. ABRAHAM, Mr. LOTT, Mr. KEMPTHORNE, Mr. SHELBY, Mr. SMITH, and Mr. THOMAS):

S.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States barring Federal unfunded mandates to the States; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S.J. Res. 10. A joint resolution to designate the visitors center at the Channel Islands National Park, California, as the "Robert J. Lagomarsino Visitors Center"; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

By Mr. GRAMM:

S.J. Res. 12. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. DASCHLE:

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. COCHRAN:

S. Res. 3. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 4. A resolution to elect the Honorable Strom Thurmond of the State of South Carolina, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. COCHRAN:

S. Res. 5. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. DOLE:

S. Res. 6. A resolution electing Sheila Burke as the Secretary of the Senate; considered and agreed to.

S. Res. 7. A resolution electing Howard O. Greene, Jr., as the Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

S. Res. 8. A resolution electing Elizabeth B. Greene, as Secretary of the Majority of the Senate; considered and agreed to.

S. Res. 9. A resolution notifying the President of the United States of the elections of the Secretary of the Senate; considered and agreed to.

By Mr. DASCHLE:

S. Res. 10. A resolution electing C. Abbott Saffold as the Secretary for the Minority of the Senate; considered and agreed to.

By Mr. FORD:

S. Res. 11. A resolution notifying the House of Representatives of the election of a Presi-

dent pro tempore of the United States Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 12. A resolution notifying the House of Representatives of the election of the Honorable Sheila Burke as Secretary of the Senate; considered and agreed to.

By Mr. DOLE:

S. Res. 13. A resolution amending Rule XXV; considered and agreed to.

S. Res. 14. A resolution amending paragraph 2 of Rule XXV.

By Mr. LOTT (for Mr. DOLE):

S. Res. 15. A resolution making majority party appointments to certain Senate committees for the 104th Congress; considered and agreed to.

By Mr. DASCHLE:

S. Res. 16. A resolution to make minority party appointments to Senate Committees under paragraph 2 of Rule XXV for the One Hundred and Fourth Congress; considered and agreed to.

S. Res. 17. A resolution to amend paragraph 4 of rule XXV of the Standing Rules of the Senate; considered and agreed to.

By Mr. LOTT (for Mr. DOLE):

S. Res. 18. A resolution relating to the reappointment of Michael Davidson; considered and agreed to.

By Mr. LOTT:

S. Res. 19. A resolution to express the sense of the Senate relating to committee funding.

S. Res. 20. A resolution making majority party appointments to certain Senate committees for the 104th Congress; considered and agreed to.

By Mr. HELMS:

S. Res. 21. A resolution to amend Senate Resolution 338 (which establishes the Select Committee on Ethics) to change the membership of the select committee from members of the Senate to private citizens.

By Mr. INOUE:

S. Res. 22. A resolution to express the sense of the Senate reaffirming the cargo preference policy of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. HATFIELD:

S. Res. 23. A resolution to express the sense of the Senate that the Oregon Option project has the potential to improve intergovernmental service delivery by shifting accountability from compliance to performance results and that the Federal Government should continue in its partnership with the State and local governments of Oregon to fully implement the Oregon Option; to the Committee on Governmental Affairs.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 24. A resolution providing for the broadcasting of press briefings on the Floor prior to the Senate's daily convening; to the Committee on Rules and Administration.

By Mr. LOTT:

S. Res. 25. A resolution relating to section 6 of Senate Resolution 458 of the 98th Congress.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Con. Res. 1. A concurrent resolution providing for television coverage of open conference committee meetings; to the Committee on Rules and Administration.

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. LOTT. Mr. President, I renew my previous request.

There being no objection, the Senate, at 9:10 p.m., adjourned until Thursday, January 5, 1995, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 4, 1995:

DEPARTMENT OF THE TREASURY

ROBERT E. RUBIN, OF NEW YORK, TO BE SECRETARY OF THE TREASURY, VICE LLOYD BENTSEN, RESIGNED.

INTERNATIONAL BANKS

ROBERT E. RUBIN, OF NEW YORK, TO BE U.S. GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE ASIAN DEVELOPMENT BANK; U.S. GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; U.S. GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

RONNA LEE BECK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE BRUCE D. BEAUDIN, RESIGNED.

LINDA KAY DAVIS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE GLADYS KESSLER, ELEVATED.

ERIC T. WASHINGTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE RICARDO M. URBINA, ELEVATED.

EXTENSIONS OF REMARKS

REFORM IMMIGRATION LAWS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STUMP. Mr. Speaker, today, this first day of the 104th Congress, I am introducing a package of three immigration reform bills that deserve top priority as the new Congress works to make America a better place to live.

As I am sure many of my colleagues in this body experienced on the campaign trail last year, Americans are deeply concerned about immigration and its impact on their lives. They are anxious about the changing face of this country and the problems associated with our system of immigration. I don't blame them. On any given day, there are countless news reports about the destructive consequences of our dysfunctional immigration policies. But one need not rely on the media for an understanding of this issue, as more and more Americans are getting firsthand knowledge of the ill-effects of out-of-control immigration.

At the forefront of the immigration debate is illegal immigration. After all, many States, including my State of Arizona, have been hard-pressed to find the resources required to deal with this growing problem. They have had to resort to filing suit against the Federal Government for reimbursement. And, let us not forget what took place in California last November. Through the passage of proposition 187, Californians overwhelmingly conveyed a message that they will no longer be the victims in the illegal immigration crisis. It is just a matter of time before other States follow California's lead.

These actions prove that the Congress has been negligent in its duty to put forth an immigration policy that is fair and responsible and in the best interests of the States and the American people. Through congressional inaction we have sent a message to other countries that our borders are insecure, that we don't have an interest in enforcing our laws, and that we have a never ending supply of public assistance benefits.

We must act now to correct this perception. That is why I am introducing the Immigration Accountability Act of 1995. This bill goes to the heart of the illegal immigration crisis by prohibiting the payment of Federal benefits to illegals and ending the practice of conferring citizenship on the children of illegal aliens. In addition, the bill would strengthen our often-abused asylum system by providing for the expeditious processing of meritorious claims and the prompt exclusion of those who attempt to defraud the system. Finally, the bill calls for a significant increase in the border patrol. By increasing our border security and eliminating these compelling illegal immigration incentives, I believe we can turn the tide of illegal immigration.

Illegal immigration is a serious problem and I am delighted that many Members of the new Congress have expressed their willingness to

confront it. However, there is another problem that is more complex, and just as pressing. I am referring to legal immigration. We are currently experiencing unprecedented levels of legal immigrants, perhaps 15 million in the 1990's. Through ill-conceived immigration laws, we are accommodating people in other countries who wish to live here with little regard for those already here, citizens and immigrants alike.

Mr. Speaker, it is time to take a break, a temporary pause, from the uncontrolled immigration that has resulted in overcrowded schools and hospitals, scarce employment, inadequate housing, and a deteriorating standard of living. I am proposing, through the Immigration Moratorium Act of 1995, that we limit immigration to the spouses and minor children of U.S. citizens, legitimate refugees, and those immigrants who have been waiting in the immigration backlog for more than 10 years. This would bring our immigration numbers in line with the traditional U.S. average of about 297,000 per year.

I am convinced that my moratorium bill would yield highly positive results. A moratorium would allow us to begin absorbing and assimilating the millions of newcomers who have settled here in recent years and also give us an opportunity to revamp our misguided and outdated policies to suit the realities of today's America. Furthermore, an additional benefit of a moratorium is that it would free up manpower and resources to deal with illegal immigration.

I realize that some of my colleagues believe it to be politically unpopular to advocate a reduction in legal immigration. However, I would like to point out that as immigration levels have risen, so has public opinion turned against increased immigration. A CNN/USA Today poll found that 76 percent of Americans feel immigration should be stopped or reduced until the economy improves. And, all opinion surveys show that the sentiment to restore a more modest immigration flow is about as strong among noncitizens as among citizens, and among nonwhite Americans as among white Americans. I encourage the Members of this body to give these statistics serious consideration before abandoning the idea of reducing legal immigration.

The last bill of my immigration reform package, the Immigrant Financial Responsibility and Sponsorship Act of 1995, is directed at rapidly growing immigrant welfare use. The percentage of immigrants below the poverty line is 50 percent higher than that of natives. Even more astonishing is that the estimated 1993 public assistance and services costs for immigrants was \$10.42 billion. At a time when we are searching for ways to reform the welfare system in this country it would be foolish to let this costly trend continue.

Under my bill, aliens would be required to demonstrate that they are unlikely to become a public charge. If they cannot do so, they will not be admitted to the United States unless a suitable sponsor gives a proper bond and guarantees financial responsibility for the

alien. This is a reliable and fair way to ensure that those immigrants who wish to come to this country will not wind up on our already-overburdened welfare rolls.

Mr. Speaker, as Members of the U.S. Congress, we have an obligation to the American people to restore a sense of fairness and responsibility to our immigration laws. I believe that my bills take a significant step toward fulfilling that obligation. I urge my colleagues to join me.

REPEAL OF SECTION 903

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, the United States taxes the income of its citizens and corporations whether it is earned at home or abroad. The U.S. foreign tax credit provides relief to U.S. taxpayers from the double-taxation so they will not determine where a company invests. Nevertheless, when Congress adopted the section 903 of the Internal Revenue Code, an unfair tax advantage was given to companies that invest abroad. For that reason, I have introduced legislation to repeal section 903.

Mr. Speaker, section 903 extends credibility to those foreign taxes imposed in lieu of foreign income taxes. This means that all foreign taxes such as foreign sales, excise, and value added taxes are creditable as business costs towards their foreign taxes paid. There is no constraint on the type of foreign tax that can be credited. This leaves domestic U.S. companies at a distinct disadvantage. They are only able to deduct taxes that are in lieu of income taxes.

Mr. Speaker, section 903 was enacted in 1942 when certain countries taxed companies on a different basis from our concept of net income. These countries were less sophisticated and imposed taxes on a gross income basis, while the United States concept of net income had become quite refined. In order to make up for the difference, Congress extended credit to all foreign taxes. Since 1942, however, foreign tax systems have become quite sophisticated. Thus, the scope of section 903 has been expanded to include a credit for taxes paid to foreign countries in lieu of foreign income tax.

Mr. Speaker, creditable foreign taxes must be limited to income taxes and taxes of similar nature. This is because under present law indirect taxes and other taxes in lieu of taxes can be shifted onto either consumers or labor. A tax is shifted when a corporation is able to maintain its profits at their pre-tax level despite paying an income tax by raising prices. Therefore, these companies are receiving relief from a tax burden in the form of tax credits that they do not bear. The consumers and workers incur part of the burden of the tax.

Mr. Speaker, the foreign tax credit should be designed to provide relief from double-taxation and to make sure that tax incentives do

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

not exist. Taxes in lieu of should instead be deductible to relieve only the portion of the tax borne by the taxpayer. Until section 903 is repealed, more countries may adjust their tax laws in order to take advantage of section 903. In my district, thousands of jobs have been lost when companies moved their operations overseas. It is appalling to think that our tax system gave them incentives to do so.

Mr. Speaker, I urge all Members to cosponsor this important piece of legislation.

GATT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 14, 1994 into the CONGRESSIONAL RECORD.

GATT

Congress recently approved one of the most important—and controversial—measures of 1994: the latest expansion of the 47-year old General Agreement on Tariffs and Trade [GATT]. It is the most ambitious trade agreement in history.

The agreement among 124 nations, negotiated over seven years, will lower tariffs (import taxes) by one third, reduce international subsidies for farm exports, strengthen protections for patents and inventions, and take steps toward regulating trade in services and investment. Congress held dozens of hearings on the negotiations and passed numerous measures to guide the Reagan, Bush, and Clinton administrations in their pursuit of U.S. trade interests. Last week both the House and the Senate passed GATT by overwhelming margins. Dozens of Indiana manufacturers and farm groups urged passage of GATT, while many other Hoosiers expressed concern about protecting U.S. interests. The intense debate on GATT focused on three main issues: the impact of GATT on American jobs, on the budget deficit, and on U.S. sovereignty.

JOBS AND ECONOMIC GROWTH

Many people have expressed concern about the impact of GATT on U.S. jobs, yet the case for job growth under GATT is strong. GATT commits 124 countries to reduce tariff taxes for agriculture, services, and manufactured goods, with the global savings totaling \$744 billion over ten years. Since the U.S. economy is already one of the fairest and most open in the world, other countries will be reducing their tariffs and restrictions much more than we will. The U.S. should be the biggest winner under the expanded GATT, and the agreement should give our economy a boost.

Lower trade barriers and tariffs will save U.S. consumers money and also create jobs through more exports and new investment. The Council of Economic Advisors estimates that within a decade GATT will boost U.S. economic output by \$100–200 billion a year. GATT should directly benefit many Hoosier workers. Indiana manufacturers will see a 33% reduction in tariffs on their products. Distillers will benefit from lower tariffs on U.S. spirits, and copyright protections will outlaw counterfeit foreign products. According to the Indiana Farm Bureau, Hoosier farmers can expect an additional \$1.05 billion in income from GATT over ten years. Overall, GATT could add \$1,700 to the annual income of the average U.S. family within a decade.

BUDGET CONCERNS

Because the U.S. has agreed to reduce its tariffs by an average of 1.6%, certain federal revenues will decrease. The Congressional Budget Office estimates this loss will be \$11.9 billion over the next five years. To offset it, the package approved by Congress cuts spending in a number of programs, charges fees for certain customs services and broadcast licenses, and closes some tax loopholes.

More importantly, GATT's impact on the economy—new jobs and more exports—should create new federal income tax revenue that greatly exceeds any reduction in tariff revenue. GATT-related economic activity is estimated to reduce the federal deficit by some \$60 billion over the next ten years. GATT is fiscally responsible.

WORLD TRADE ORGANIZATION

At the direction of Congress in 1988, U.S. negotiators sought a stronger enforcement mechanism against unfair trade practices. Under the new agreement, the World Trade Organization [WTO] would replace the informal negotiating group that has existed for almost fifty years. In the past, a country with unfair trade practices could refuse to obey a ruling and not lose benefits. Now, unfair traders have to obey the rulings or face still consequences.

The WTO would issue rulings on trade disputes concerning goods, services, and intellectual property. For example, Canada could file a complaint against Japan for unfairly restricting Canadian wheat imports. If the WTO agreed with Canada, and Japan refused to change its practices, Japan would have to pay compensation or be subject to Canadian trade penalties.

SOVEREIGNTY

Many Hoosiers believe that any international trade council should not infringe on U.S. sovereignty. I strongly agree, and I worked hard to include strict safeguards in the package to protect our sovereignty.

First, GATT will continue to make nearly all decisions by consensus—there has not been a vote in more than thirty years. Second, the WTO cannot change any U.S. laws or policies. Only Congress and the President can do that, and no WTO ruling has any standing in U.S. courts. Third, we can withdraw from the WTO at any time or pass legislation overriding any part of GATT. With my support, Congress and the President also agreed to create a special U.S. panel to review WTO decisions. If this panel identifies three unfavorable WTO rulings, any Member of Congress can demand an immediate vote on withdrawing from the WTO. Finally, the United States has the world's largest market and most powerful economy. Other countries are not likely to impose trade sanctions in WTO disputes for fear of getting into a trade war with the U.S.

CONSEQUENCES OF REJECTION

Failure by the U.S. to ratify the agreement would have meant an enormous missed opportunity and an abdication of our international leadership. The U.S. dominated the negotiations: how could other countries have confidence in us if we failed to approve an agreement so beneficial to our interests? Without this agreement, countries would erect new trade barriers, and protectionism would rise. All of our economies would suffer. Democratic reforms would slow, shaky financial markets could boost interest rates, and world stability—so closely tied to economic cooperation—could be undermined.

Of course, GATT is not perfect. As a trade agreement it does not directly address important concerns such as child labor or political freedom, but GATT does increase the incentives for other countries to cooperate with us on these issues. Overall compliance

of other countries with GATT will have to be closely monitored.

CONCLUSION

GATT should mean more secure, high-paying jobs for Hoosiers and a better standard of living. The U.S. cannot afford to pass up the economic benefits of GATT. The WTO should be a strong advocate for U.S. interests while protecting our sovereignty, and free and fair trade will continue to promote peace and prosperity around the globe.

INTRODUCTION OF LEGISLATION TO AMEND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce a bill to amend the Alaska Native Claims Settlement Act of 1971 at the request of Cook Inlet Region, Inc. [CIRI].

Congress enacted the Alaska Native Claims Settlement Act [ANCSA] in 1971 to address claims to lands in Alaska by its Eskimo, Indian, and Aleut native people. Lands and other benefits transferred to Alaska Natives under the act were conveyed to corporations formed under the act. Alaska Natives enrolled to these corporations were issued shares in the corporation. CIRI is one of the corporations formed under ANCSA and has approximately 6,262 Alaska Natives enrolled, each of whom were issued 100 shares of stock in CIRI, as required under ANCSA.

ANCSA stock, unlike most corporate stock, cannot be sold, transferred, or pledged by the owners of the shares. Rather, transfers can only happen through inheritance, or in limited case, by court decree. The ANCSA provisions restricting the sale of stock were put in place to protect Native shareholders from knowledgeable or unscrupulous transactions, and to allow the corporation to grow and mature in order to provide long-lasting benefits to its shareholder.

The drafters of ANCSA initially believed that a period of 20 years would be a sufficient amount of time for the restrictions on sale to remain in place. Therefore, the restrictions were to expire 20 years after passage of ANCSA on December 31, 1991.

As 1991 approached, bringing with it the impending change in the alienability of Native stock, the Alaska Native community grew concerned about the effect of the potential sale of Native stock. The Alaska Federation of Natives, a statewide organization representing the State's 90,000 natives, spearheaded a legislative initiative to address the 1991 stock sale issue. Many of the Native corporations, including CIRI, actively solicited their shareholders' view on this critical matter, through meetings, questionnaires, polling, and formal votes. In 1987, 3 years prior to the 1991 restriction-lifting date, Congress enacted legislation which reformed the mechanism governing stock sale restrictions in a fundamental way under the 1987 amendments, instead of expiring automatically in 1991, the restrictions on alienability continue automatically unless and until the shareholders of a Native corporation vote to remove them. The 1987 amendments provide several procedural mechanisms to

bring such a vote, including action by the board of directors and petitions by shareholder.

To date, no Native corporation has sought to life the alienability restrictions. Fundamentally, this is because Native shareholders continue to value Native ownership of the corporations and Native control of the lands and other assets held by them.

CIRI has conducted a number of continuing surveys, focus groups, and special shareholder meetings to ascertain the views of its shareholders regarding the alienation restrictions on CIRI stock. Two results have consistently stood out in these assessments.

First, the majority of CIRI shareholders favor maintaining Native ownership and control of CIRI. These shareholders, whose numbers consistently register at the 70 to 80 percent level, see economic benefits in the continuation of Native ownership, and also value the important cultural goals, values and activities of their ANCSA corporation.

Second, a significant percentage, albeit a minority of shareholders, favor assessing some, or all, of the value of their CIRI stock through the sale of that stock. These shareholders include, but, are not limited to elderly shareholders who have real current needs, yet doubt that sale of stock will be available to them in their lifetime; holders of small, fractional shares received through one or more cycles of inheritance; non-Natives who have acquired stock through inheritance but without attendant voting privileges; and shareholders who have few ties to the corporation or to Alaska, 25 percent of CIRI shareholders live outside of Alaska.

Under current law, these two legitimate but conflicting concerns cannot be addressed, because lifting restrictions on the sale of stock is an all or nothing proposition. In order to allow the minority of shareholders to exercise their desire to sell some or all of their stock, the majority of shareholders would have to sacrifice their important desire to maintain Native control and ownership to CIRI.

CIRI believes this conflict will eventually leave the interests of the majority of its shareholders vulnerable to political instability. In addition, CIRI recognizes that responding to the desire of those shareholders who wish to sell CIRI stock is a legitimate corporate responsibility. More importantly, CIRI believes that there is a way to address the needs and desires of both groups of shareholders, those who wish to sell stock and those who desire to maintain Native ownership of CIRI, so that the sale of stock will not compromise the "nativeness" of the company, and will not jeopardize the economic future of the company for those who choose not to sell. The method embodied in this legislation is one that other companies routinely use: the buying back of its own stock. The newly acquired stock would then be canceled.

Mr. Speaker, I have discussed this bill at length with CIRI and I am convinced this is the best and only option available for their shareholders to voluntarily sell their stock back to CIRI. It is identical to that which passed the House last session and I hope it will move as expeditiously as possible.

INTRODUCTION OF HEALTH INSURANCE DEDUCTION FOR SELF-EMPLOYED BUSINESS OWNERS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, prior to December 1993, self-employed business owners were allowed to deduct 25 percent of the cost of their health insurance and this deduction has expired. I am introducing legislation that will make the cost of health insurance deductible for self-employed business owners.

The purpose of this legislation is to restore and to make permanent the 25 percent deduction and to gradually increase the deduction to 100 percent. The bill phases in the 100 percent deduction over a period of 4 years. For calendar years 1994 and 1995, health insurance would be 25 percent deductible; in 1996 and 1997 it would become 50 percent deductible; and in 1996 and thereafter health insurance would become 100 percent deductible. Increasing the deduction to 100 percent would provide small businesses with an incentive to provide expanded health insurance coverage. Also, corporations are permitted to deduct 100 percent of the cost of providing health care insurance.

One of the major problems facing small businesses is the high cost of health insurance. Increasing the deduction would allow business owners to spend more on health care. This legislation provides businesses with an incentive to purchase health care insurance.

Congress can immediately begin to reduce the cost of health care coverage by extending the 25-percent deduction for self-employed individuals' health insurance. The high cost of health care insurance is one of the impediments to health care access. I urge you to support this legislation.

CAMINO REAL CORRIDOR AND COMMISSION

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. COLEMAN. Mr. Speaker, I rise today to re-introduce legislation to create the Camino Real Corridor and Commission. I introduced this bill during the previous session, and I continue to believe that the passage of this legislation is indispensable to the goals of facilitating national trade and growth in the coming years.

While the passage of the North American Free-Trade Agreement will no doubt affect the entire Nation, perhaps no area will witness greater changes than the Southwestern region along the Mexican border. Not only will the area continue to experience the benefits of increasing international economic integration, but it will also be profoundly impacted by the large influx of traffic that is the necessary by-product of expanding trade. The district which I represent, El Paso, TX, has an infrastructure system that will be among the hardest hit by the increasing levels of commerce between the United States and Mexico.

El Paso is one of the most important border crossings in the world. Over \$12 billion in trade passes over the El Paso-Ciudad Juarez, Chihuahua border each year; 18 percent of United States exports to and 25 percent of United States imports from Mexico pass through this trans-border metropolitan region. Furthermore, it is the busiest point of entry for commercial trucks. In light of the fact that the trade volume transported through this port of entry is projected to nearly double by the year 2000, and that the population of the El Paso area is one of the fastest-growing in the Nation, the highways and border infrastructure of this area warrant our particular attention.

But we must bear in mind that El Paso is only one point on a trade route that extends from the Mexican State of Chihuahua into the interior portion of the United States. A natural trade corridor is emerging from the Mexican border State of Chihuahua to Denver through El Paso and New Mexico. The Mexican Government has already demonstrated its commitment to the region, with the construction of a new highway system that extends to the State of Chihuahua through several of Mexico's largest cities in the industrialized north—a highway over 600 miles long. On the U.S. side, the emerging corridor bears great resemblance to the highway systems designated by section 1105c of the 1991 Intermodal Surface Transportation Efficiency Act as "corridors of national significance". Like those highway systems, the highway system from El Paso to Denver has undergone a great increase in use, particularly in the form of commercial traffic, since the designation of the Federal Interstate System. This trend will be amplified in the next decade, as trade and population growth continue to soar in the region.

Therefore, today I am re-introducing legislation to create the Camino Real Corridor. As I noted previously, the historical reference herein recognizes the importance of this trade route to the development of the Southwest. The Camino Real de la Tierra Adentro, the Royal Highway of the Interior Lands, was the route traveled by people from Mexico City to Santa Fe. The modern corridor would be achieved through the enhancement of the trade route that today connects El Paso to Albuquerque to Denver, and of the border arterials that feed into this route. The improvements in infrastructure along this route would include the use of intelligence vehicle highway systems where appropriate. Thus, information, communications, and control technologies will be applied to improve the efficiency of this surface transportation system. These changes would guarantee that the roads which carry goods between Mexico and the interior portions of the United States could handle the heavy flow of traffic that is anticipated in the upcoming decades. Further, Denver is at the crossroads to the West and Midwest, and positioned to develop north to Canada.

Unfortunately, good roads alone cannot guarantee the efficient cross-border passage of people, goods, and capital. Indeed, many of the current delays in United States-Mexico trade occur at the border. So to ensure the smooth operation of the corridor system, I have also proposed the creation of the Camino Real Corridor Commission. This Commission would report to the Secretary of Transportation, and would be responsible for making recommendations to maximize effective utilization of the highways and border

crossings of the corridor. It would also ensure the development of more efficient trade routes. One year after its formation, this Commission would make recommendations to the Secretary of Transportation indicating the most desirable routes for East-West expansion of the corridor, and for possible expansion of the corridor to the Canadian border.

We should not wait until our borders and our trade routes are completely overwhelmed to take decisive action. Rather, our infrastructure and our border enforcement agencies should keep pace with growing trade levels, and with the realities of increasing international interdependence.

The Camino Real Corridor is clearly the best place to start, but it need not be an end point. This project ought to serve as a model for future initiatives in other major border cities. It will also serve as a starting point for an important highway network that will connect Mexico with the interior United States, and possibly with Canada.

I recognize that we are operating in a political climate where it is more popular to criticize than to create, and much easier to deconstruct than to construct. But it is important to recognize that one of the fundamental roles of the Federal Government has always been the funding and oversight of interstate projects that are central to national growth and prosperity. The creation of the Camino Real Corridor is such a project, and consequently, it deserves support.

REPEAL THE "MOTOR VOTER" BILL

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STUMP. Mr. Speaker, on May 10, 1993, President Clinton signed into law a \$200 million unfunded Federal mandate called "The National Voter Registration Act of 1993." I am today introducing a bill to repeal it.

This law, commonly referred to as the "motor voter" bill, tramples on States rights by requiring them to implement a law that allows people to register to vote by mail, or when they apply for a driver's license, or welfare. Proponents of the measure argued that this was the answer to voter apathy. They reasoned that by making voter registration easier, voter turnout would increase. However, there is little, if any, evidence to validate this contention. In fact, over the past three decades, voter registration requirements have grown easier and easier, yet voter turnout has actually decreased over the same time period.

Moreover, by easing registration requirements, and not providing the States with the funds necessary to keep their registration lists up-to-date and clean, the motor voter bill will most likely increase election fraud.

Mr. Speaker, the U.S. Congress should not be legislating in this area. The States know best how to develop voter registration programs in their own jurisdictions with the least cost and chance of fraud and abuse. It is senseless to undermine their voter registration programs by requiring them to comply with a nationalized costly mandate.

Our new congressional leaders have pledged to make it tougher for the Federal

Government to place unfunded Federal mandates on the States. The bill I am proposing today is in step with the pledge, and I urge my colleagues to support it.

NATIONAL FIREARMS POLICY COMMISSION ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, during the 103d Congress, I introduced H.R. 4423, the "National Firearms Policy Commission Act," legislation that will bring the President, Members of Congress, Justices of the Supreme Court, gun ownership advocacy groups, law enforcement groups, and private citizens together to exchange their views on Federal firearms policy so that a consensus on Federal policy can be reached. I rise today to reintroduce this legislation, and I invite all of my colleagues to become cosponsors of this important bill.

In the 103d session alone, Congress passed two of the most sweeping firearms policy bills in the history of this country: the Brady bill and the assault weapons ban. From the introduction of those bills to the final vote, America came to see just how large the gap between both sides of the gun control debate is. And yet despite all the debate on these two pivotal pieces of legislation, it has become even clearer that each side's views are only being further entrenched, not altered through pragmatic discussion that will ensure that each side is heard. My bill will promote that type of pragmatic discussion.

Specifically, this legislation will establish a 39-member Commission, which will include the following parties: the U.S. Attorney General, five Members of the House, five Senators, three Supreme Court Justices, five private citizens appointed by the President, five private citizens appointed by the Senate, five private citizens appointed by the House, five members representing gun ownership advocacy groups, and five representatives from law enforcement. The chairman of the Commission will have 6 months to transmit its recommendations to the President and Congress. Aside from travel expenses, members of the Commission will serve without pay. The Commission will, however, be authorized to hire and pay its own staff and staff from other Federal agencies.

For the past 10 years, Congress has been caught in the middle of a tug of war between law enforcement and the NRA. As a result, Congress has been unable to develop a real consensus on how to address violent crime and firearms policy. The goal of the Commission I have proposed is to forge a consensus on these issues and present to Congress and the President a list of legislative initiatives that can be adopted with bipartisan support.

Let us bring rational dialogue to Federal firearms policy. Please cosponsor this important legislative initiative.

TRADE AND JOB SECURITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 21, 1994 into the CONGRESSIONAL RECORD.

TRADE AND JOB SECURITY

America's middle-class workers are increasingly frustrated and concerned about their economic future. They are working harder and longer than ever but their income is just not growing. Many are concerned about their job security and worry that their job could be the next to be eliminated. One third of those recently polled said they are worse off than they expected to be at this age, and close to two thirds said they do not expect their children to do as well as they have done. Too many individuals believe the American dream is simply beyond their reach.

It used to be that if workers were conscientious and performed their jobs well they could expect to advance and prosper in the years ahead. Today, however, many workers—both blue collar and white collar—face an uncertain future. They may encounter foreign competition, corporate downsizing, automation, or the increased use of computers. In a recent survey, three out of four employers said that their own employees fear losing their jobs. As the Secretary of Labor puts it, the middle class has become the anxious class.

EXPANDING TRADE

One of their biggest concerns is foreign competition created by the dynamic global marketplace. Congress and all recent Presidents have taken steps to expand U.S. trade opportunities. Since the late 1970s, several bilateral and multilateral agreements have been approved, including the Tokyo Round expansion of the General Agreement on Tariffs and Trade, the U.S.-Canada Free Trade Agreement, the North America Free Trade Agreement, and the new GATT agreements that create, among other things, the World Trade Organization. Next might be free trade agreements with Chile and other countries in the Western Hemisphere.

On balance, I think expanded trade is a plus for American workers. Trade now accounts for a large share of U.S. economic growth, and it means expanded sales for U.S. businesses. The recently approved expansion of GATT, for example, will provide stable rules for trade and remove restrictions that limit sales of our goods and services abroad. The Council of Economic Advisors estimates that GATT will boost U.S. economic output \$100-200 billion within ten years.

At the same time I recognize that expanded trade is a threat to some U.S. workers. Trade may generate more U.S. jobs than it eliminates, but it does put some Americans out of work. While the President talks about the millions of good paying jobs created by free trade, many middle-class workers believe the benefits of trade go to a few talented, well-educated professionals and executives while they fall behind.

STEPS NEEDED

The remedy is not to simply close our markets to trade. We are one of the most competitive countries in the world and many U.S. jobs are already tied to exports and trade. But we do need to take several steps to improve our ability to deal with this changing environment and reduce job insecurity for many Americans.

First, we must continue to reduce the federal budget deficit. Keeping the deficit down means less borrowing by the government, thus freeing up funds at lower interest rates for businesses to invest. That should boost the economy and spur job creation. We need to make sure that the U.S. economy continues to generate more jobs than are lost to foreign competition.

Second, we must reassess the more than 150 federal job training and retraining programs to see which ones work and which ones don't. Some should be expanded, others simply dropped. We should accelerate our efforts to create "reemployment centers" and put more of the resources into the hands of ordinary Americans rather than government agencies, so people can get the skills they need in a way that makes sense for them. We need a better safety net for individuals and communities experiencing the downside of open trade.

Third, we must encourage companies to spend more of their profits to continually upgrade the skills of their workers and to retrain workers whose jobs have been lost through trade or technology. U.S. firms generally invest less in worker training than firms abroad, and what they do invest is more heavily concentrated on professional and managerial workers. Skilled workers and important assets, and businesses need to invest more in their development.

Fourth, federal policies should help important industries threatened by foreign competition. Federal research and development grants, tax policy, and deregulation all can help strengthen important U.S. industries and make them more competitive in the global market. We also need to expand the federal manufacturing extension program, which helps small companies adopt the latest production techniques.

Fifth, we must not allow other countries to use the open markets provided by the trade agreements to unfairly harm our industries. We must vigorously prosecute dumping and other unfair trade practices. If a surge of imports is displacing our workers, GATT allows us to take steps to limit those imports. At the same time, we must vigorously pursue our rights in cases where foreign practices restrict our exports. We must make sure that trade agreements mean a level playing field that promotes U.S. exports.

Finally, we must have accurate data about the impact of more open trade on U.S. jobs. Many economists believe that government trade statistics underestimate U.S. exports by some 10%, for a variety of technical reasons. If so, estimates of jobs created by exports are also underestimated. We also need better data on identifying industries hurt by imports.

CONCLUSION

Overall, we must pursue policies which promote economic growth, help strengthen U.S. companies, continually upgrade the skills of our workers, and find new markets for our products abroad. Our number one priority is jobs—good and secure jobs. Our challenge is to promote broad participation by our workforce in this changing environment so that anxious workers can become assured, productive, capable Americans. Improving Americans' job security must be among our highest priorities in the upcoming session of Congress.

INTRODUCTION OF LEGISLATION CONCERNING ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce a bill to amend the Alaska Native Claims Settlement Act of 1971 at the request of the Alaska Federation of Natives. This bill is the result of the work of the Legislative Council of the Alaska Federation of Natives to correct existing technical problems with the Alaska Native Claims Settlement Act [ANCSA] and the Alaska National Interest Lands Conservation Act [ANILCA]. I am introducing an identical version of that which passed the House during the 103d Congress. It is my intention to move this bill early this year based on agreements reached last year.

This bill makes a number of technical changes to ANCSA and ANILCA. It also makes a number of substantive additions which address issues not anticipated at the time of passage of ANCSA. Because of Alaska's relative youth as a State of the Union and the unprecedented amount of Alaska-specific Federal legislation passed since statehood, it is imperative that we respond to occasional oversights and/or quirks in the overlapping laws to ensure that unintended consequences do not occur. This effort is designed to rectify such instances.

The legislation is designed to resolve specific problems. To offer a flavor of the nature of the legislation, a few illustrations are in order.

For example, the bill would make it possible for the Caswell and Montana Creek Native groups to receive approximately 11,520 acres of land pursuant to a February 3, 1976, agreement and subsequent March 26, 1992, letter of agreement with Cook Inlet Region Inc. [CIRI]. This will fulfill their land entitlement from CIRI under the ANCSA.

Another provision would relieve ANCSA corporations of liability for hazardous wastes or contaminants left in, or on, ANCSA lands prior to their conveyance to Native corporations. It also directs the Secretary of the Interior to remove all contaminants left by the United States, an agent of the United States, or lessees prior to conveyance of these lands to the Native corporations. In some instances, the Government has conveyed lands and property interests to Alaska Natives which have been rendered valueless because of such contamination. It was clearly not the intention of ANCSA to extinguish Native claims by conveying contaminated property to recipients.

The Chugach Alaska Kageet Point land selection provision would allow Chugach Alaska Native Corp. to select a specific tract of land at the edge of its own current boundaries.

Mr. Speaker, I hope the spirit of cooperation which was reached last year will continue so we can move this noncontroversial piece of legislation early in this session.

COMPREHENSIVE PREVENTIVE HEALTH AND PROMOTION ACT OF 1995, H.R. 23

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. GILMAN. Mr. Speaker, I rise today to introduce H.R. 23, legislation which will help produce a healthier nation. This measure will cover individuals for periodic health exams, as well as counseling and immunizations.

The Comprehensive Preventive Health and Promotion Act of 1995 will direct the Secretary of Health and Human Services [HHS] to establish a schedule of preventive health care services and to provide for coverage of these services under private health insurance plans and health benefit programs of the Federal Government.

More specifically, the Secretary of HHS, in consultation with representatives of the major health care groups, will establish a schedule of recommended preventive health care services. The list of preventive services will follow the guidelines published in the "Guide to Clinical Preventive Services" and the "Year 2000 Health Objectives." The preventive services will cover periodic health exams, health screening, counseling, immunizations, and health promotion. These services will be specified for males and females, and specific age groups.

Additionally, HHS will publish and disseminate information on the benefits of practicing preventive health care, the importance of undergoing periodic health examinations, and the need to establish and maintain a family medical history to businesses, providers of health care services, and other appropriate groups and individuals.

Moreover, prevention and health promotion workshops will be established for corporations and businesses, as well as for the Federal Government. A wellness program will be established to make grants over a 5-year period to 300 eligible employers to establish and conduct on-site workshops on health care promotion for employees. The wellness workshops can include: Counseling on nutrition and weight management, clinical sessions on avoiding back injury, programs on smoking cessation, and information on stress management.

Finally, my legislation directs HHS to set up a demonstration project which will go to 50 counties over a 5-year period to provide preventive health care services at health clinics. This program will cover preventive health care services for all children, and adults under a certain income level. If above the determined income level, fees will be based on a sliding scale. Additionally, the project will entail both urban and rural areas in different regions of our Nation to educate the public on the benefits of practicing preventive health care, the need for periodic health exams, and the need for establishing a medical history, as well as providing services.

Mr. Speaker, we can all agree that our current health care system needs to be improved, and our Nation needs to become healthier. Experts have concluded that practicing preventive health care does work, and will produce a healthier nation. Although there is a

consensus on the benefits of practicing preventive health care, only approximately 20 percent of health insurance companies offer coverage for periodic health exams.

The Comprehensive Preventive Health and Promotion Act of 1995 has all the necessary ingredients that will be needed in a national health care plan, and will be applicable to that plan.

Accordingly, to all my colleagues who share my concern regarding the importance of producing a healthier nation, I invite and urge you to cosponsor this measure, sending a clear message to our Nation's citizens that Congress is taking steps to improve our Nation's health care system.

At this point I request that the full text of my bill be inserted in the RECORD for review by my colleagues:

H.R. 23

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 "Comprehensive Preventive Health and Promotion Act of 1995".

SEC. 2. ESTABLISHMENT OF SCHEDULE OF PREVENTIVE HEALTH CARE SERVICES.

(a) INITIAL SCHEDULE.—

(1) PROPOSED SCHEDULE.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with representatives of individuals described in subsection (d), shall establish a proposed initial schedule of recommended preventive health care services. In accordance with section 553 of title 5, United States Code, the Secretary shall publish such proposed schedule in the Federal Register and provide for a 90-day period for receiving public comment on the schedule.

(2) FINAL SCHEDULE.—The proposed schedule of recommended preventive health care services established under paragraph (1) shall become effective for the first calendar year that begins 90 or more days after the expiration of the period for receiving public comment described in paragraph (1).

(b) ANNUAL ADJUSTMENT.—Not later than October 1 of every year (beginning with the first year for which the schedule established under subsection (a) is in effect), the Secretary, in consultation with representatives of individuals described in subsection (d) and in accordance with section 553 of title 5, United States Code, may revise the schedule of preventive health care services established under this section for the following calendar year.

(c) USE OF SOURCES FOR ESTABLISHING SCHEDULE.—In establishing the initial schedule of recommended preventive health care services under subsection (a) and in revising the schedule for subsequent years under subsection (b), the Secretary shall take into consideration the recommendations for preventive health care services contained in the Guide to Clinical Preventive Services presented to the Department of Health and Human Services by the United States Preventive Services Task Force and the Year 2000 Health Objectives of the United States Public Health Service.

(d) INDIVIDUALS SERVING AS CONSULTANTS.—The individuals described in this subsection are as follows:

- (1) Hospital administrators.
- (2) Administrators of health benefit plans.
- (3) General practice physicians.
- (4) Mental health practitioners.
- (5) Pediatricians.
- (6) Chiropractors.

(7) Physicians practicing in medical specialty areas.

(8) Nutritionists.

(9) Nurses.

(10) Experts in scientific research.

(11) Dentists.

(12) Representatives of manufacturers of prescription drugs.

(13) Health educators.

SEC. 3. APPLICATION TO INDIVIDUALS ENROLLED IN PRIVATE HEALTH INSURANCE PLANS.

(a) REQUIREMENT FOR CARRIERS AND PLANS.—

(1) IN GENERAL.—Each carrier and employer health benefit plan shall include in the services covered for each individual enrolled with the carrier or plan the preventive health care services applicable to the individual under the schedule of preventive health care services established under section 2.

(2) DEFINITIONS.—In this section:

(A) The term "carrier" means any entity which provides health insurance or health benefits in a State, and includes a licensed insurance company, a prepaid hospital or medical service plan, a health maintenance organization, the plan sponsor of a multiple employer welfare arrangement or an employee benefit plan (as defined under the Employee Retirement Income Security Act of 1974), or any other entity providing a plan of health insurance subject to State insurance regulation, but such term does not include for purposes of section 103 an entity that provides health insurance or health benefits under a multiple employer welfare arrangement.

(B)(i) Subject to clause (ii), the term "employer health benefit plan" means a health benefit plan (including an employee welfare benefit plan, as defined in section 3(1) of the Employee Retirement Income Security Act of 1974) which is offered to employees through an employer and for which the employer provides for any contribution to such plan or any premium for such plan are deducted by the employer from compensation to the employee.

(ii) A State may provide (for a plan in a State) that the term "employer health benefit plan" does not include an association plan (as defined in clause (iii)).

(iii) For purposes of clause (ii), the term "association plan" means a health benefit plan offered by an organization to its members if the organization was formed other than for purposes of purchasing insurance.

(C) The term "full-time employee" means, with respect to an employer, an individual who normally is employed for at least 30 hours per week by the employer.

(D) The term "health benefit plan" means any hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance subscriber contract, or a multiple employer welfare arrangement or employee benefit plan (as defined under the Employee Retirement Income Security Act of 1974) which provides benefits with respect to health care services, but does not include—

(i) coverage only for accident, dental, vision, disability income, or long-term care insurance, or any combination thereof,

(ii) medicare supplemental health insurance,

(iii) coverage issued as a supplement to liability insurance,

(iv) worker's compensation or similar insurance, or

(v) automobile medical-payment insurance, or any combination thereof.

(E) The term "small employer carrier" means a carrier with respect to the issuance of an employer health benefit plan which provides coverage to one or more full-time

employees of an entity actively engaged in business which, on at least 50 percent of its working days during the preceding year, employed at least 2, but fewer than 36, full-time employees. For purposes of determining if an employer is a small employer, rules similar to the rules of subsection (b) and (c) of section 414 of the Internal Revenue Code of 1986 shall apply.

(b) ENFORCEMENT THROUGH EXCISE TAX.—

(1) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans) is amended by adding at the end thereof the following new section:

"SEC. 4980C. FAILURE TO COMPLY WITH EMPLOYER HEALTH BENEFIT PLAN STANDARDS REGARDING PREVENTIVE HEALTH CARE.

"(a) IMPOSITION OF TAX.—

"(1) IN GENERAL.—There is hereby imposed a tax on the failure of a carrier or an employer health benefit plan to comply with section 3(a)(1) of the Comprehensive Preventive Health and Promotion Act of 1995.

"(2) EXCEPTION.—Paragraph (1) shall not apply to a failure by a small employer carrier or plan in a State if the Secretary of Health and Human Services determines that the State has in effect a regulatory enforcement mechanism that provides adequate sanctions with respect to such a failure by such a carrier or of such a plan.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—Subject to paragraph (2), the tax imposed by subsection (a) shall be an amount not to exceed 25 percent of the amounts received by the carrier or under the plan for coverage during the period such failure persists.

"(2) LIMITATION IN CASE OF INDIVIDUAL FAILURES.—In the case of a failure that only relates to specified individuals or employers (and not to the plan generally), the amount of the tax imposed by subsection (a) shall not exceed the aggregate of \$100 for each day during which such failure persists for each individual to which such failure relates. A rule similar to the rule of section 4980B(b)(3) shall apply for purposes of this section.

"(c) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the carrier.

"(d) EXCEPTIONS.—

"(1) CORRECTIONS WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) by reason of any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected within the 30-day period beginning on earliest date the carrier knew, or exercising reasonable diligence would have known, that such failure existed.

"(2) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that payment of such tax would be excessive relative to the failure involved.

"(2) DEFINITIONS.—For purposes of this section, the terms 'carrier', 'employer health benefit plan', and 'small employer carrier' have the respective meanings given such terms in section 3(a)(2) of the Comprehensive Preventive Health and Promotion Act of 1995."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end thereof the following new items:

"Sec. 4980C. Failure to comply with employer health plan standards regarding preventive health care."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 1995.

SEC. 4. COVERAGE OF PREVENTIVE HEALTH CARE SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395s(s)(2)) is amended—

(1) by striking “and” at the end of subparagraph (O);

(2) by striking the semicolon at the end of subparagraph (P) and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(Q) in the case of an individual, services applicable to the individual under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995 (to the extent such services are not otherwise covered with respect to the individual under this title);”.

(b) CONFORMING AMENDMENTS.—Section 1862(a) of such Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by striking “and” at the end,

(B) in subparagraph (F), by striking the semicolon at the end and inserting “, and”, and

(C) by adding at the end the following new subparagraph:

“(G) in the case of items or services described in section 1861(s)(2)(Q), which are not provided in accordance with the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995;” and

(2) in paragraph (7), by striking “paragraph (1)(B) or under paragraph (1)(F)” and inserting “subparagraphs (B), (F), or (G) of paragraph (1)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 1995.

SEC. 5. COVERAGE UNDER STATE MEDICAID PLANS.

(a) IN GENERAL.—

(1) INCLUSION IN MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(A) by striking “and” at the end of paragraph (21);

(B) in paragraph (24), by striking the comma at the end and inserting semicolon;

(C) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively, and by transferring and inserting paragraph (25) after paragraph (23), as so redesignated; and

(D) by inserting after paragraph (23) the following new paragraph:

“(24) services applicable to the individual under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995 (to the extent such services are not otherwise covered with respect to the individual under the State plan under this title); and”.

(2) COVERAGE MADE MANDATORY.—(A) Section 1902(a)(10)(A) of such Act (42 U.S.C. 1396a(a)(10)(A)) is amended by striking “(17) and (21)” and inserting “(17), (21), and (24)”.

(B) Section 1902(a)(10)(C)(iv) of such Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended—

(i) by striking “(5) and (17)” and inserting “(5), (17), and (24)”; and

(ii) by striking “through (21)” and inserting “through (24)”.

(C) Section 1902(j) of such Act (42 U.S.C. 1396a(j)) is amended by striking “through (22)” and inserting “through (24)”.

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall apply to calendar quarters beginning on or after January

1, 1995, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by subsections (a) and (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 6. COVERAGE OF PREVENTIVE HEALTH CARE SERVICES FOR VETERANS.

(a) IN GENERAL.—Section 1701(6) of title 38, United States Code is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(C) with respect to any veteran, any preventive care services applicable under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995, to the extent such services are not otherwise treated as medical services under this paragraph.”.

(b) PROVIDING SERVICES IN OUTPATIENT SETTING.—Section 1712(a)(5)(A) of such title is amended—

(1) in the first sentence, by striking the period at the end and inserting the following: “, or any other medical services applicable to the veteran under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995.”; and

(2) in the second sentence, by inserting after “admission” the following: “or any services applicable to the veteran under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995 (other than services applicable under such schedule that are reasonably necessary in preparation for hospital admission)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 1995.

SEC. 7. COVERAGE OF PREVENTIVE HEALTH CARE SERVICES UNDER FEDERAL EMPLOYEES HEALTH BENEFIT PLANS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 8904(a) of title 5, United States Code, are each amended by adding at the end the following new subparagraph:

“(G) With respect to an individual, any preventive health care services applicable to the individual under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to services furnished on or after January 1, 1995.

SEC. 8. COVERAGE OF PREVENTIVE HEALTH CARE SERVICES FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) PREVENTIVE HEALTH CARE SERVICES INCLUDED IN AUTHORIZED CARE.—Section 1077(a)

of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(13) Any preventive care services applicable under the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995, to the extent such services are not otherwise authorized as health care services under this subsection.”.

(b) EFFECTIVE DATE.—Paragraph (13) of section 1077(a) of title 10, United States Code (as added by subsection (a)), shall apply with respect to health care services furnished on or after January 1, 1995, to dependents of members or former members of the uniformed services authorized to receive such services.

SEC. 9. PREVENTIVE HEALTH CARE DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—There is hereby established a demonstration project to demonstrate the effectiveness in providing preventive health care services in improving the health of individuals and reducing the aggregate costs of providing health care, under which the Secretary of Health and Human Services shall—

(1) make grants over a 5-year period to 50 eligible counties to assist the counties in providing preventive health care services (in accordance with subsection (b)) to individuals who would otherwise be unable to pay (or have payment made on their behalf) for such services;

(2) conduct the study described in subsection (c); and

(3) carry out the educational program described in subsection (d).

(b) GRANTS TO COUNTIES.—

(1) SERVICES DESCRIBED.—A county receiving a grant under subsection (a)(1) shall provide preventive health care services to individuals at clinics in accordance with the schedule of preventive health care services established under the Comprehensive Preventive Health and Promotion Act of 1995, except that—

(A) the county may furnish services to individuals residing in rural areas at locations other than clinics if no clinics that are able to provide such services are located in the area; and

(B) the Secretary may revise the schedule of services otherwise required to be provided to take into account the special needs of a participating county.

(2) ELIGIBILITY OF COUNTIES.—A county is eligible to receive a grant under subsection (a)(1) if it submits to the Secretary, at such time and in such form as the Secretary may require, an application containing such information and assurances as the Secretary may require.

(3) GEOGRAPHIC BALANCE AMONG COUNTIES SELECTED.—In selecting counties to receive grants under subsection (a)(1), the Secretary shall consider the need to select counties representing urban, rural, and suburban areas and counties representing various geographic regions of the United States.

(c) STUDY OF STATE PREVENTIVE CARE REQUIREMENTS.—

(1) STUDY.—The Secretary shall conduct a study of the requirements regarding preventive health care services that are imposed by each State on health benefit plans offered to individuals residing in the State.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under paragraph (1).

(d) DISSEMINATION OF INFORMATION ON PREVENTIVE HEALTH CARE.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with experts in preventive medicine and representatives of providers of health care services, shall publish and disseminate information on

the benefits of practicing preventive health care, the importance of undergoing periodic health examinations, and the need to establish and maintain a family medical history to businesses, providers of health care services, and other appropriate groups and individuals.

(e) STATE DEFINED.—In this section, the term "State" means each of the 50 States and the District of Columbia.

SEC. 10. PROGRAMS TO ESTABLISH ON-SITE WORKSHOPS ON HEALTH PROMOTION.

(a) GRANTS TO BUSINESSES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall establish a program under which the Secretary shall make grants over a 5-year period to 300 eligible employers to establish and conduct on-site workshops on health care promotion for employees.

(2) ELIGIBILITY.—An employer is eligible to receive a grant under paragraph (1) if the employer submits an application (at such time and in such form as the Secretary may require) containing such information and assurances as the Secretary may require, including assurances that the employer shall use funds received under the grant only to provide services that the employer does not otherwise provide (either directly or through a carrier) to its employees.

(3) INFORMATION AND SERVICES PROVIDED.—On-site workshops on health care promotion conducted with grants received under paragraph (1) shall include the presentation of such information and the provision of such services as the Secretary considers appropriate, including counseling on nutrition and weight management, clinical sessions on avoiding back injury, programs on smoking cessation, and information on stress management.

(b) ESTABLISHMENT OF PROGRAMS FOR FEDERAL EMPLOYEES.—The Secretary of Labor shall establish a program under which the Secretary shall conduct on-site workshops on health care promotion for employees of the Federal Government, and shall include in such workshops the presentation of such information and the provision of such services as the Secretary (in consultation with the Secretary of Health and Human Services) considers appropriate, including counseling on nutrition and weight management, clinical sessions on avoiding back injury, programs on smoking cessation, and information on stress management.

CLEANING UP THE CLEAN AIR ACT

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. KIM. Mr. Speaker, I rise today to introduce a very important piece of legislation which will help rectify a severely unfair application of the Clean Air Act. This bill, which was blocked by the then-majority Democrats in the 103d Congress, will provide my home State of California with the flexibility every other State in our Union currently enjoys. Specifically, this bill will direct the Environmental Protection Agency [EPA] to withhold the enactment of its Federal implementation plan [FIP], as ordered by the courts, until such time as it has an opportunity to review California's State implementation plan [SIP].

We all want clean air—especially in California. Thus, my intentions are not to weaken clean air standards—and this legislation does

not do so. Rather, it helps attain those standards within the context of full support for the principles of States rights. I do not believe the EPA, a Federal bureaucracy, has any right to completely dismantle those principles, even if the courts appear to be the real culprits in this game of high stakes chess. No longer can the Federal Government blindly push States into complying with laws which are not suited for their particular situations or problems.

It is with that in mind that I call on my fellow colleagues to join in protecting the principles upon which this Nation was built. For those of my colleagues who do not represent the State of California, I remind them that this type of precedent could have equally devastating consequences in States such as Texas, Ohio, Virginia, and any others that do not meet the stringently set path that the big brother EPA dictates. Let us make it clear to all Americans that we, the Republican majority, will not stand idly by while the rights of our States are so easily swept aside.

Mr. Speaker, I am hopeful that committee and floor action can be taken expeditiously as this is a very time sensitive issue.

LINE-ITEM VETO LEGISLATION

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STUMP. Mr. Speaker, I am today introducing legislation to propose an amendment to the Constitution giving the President line-item veto authority. This legislation is identical to the line-item veto bill I introduced last Congress.

In years past, the leadership of this body worked hard to see that no real line-item veto bill passed the House. They argued that a true line-item veto would give too much power to the President. I disagreed then and I disagree now.

In theory, Congress may not need the President's help in deciding how best to spend the taxpayer's money. However, in practice, the temptation to slip special interest or parochial spending programs into otherwise necessary appropriation bills has been too strong to resist. Allowing the President to identify and veto such programs would protect not only the budget process, but the taxpayers' pockets.

Mr. Speaker, the line-item veto has proven itself in State after State where it has been tried. There is no reason not to allow it at the Federal level.

IRS BURDEN OF PROOF

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, last year, I introduced H.R. 3261 to protect taxpayers from capricious behavior by the Internal Revenue Service. Today, I am again introducing this bill to ensure American taxpayers get a fair shake in tax court. Too often, the IRS is an agency out of control; too many Americans fear the IRS and that's wrong.

Mr. Speaker, my bill has three sections to protect Americans from IRS abuses. First,

damages paid to the taxpayer are increased from \$100,000, current law, to \$1,000,000. Second, the Internal Revenue Service must notify the taxpayer promptly in writing upon request as to the specific implementing regulations that they are found liable for. No more ambiguous computer generated letters using code numbers. No more unprepared confrontations with the IRS. These two seemingly innocuous sections of my bill are extremely vital and will go a long way in rebuilding the American people's faith in our Government.

The last part of my bill is the most important: it shifts the burden of proof from the taxpayer to the IRS in civil tax cases. Under current law, if the IRS accuses someone of tax fraud, which could be an honest mistake on the 1040 form, he or she must prove his or her innocence in civil court, the IRS does not have to prove your guilt. An accused mass murderer has more rights than a taxpayer fingered by the IRS. Jeffrey Dahmer was considered innocent until proven guilty. Mom and Pop small business owners, however, are not afforded this protection.

Mr. Speaker, during the last session, I highlighted the need for this legislation on the House floor by reading letters and cases I have received from people around the country. You may remember the case of David and Millie Evans from Longmont, CO. The IRS refused to accept their cancelled check as evidence of payment even though the check bore the IRS stamp of endorsement. Or how about Alex Council, who took his own life so his wife could collect his life insurance to pay off their IRS bill? Months later, a judge found him innocent of any wrongdoing. I have heard hundreds of stories of IRS abuses like these on radio and television talk shows. Thousands of Americans have written to me personally with their horror stories.

Opponents argue that my bill will weaken IRS's ability to prosecute legitimate tax cheats. This bill will not affect IRS's ability to enforce tax law, it only forces them to prove allegations of fraud. My bill will ensure that IRS agents act in accordance with the standards of conduct required of all Department of Treasury employees and the Constitution of the United States of America where you are innocent until proven guilty.

Mr. Speaker, I urge all Members to cosponsor my new bill. It will be my No. 1 legislative goal for the 104th Congress. All I seek is fairness for the American people.

THE 1995 AGENDA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, November 30, 1994, into the CONGRESSIONAL RECORD.

THE 1995 AGENDA

There is a deep, free-flowing discontent in the country today. It is difficult to pin down, but it seems to be a fear of the future—a sense of insecurity about jobs, health care, pensions, and the future of the family. Americans are anxious about their future and their children's future in the rapidly changing economy. They are also disgusted with the performance of government. Hoosiers say

to me over and over again that government should not try to rescue every one, that government should get off their backs, that they do not want to see their money spent on expanding programs when they are not getting enough bang for the buck now. In short, they want less welfare, less taxes, less spending, and, most of all, less government. They want to shake up Washington.

AGENDA FOR 1995

Although they oppose a big and intrusive government, Americans still have a long list of problems they want addressed. They want us to fix the economy, and for most of them that means boosting their incomes. They still want the health care system reformed. Americans are very concerned about the cost of health care and fear losing their insurance. They like the idea of universal coverage, and certainly want more control of health care costs. They do not want government control over health care decisions. They do not like the stresses put on the family, and want a more effective fight against crime.

Americans want the size and cost of government reduced. They do not favor a passive government, but rather a government that helps them solve problems without overtaxing or overregulating. They feel that government does not benefit them, but benefits somebody else. They want a government that belongs to them. They surely want a reduction in taxes and serious welfare reform. Welfare reform outdistances even a tax cut for the middle class or health care as the top legislative priority of Americans. They want to end welfare dependency, but not end support for people struggling to be self-sufficient. Americans also want us to clean up politics. They do not approve of the way Congress operates and they think most Members have become disconnected from the lives of ordinary Americans.

The agenda for the next Congress will likely revolve around several themes. First, shrink government. We need to sort out what is the reasonable role of government, what can be accomplished by government and what cannot, and what policy areas could be passed on to the states and private sector from a decentralized federal government. My hope is that in the next few years we can move toward decentralization and smaller institutions. Second, restore confidence in government. Several reforms are needed, including ethics reform, campaign finance and lobbying reform, and addressing the problem of negative campaigning. Policymakers need to govern from the center, and adopt a moderate, centrist approach to issues. Third, fix the economy. We need to build on recent successes in reducing the deficit, and pass a line-item veto and a balanced budget amendment. We should pass a middle-income tax cut, provided we can find a way to pay for it and not add to the national debt. I worry about each side trying to up the tax cut proposal of the other side, with the result of a huge increase in the deficit. Fourth, improve personal security. We need to continue our efforts against crime, and work on scaled back health care reform and welfare reform. There is significant momentum for cutting back the welfare system, restructuring it, making it cost less. Fifth, bolster national defense. We need to shore up our national defense and improve readiness, and adopt a position of selective engagement—not being the policeman of the world but intervening only when it is clearly in our national interest.

DIFFICULTY OF GOVERNING IN AMERICA

America has become a much harder place to govern than in the past. It has become larger, more diverse, more crowded. I am impressed with how the public's demand for

services collides with government's eroding ability to respond. In many respects our political circuits today are overloaded, and it is difficult for elected officials to address obvious national problems in a deliberate, thoughtful, and thorough way. Interest groups clamor for more attention and more benefits and then defend them vigorously. With the clash of interest groups and ideologies, developing a consensus and putting together coalitions to pass legislation has become increasingly difficult.

The public debate has become much more polarized. Interest groups are very effective at manipulating the voter. They understand that nothing rouses the faithful like a negative message denouncing the other side as evil incarnate. Polarized rhetoric and extreme positions arouse the faithful, and stimulate membership and contributions. At the same time, the news media seem to believe that the road to the truth lies in finding two extremes and letting them clash. They like to transform every discussion into a debate. They do not want a commentator interested in context, complexity, or moderation—despite the fact that most Americans are not on the extremes but in the center.

I am also impressed with how little confidence people have in the institutions of government. Press, television, talk radio, and politicians themselves enthusiastically join in undermining confidence in government today. I wonder how far this erosion in confidence can go and still have a functioning democracy.

CONCLUSION

Americans are demanding wholesale changes in Washington. They are perturbed by complex and disturbing trends of economic hardship, crime, the decline of the family and family values, and the erosion of the American dream. They are taking a long, hard, skeptical look at the condition of their government, and they do not like what they see—too much wasteful spending, too much bureaucracy, too much intrusion into their lives, too little in the way of results.

Policymakers must sort out what government can still usefully do and what it cannot do. We must prove to Americans that their institutions of government can still achieve something and are worth preserving. We need to be advocates of good sense and effective, unapologetic government but also a government that understands its limits. We also need to be more honest with Americans, letting them know that they cannot have benefits without paying the cost of them.

FISHERY CONSERVATION AND MANAGEMENT AMENDMENTS OF 1985

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing the Fishery Conservation and Management Amendments of 1995. In the last Congress the Merchant Marine and Fisheries Committee held 11 hearings in 5 different States and received testimony from over 100 witnesses. These witnesses represented all segments of the fisheries industries and other interested parties including fishermen, processors, environmentalists, State government officials, and administrative agencies. Near the end of the 103d Congress the Fisheries Management Subcommittee reported a bill which

unfortunately was not considered by the full Merchant Marine and Fisheries Committee.

Today, I am introducing legislation to reauthorize and amend the Magnuson Fisheries Conservation and Management Act. The bill contains nearly identical language to the bill reported by the subcommittee last year. The major differences involve the removal of certain controversial provisions, inclusion of stronger language addressing the bycatch issue and the unique needs of certain rural Alaskan fishermen, as well as some changes that would have been made had the bill been addressed by the full committee last year.

This legislation addresses all of the major concerns discussed during our series of hearings in the last Congress. While some may not totally agree with the way we address some of these concerns, I think this legislation takes a major step in continuing the management of our Nation's fisheries while also addressing some of the problems we have encountered in specific areas of fisheries management.

Mr. Speaker, there are two areas of concern that I feel must be addressed by this reauthorization legislation. We must allow the Regional Fishery Management Councils to address the issue of bycatch. The councils are in a unique position to create specific bycatch reduction measures, tailored for each fishery that they manage. I have also always believed that community development quotas [CDQs] are a legitimate tool of the councils for use in managing our fisheries resources. I have always believed that CDQ's did not have to be specifically authorized for the councils to include them in their first fisheries management plans and the courts have now finally agreed with me on this point. Community development quotas are just one of many tools which can be used by the councils to address the needs of fishery dependent communities. We will continue to look at this issue as we move those legislation.

Mr. Speaker, it is my intention to move quickly with the bill, so that we can get on with the sound management of our Nation's fisheries resources. Our fishermen and processors deserve no less.

REDECLARE THE DRUG WAR

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. SOLOMON. Mr. Speaker, we cannot solve the crime and violence problems which plague this country without an all-out war on drugs. Make no mistake about it. This Republican-controlled Congress will pay a major role in the war on drugs. We'll step up to the plate and assume our full share of responsibility. But so must the administration. Our first, joint priority must be to restore control over the places where Americans live and raise their children.

As a consequence of the Clinton administration's half-hearted effort to fight the drug war we have witnessed a dramatic increase in the use of drugs. Unless the problem is returned to the front burner one of the few enduring legacies of the Clinton Presidency may be the reemergence of illegal drugs and the violent crime associated with drugs.

The American people understand that we cannot solve the crime and violence problem which plagues this country, without an all-out effort to resolve the drug problem. The root cause of violence and crime in this country is illegal drugs. Look at the facts. According to the Partnership for a Drug-Free America:

Drug use is related to half of all violent crime.

Illegal drugs play a part in half of all homicides. In fact, 48 percent of all men arrested for homicide test positive for illicit drugs at the time of arrest.

Over 60 percent of prison inmates are there for drug related crimes.

Illegal drug use is a factor in half of all family violence. Most of this violence is directed against women.

Over 30 percent of all child abuse cases involve a parent using illegal drugs.

The number of drug-exposed babies now accounts for 11 percent of all births in the United States.

Over 75 percent of adolescent deaths are a result of drug related violence.

An important first step in curbing drug demand in this country is to make the so-called casual users and hard core users accountable. The best method to accomplish this involves testing in the workplace. By requiring the testing of all Government employees and officials we can set the standard for the private sector. The bill being introduced today was drafted by constitutional scholars in response to possible court challenges.

The findings provision states that the sale, possession and use of drugs pose a pervasive and substantial threat to the social, educational, and economic health of the United States. The impact of drug abuse if reflected in the violence that it causes and in the disintegration of families, schools, and neighborhoods. The effects of rampant drug use is amply illustrated by national violent crime statistics across the United States. And recent studies demonstrate that drug use by young people is on the rise.

The legislation introduced today is a starting point of the action this Congress must take to turn around the war on drugs, including:

A bill to require random drug testing of all executive, judicial, and legislative branch Government employees and officials.

A bill to deny Federal benefits upon conviction of certain drug offenses.

A bill to ensure quality assurance of drug testing programs.

A bill to require employer notification for certain drug crimes.

A bill to require mandatory drug testing for all Federal job applicants.

A bill to provide the death penalty for drug kingpins.

A bill to prohibit federally sponsored research involving the legalization of drugs.

A bill to deny higher education assistance to individuals convicted of using or selling illegal drugs.

These bills will increase user accountability. It is imperative that we put tough new laws on the books to hold both casual and heavy drug users accountable. These new laws will establish that involvement with illegal drugs has clear consequences. We must increase the social and legal costs of illegal drug consumption.

Mr. Speaker, I would conclude by quoting the chairman of the Partnership for a Drug

Free America, Mr. James Burke, "We cannot and will not make progress with crime, violence or other ills until we make a long-term commitment to addressing a common denominator in so many of these problems—drug abuse."

INTERSTATE CHILD SUPPORT ACT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. KENNELLY. Mr. Speaker, during the next few months, there will be considerable debate about personal responsibility. One of the most important parts of this discussion will focus on parents' responsibility to nurture and support their children. Let me emphatically state that this obligation rests with both parents. All too often, the mother is left to shoulder this burden alone. There are both societal costs and personal tragedies that could be averted if we can successfully change this culture of neglect. We must send a clear message that both parents are legally and morally bound to support their children and then be prepared to track down those parents unwilling to live up to their obligations.

While past legislation has improved collections for child support, we as a Nation still have a long way to go. Only half of all custodial parents receive their full child support awards, leaving millions of children without adequate support. Congress must end this disgrace.

Although the Republican Contract With America sets out few details on child support enforcement, I believe this is an issue that we can act on with broad bipartisan support. I am therefore reintroducing child support legislation that reflects many of the recommendations of the U.S. Commission on Interstate Child Support, on which I served. The bill would enhance coordination for collecting child support across state lines, improve Federal tracking of delinquent orders, institute direct wage withholding, withhold business and driver's licenses from individuals owing child support, and deny Federal benefits to individuals with large child support arrearages.

It is certainly worth noting that welfare reform cannot succeed without better child support enforcement. We cannot ask young, poor mothers to go out and get a job, only to let young fathers evade their responsibility. Not only would enhanced child support enforcement reimburse certain welfare costs, but in some cases it may prevent families from going on welfare in the first place.

I ask my colleagues to join me today in sending a clear message that both parents have a responsibility to provide for their children.

FORCED BUSING MUST STOP

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, the Clinton administration recently decided that over \$1.3 billion of Missouri tax dollars are not enough.

Since 1981, taxpayers in the State of Missouri have watched as their money constructed an Olympic swimming pool, supported fencing teams, and financed court-ordered forced busing. And now, when nearly everyone in Missouri has come to agree that desegregation efforts have failed miserably, the Clinton Administration wants the State to do more than spend money, it wants the State to show results for students.

Unfortunately, the administration does not understand what people have been saying for years: increased education spending does not automatically lead to increased learning. At the same time that the State of Missouri has been struggling to meet its court-ordered obligations in Kansas City and St. Louis, children in the rest of the State have gone without in their schools. Enough is enough.

I am extremely concerned that instead of admitting that forced busing does not work, the administration wants to broaden desegregation efforts. In fact, the Clinton administration is working against Missouri's efforts before the Supreme Court because it is worried that if the Supreme Court sides with the people of Missouri, it could become easier for dozens of other jurisdictions nationwide to end school desegregation cases. This is wrong, and once again I am introducing legislation to amend the U.S. Constitution and prohibit any governmental entity—including Federal courts—from compelling a child to attend a public school other than the public school nearest the student's residence.

While I am hopeful that the Supreme Court will correctly decide in favor of the State of Missouri and against the Clinton administration, this legislation is necessary to ensure children, parents and communities are protected from liberal civil rights lawyers, Federal courts and Washington bureaucrats. I urge my colleagues to join me in supporting this resolution. If court-ordered desegregation is not currently happening in their districts, it is most likely only a matter of time before they find themselves in the same situation as the people of Missouri. This resolution will prevent this disastrous situation from repeating itself across the Nation.

INTRODUCTION OF IRA PROPOSAL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing the Individual Retirement Options Improvement Act of 1995. This legislation makes changes to the Internal Revenue Code to improve Individual Retirement Accounts [IRA's].

The purpose of this legislation is to increase our national savings rate. The legislation consists of two major components which are to encourage savings by increasing the amount of deductible contributions which may be made to an individual retirement account and to allow homemakers to be eligible for the full IRA deduction. First, the legislation allows an individual who is an active participant to deduct the allowable amount and to deduct 50 percent of the excess amount for that taxable year. This provision increases the deductible

amount which individual taxpayers are currently allowed for IRA's. The legislation does not increase the \$2,000 limit. Second, the legislation addresses the spousal IRA issue. The legislation allows homemakers to make the same deductible IRA contribution as their working spouses.

The purpose of this legislation is to increase our national savings rate. IRA's are a proven tool to boost our savings rate. This legislation increases the amount that can be deductible in an IRA. Taxes are just deferred. The focus of this proposal is savings for retirement. A new analysis commissioned by Merrill Lynch on the financial wealth of American families shows that half of American families currently have below \$1,000 in net financial assets. Action needs to be taken to improve this statistic.

Allowing homemakers to contribute the full amount to an IRA corrects an inequity and creates an incentive for savings. Increased retirement savings will result in economic growth and help retirees become financially independent. We have to encourage individuals to save for their retirement. This legislation is a step in the right direction. I urge you to support this legislation.

THE EXPORT ADMINISTRATION ACT OF 1995

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. ROTH. Mr. Speaker, today I have introduced the Export Administration Act of 1995. The text of this bill generally reflects the provisions reported to the House last year by the Committee on Foreign Affairs, together with certain of the modifications recommended to the House last year by other committees. Title I of this bill originated with legislation that I introduced in the 103d Congress as H.R. 3412.

As the chairman of the Subcommittee on International Economic Policy and Trade of the Committee on International Relations, I intend to renew the effort to reform our export control system and see it through to completion, with enactment of reform legislation.

The legislation I have introduced today is the starting point for this final push to enactment. In essence, we are picking up where our committee left off last year. Prior to acting on this legislation, our subcommittee will consult with other members of our committee, with other committees and interested Members and with representatives of the President as well as other interested parties. Refinements and modifications will be made and reflected in a measure which will be presented to the subcommittee for its consideration and approval as soon as possible.

My goal is simple: To reform our outdated export control system, help our high technology industries and create new American jobs.

The last time Congress reformed the Export Administration Act was in 1979, some 15 years ago. The last time it was amended in any significant way was in 1988. Therefore, the current law simply does not reflect the profound changes which have occurred during the past 5 years alone: the end of the Cold War and COCOM; the new challenge of proliferation; the breakup of the Soviet empire;

the beginnings of a market economy in China; the diffusion worldwide of advanced computer and communications technology; and the advent of a new global trade agreement.

Yet our export control system still operates under an old statute, needlessly impeding many high technology exports while not adequately focusing on proliferation threats. Testimony last year to our subcommittee indicated that some \$30 billion in American exports are affected by this outmoded system, together with the thousands of jobs which would otherwise be created by reforming the system.

In introducing this legislation, I welcome recommendations from my colleagues on how this bill can be further strengthened.

I intend to continue our subcommittee's tradition of approaching legislation in an effective bi-partisan manner and to bring to the House a bill that every Member can vote for and that the President can sign into law.

BALANCED BUDGET AMENDMENT LEGISLATION

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STUMP. Mr. Speaker, I am pleased today to reintroduce a balanced budget amendment. This amendment, if ratified by three-fourths of the States, will mandate that the President submit and Congress pass a balanced Federal budget.

The last budget Congress balanced was in 1969. Since then, both deficits and the national debt have soared to astronomical levels. We must put an end to this obscene accumulation of debt or face the prospect of a national bankruptcy.

Mr. Speaker, there are many in this body who will say that the balanced budget amendment is not needed, or that to balance the budget we will have to cut vital and important programs to the bone. Nothing could be further from the truth.

While it is true that Congress has always possessed the ability to balance the budget, the fact that it hasn't done so in 26 years indicates that a balanced budget has not been among Congress' top priorities. And while it is also true that things have changed around here, what has not changed is the threat our national debt poses to the economic futures of our children and grandchildren. We must assure them that we will do everything in our power to allow them to live in a debt-free nation.

I am sensitive to the concerns expressed by those who fear a wholesale slaughter of vital and important Federal programs. To be sure, balancing the budget will not be without a certain degree of pain and sacrifice. However, it would not require the wholesale dismantling of vital programs, such as Social Security, that its critics allege. Indeed, balancing the Federal budget could only strengthen Social Security and other programs whose trust funds are invested in Government securities.

Mr. Speaker, the people of this country voted for change—for a different approach to government. We should give it to them. I can think of no better starting point than to pass a balanced budget amendment.

INVESTMENT IN AMERICA ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, every session since coming to Congress in 1985, I have introduced a bill to reinstate a 10-percent domestic investment tax credit [ITC] for the purchase of domestic durable goods. I am reintroducing this bill today, and I invite all Members to become cosponsors.

Mr. Speaker, as you know, the Ways and Means Committee intends to overhaul tax policy in the upcoming 104th session. I believe my 10-percent investment tax credit bill should be considered as a part of that new tax plan.

The way this bill works could not be simpler. If an American consumer buys a domestic product like a new machine or computer to improve their business, the consumer can take a 10-percent tax credit if that product was made in America. If the consumer purchases a new American-made automobile or truck, they can take a 10-percent tax credit. The tax credit would be worth up to \$1,000.

Investment tax credits are not new, but mine incorporates Buy American language to assist economic enhancement. I believe that repealing the investment tax credit in 1986 was one of the major reasons for the downfall in investment. As a result, American companies are competing with one hand tied behind their backs. Under my bill, at least 60 percent of the basis of the product must be attributable to value within the United States to take advantage of the credit. In other words, language the Commerce Department already uses to define an American-made product.

The purpose of the Investment in America tax credit is to stimulate the economy by spurring consumers and businesses to purchase American-made goods to enhance our long-term competitiveness. I don't know of a simpler way to change our complex tax policy for the better. I have always argued that the social problems this country faces can be linked to the unfair and harmful trade and tax policies enacted by the Congress. The 104th Congress offers us a unique opportunity to make a difference in the direction this country is headed.

Mr. Speaker, I urge all Members to cosponsor my bill. As a Congress, we need to show the American people that we are sincere about making America a strong nation once again.

THE NEW CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 16, 1994, into the CONGRESSIONAL RECORD.

THE NEW CONGRESS

The 104th Congress that convenes in January will have both the House and Senate under Republican control for the first time since 1955. That changed makeup as well as the current mood of the country say a lot

about the congressional agenda and about how the President will have to deal with Congress.

THE NEW MAKEUP OF CONGRESS

The shift of Congress to Republican control will have a major impact on the legislative agenda.

I hope that one lesson for the new Congress is that both parties recognize they have to treat each other with greater respect. Power imposes responsibility, and it is much tougher to govern than make calls from the bleachers. I hope one result of the election is to make politicians think about Congress as an institution and what needs to be done to improve it.

Members of Congress also need to get a firmer grasp on the difference between doing what is right for tomorrow and what is politically popular for today. We have to get a longer-term perspective into our politics. We must ask what our country is going to be like when we reach the twenty-first century, how we can keep the economy strong and prosperous, and how we can assure that our children have jobs and opportunity for personal fulfillment.

THE MOOD OF THE COUNTRY

The current mood of the country also shapes what issues will be tackled by the 104th Congress.

The mood of the country is often described as anti-government. My own judgement is that Americans primarily oppose wasteful, duplicative, and corrupt government. They are prepared to support government that delivers services efficiently. They are saying that the growth of government needs to be curbed and that the performance of government needs to be improved. In a broader sense, Americans think the country is losing its moral roots and that politicians are not doing anything about it. They want more attention to traditional values as well as an improved level of government performance.

Americans are alienated from government, their elected representatives, and the political process. They feel a deepening powerlessness and pessimism over the future of the nation. As one Hoosier put it to me, "I don't really feel that the people of this country have any control over what is going on." There is a feeling that the country has become too big, too complicated, too diverse.

Again and again, Americans say they are uneasy about their future and feel that they are not getting ahead. One principal reason for this is that the job market is changing in swift and unpredictable ways. People are no longer sure that even with two incomes in the family they can maintain their standard of living. Their feeling that things might get worse and their deep sense of insecurity are very difficult for a politician to deal with.

I find Americans distressed about many aspects of society today: the amount of violence and vulgarity, the rise of illegitimacy, the decay of responsibility, the loss of traditional values. The real message is their fear of the future. They are deeply concerned about crime, job security, retirement income, and adequate health care. They express a feeling that something is eating away at the security of their lives.

Americans certainly support welfare reform and tax cuts. They have a strong view that the tax burden on middle-class families has risen steadily in recent decades and that there has been a decline in real income. Americans are turned inward and they worry about their own financial difficulties. They have become less interested in foreign affairs and the problems of the poor and the minorities in this country.

Congress has been dealing with many of the problems people want addressed—the deficit, jobs, welfare reform, making govern-

ment leaner and more effective. We are not dealing with those problems satisfactorily from their standpoint. Often they are not aware of what has been done.

Americans have become much more interested in local concerns. Many of them feel the federal government is no longer as important as it once was. They have redefined what is really important to them. The closer politics is to their home and their family, the more important it is to them. In many communities, I find that infrastructure improvements and personal security for their families are the dominant concerns.

It is clear that policymakers need to sort out which roles should be played by federal, state, and local governments and which should be shared with the private sector. There is certainly a strong feeling among the voters that the federal government is simply trying to do too much.

THE PRESIDENT'S APPROACH TO CONGRESS

With the changes in the 104th Congress, the President confronts two approaches about how to deal with his legislative agenda. He can push ahead with comprehensive changes in health care and welfare. He knows he will not succeed, but he could put the blame on Congress for refusing to pass his programs. The other approach is to try to work out agreements with the Republicans.

I would urge the President to proceed on a path of compromise. He will have to work to develop a spirit of bi-partisanship. That will not be easy. In effect, he will have to govern from the middle. But, of course, it takes two to make a deal and the Republicans will want their agenda to be given priority. If the President tries bi-partisanship and it fails, he will have little choice but to go on the offensive.

My advice to the President is that he has to broaden his political base by governing from the center out, not from the left in. He needs to forge an alliance with the new members of Congress who are very close to their constituents and in tune with the new politics of the country.

INTRODUCING LEGISLATION CONCERNING KENAI NATIVES ASSOCIATION, INC.

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today to correct a significant inequity in Federal law with respect to land uses of property conveyed to the Kenai Natives Association, Inc. [KNA]. The legislation, which will mark the final outcome of a process begun nearly 14 years ago and which was the subject of a congressional hearing last Congress and the enactment of one interim law, would correct the land entitlement inequities of KNA by authorizing and directing the completion of a land exchange and acquisition package. The legislation will allow KNA for the first time to make economic use of the majority of lands conveyed to the corporation under the Alaska Native Claims Settlement Act of 1971.

We began the final stage in this process by directing, through enactment of Public Law 102-458, an expedited negotiation of a land acquisition package between the Fish and Wildlife Service and KNA. Over the past year, negotiations were completed, resulting in a package which is identical to the elements of the legislation I am introducing today.

KNA has waited since 1982 to resolve its land selection problem with property which is within the boundaries of the Kenai National Wildlife Refuge. KNA has reached a tentative agreement with the U.S. Fish and Wildlife Service with an exchange agreement on lands within the refuge. I believe that they have waited long enough for ratification of the agreement and believe they deserve to have this behind them. This legislation will authorize and direct the Secretary to make an offer to KNA to complete an exchange and acquisition of lands owned by KNA.

This legislation represents an agreement reached during the 103d Congress. It is my intention to move this legislation quickly and get it behind us. I urge my colleagues support so that KNA can move forward with their agenda.

I am pleased with the efforts by KNA, its former president, the late Katherine Boling, and board of directors as well as the Fish and Wildlife Service to finalize this acquisition. KNA and the Fish and Wildlife Service have set aside past differences and have resolved the land use disagreement which has prevented KNA from using most of its lands conveyed under ANCSA. At the same time, another purpose of Public Law 102-458 and, a Federal goal, was acquiring for public ownership land along the Kenai River. These missions would be accomplished by the legislation I am introducing today.

The Service has completed all the necessary negotiations on land acquisitions and exchange components and completed the necessary public review and legal reviews required for exchanges in Alaska. I commend the Service for their efforts to acquire a key parcel of land along the Kenai River, inside the boundaries of the Kenai National Wildlife Refuge, for public use. This acquisition is the crucial component of this legislation. Just as crucial is the need to allow KNA to make economic use of lands conveyed to the corporation to settle native land claims. It is wrong under any sense of fairness or the law to convey lands to native corporations in settlement of recognized land claims yet at the same time prohibit the use of those lands.

Mr. Speaker, we need innovative measures to resolve land use conflicts in Alaska. Secretary Babbitt has noted the need for innovative exchanges throughout the Nation to properly manage Federal lands. This legislation represents a fine example of an exchange which resolves a longstanding land dispute on a voluntary basis.

I believe we can and should resolve this dispute on a voluntary basis. If we fail to do so, the result will only be ill-will, an extreme inequity to the Alaska Natives of KNA, litigation and the loss of an important opportunity to acquire public, riverfront lands, along the Kenai River. Further, there will remain a significant doubt that any land use conflict involving Federal lands in Alaska can be resolved in a cooperative fashion.

Mr. Speaker, I have worked closely with the former chairman of the Natural Resources Committee, Mr. MILLER, on this matter for many years. I believe we have an opportunity to correct an inequity, acquire valuable habitat, and show that innovative answers to land use problems will work in Alaska. I am anxious to move forward on this legislation which resolves this matter on a voluntary, willing seller

basis early this year based on agreements reached during the last session between all interested parties.

**THE MILITARY RECRUITER
CAMPUS ACCESS ACT**

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. SOLOMON. Mr. Speaker, today I am introducing the Military Recruiter Campus Access Act, which would deny all Federal funds to educational institutions that bar or impair military recruiting. As you know, this phenomenon has proliferated across the country in recent years.

This has outraged me for years, Mr. Speaker. Simply justice demands that we not give taxpayer dollars to institutions which are interfering with the Federal Government's constitutionally mandated function of raising a military. Further, with the defense drawdown, recruiting the most highly qualified candidates from around the country has become even more important.

Last year, we began to deal with this injustice with the overwhelming passage of my amendment to the fiscal year 1995 DOD authorization bill which, with the support of Senator NICKLES, became law on October 1. That law, which denies any DOD funds from going to colleges and universities which are discriminating against recruiters, has already begun to have some positive effect. I am told by the Pentagon that schools across the country are getting the message and preparing to accommodate recruiters rather than lose their precious funding.

But to pick up the stragglers who are still not complying, further action is necessary. We have additional leverage, Mr. Speaker. My amendment last year covered only DOD funds, which amount to roughly \$3 billion annually. But the Federal Government provides an additional \$8 billion annually in grant and contract funding to colleges and universities through other departments and agencies such as HHS, Agriculture, and the National Science Foundation.

Barring military recruiters is an intrusion on Federal prerogatives, a slap in the face to our Nation's fine military personnel, and an impediment to sound national security policy. We should draw the line on this in the 104th Congress, Mr. Speaker, I urge bipartisan support for the bill.

**INTRODUCTION OF PREPAYMENT
OF LIFE INSURANCE BENEFITS
BILL**

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation which has had strong bipartisan support in the past, legislation to provide for the prepayment of death benefits on life insurance contracts for the terminally ill.

I first introduced this legislation in the 101st Congress. It had over 100 bipartisan cospon-

sors in the 102d Congress. I subsequently worked closely with the Bush administration in its attempt to accomplish this important goal by regulation. The regulations, however, were not final when the Clinton administration took office and have not been finalized. The Clinton administration included this provision in the President's Health Care plan and it was subsequently included in both the Ways and Means Committee and Mitchell Health Care bills. A version of this legislation is also included in the Republican contract.

This legislation would allow individuals who are certified by a physician to have a terminal illness or injury which can reasonably be expected to result in death within 12 months, to receive the proceeds of their life insurance contracts on a tax free basis.

I believe that access to these assets will make the lives of the terminally ill significantly easier with little cost to the Federal Government.

Under current law, life insurance proceeds payable on death are generally tax free. This legislation, therefore, should have only a minor revenue impact in that the only change would be one of timing—tax free receipt of life insurance proceeds one year earlier than otherwise would be the case.

In addition, access to these assets is critical to those many terminally ill individuals, who have no health insurance. To the extent that these individuals tap their life insurance policies to pay their final health care costs, Federal dollars will be saved.

ENGLISH IS OUR COMMON THREAD

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, many times before I have taken to the floor to speak about the importance of the English language. For decades, English has been the de facto language of the United States. In recent years, 19 States have designated English as their official language. Support for these efforts has been overwhelming. I strongly believe that English should be the official language of the United States Government. I have been a persistent sponsor of such legislation, and I will again today introduce the Language of Government Act.

At the same time, however, I want to recognize the important contributions of other languages through a sense-of-the-Congress resolution. In an increasingly global world, foreign languages are key to international communication. I strongly encourage those who already speak English to learn foreign languages.

As a nation of immigrants, America is comprised of people of all races, nationalities, and languages. These differences make our Nation the wonderful place it is. While being different, all of these people can find a common means of communication in the English language. English is the common thread that connects every citizen in our great Nation.

**MAKING THE POSTAL SERVICE
MORE COMPETITIVE**

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CRANE. Mr. Speaker, remember that lame old excuse, "the check is in the mail." In days gone by, those who heard it hoped and prayed it was true. For if it was, they knew that they would soon be getting their money.

Not so today. As far too many people have found out, putting the check in the mail gives neither the sender nor the would-be recipient any assurance whatsoever that it will actually arrive at its intended destination. Or that it will get there in time to avoid late charges or black marks on one's credit rating.

Over and over this past year, we heard stories about mail being dumped, burned or stashed by mail carriers or hidden away in warehouses by postal managers not wanting to admit how far behind their delivery efforts had fallen. At least a half dozen of these instances occurred in the Chicago area alone.

On top of that, reports of slow mail delivery have been too numerous to mention. As a result, people have lost confidence in the Postal Service and remedies such as a new \$7 million logo or a 3-cent increase in the cost of first class postage have done nothing to restore it.

To be fair, the U.S. Postal Service [USPS] has made repeated efforts in recent months to improve the quality and timeliness of its service. But this is not the first time questions have been raised about the USPS's performance or that attempts to improve it have been made. To the contrary, there has been enough past efforts, the Postal Reorganization Act of 1970 being the most prominent, to suggest that a whole new approach is needed.

Generally speaking, most USPS employees are conscientious, hard working individuals who want to do a good job. For the most part, the problem is not so much with them as it is with the system in which they operate. Put simply, that system lacks the incentives necessary to bring about the gains in productivity and customer service that are essential if the USPS is to live up to the public's expectations. For one thing, the USPS is insulated against competition in the delivery of first class mail which means customers need not be won over but can be taken for granted. For another, it is subsidized by the Federal Government, which means there is less pressure to be efficient. For a third, it does not have the bottom line incentives—such as the profit motive and profit-sharing arrangements—which make many private companies so productive.

A quick look at the parcel delivery business bears out this assessment. Thirty years ago, most all parcels were delivered by the Postal Service. Today, competitors like FED-EX, UPS, and DHL handle a vast majority of packages shipped around the country, despite the built-in advantages enjoyed by the USPS. Also, the growing movement towards corporate competition in, or the privatization of, postal services in other countries reinforces that hypothesis. New Zealand, for instance, converted its postal service from a government department to a state owned but decontrolled corporation in the late 1980's and has

watched it flourish ever since. Last year, Holland partially privatized its postal service and Germany is doing the same starting this month. Also, there has been considerable discussion in Great Britain about the possibility of privatizing parts of the Royal Mail and Parcelforce, a move favored by a number of its top managers.

In this country, the objection to privatization has been that it would result—allegedly—in cream-skimming by USPS competitors which would leave the USPS with the financially troublesome prospect of being left with only rural and bulk mail to deliver. However, the logic behind such an assumption not only does a disservice to the capabilities of USPS employees but it overlooks the significance of the telecommunications revolution now underway. What with the growing popularity of FAX machines, modems, internet, E-mail and the like, the truth of the matter is that the USPS is more likely to be left with rural and bulk mail to deliver if it doesn't go private than if it does. Only by keeping up with the times and the competition, which can best be done by operating in the same way as the competition, can be USPS hope to thrive in the future.

Understandably, many USPS employees, fearing for their jobs, have certain reservations about going that route. Since change often breeds uncertainty and uncertainty is unsettling, such a reaction is only natural. However, change also brings opportunity and that would certainly be true if the USPS were to be converted into a private corporation. And it would be especially true if that corporation were to be an employee-owned one. Not only would the new entity be able to explore new markets and develop new ways of doing business, both of which could benefit postal workers, but making it employee-owned would give workers more control over their futures as well as a share of the profits.

For all these reasons, I have decided to introduce once again legislation that would convert the U.S. Postal Service into a totally private, employee-owned corporation. As was the case with my previous bills to this effect, this measure calls for this transition to be implemented over a 5 year period, after which the USPS's current monopoly over the delivery of first class mail would end. However, there is one difference between this bill and my previous legislation. To make the prospects for the success of this new private sector corporation even more likely and attractive, the measure I am introducing today calls for the cost-free transfer of the assets held by the USPS to that corporation. Now only will that make the transition to private status easier to arrange, but it will speed the day when American taxpayers will no longer have to subsidize an operation that has been losing money as well as the mail.

Given the clear need for more than just minor adjustments to our postal delivery system, I hope my colleagues will carefully consider this legislation and then give it their support by signing on as co-sponsors. If America is to be truly competitive in the forthcoming era of computers and telecommunications, we simply cannot afford a correspondence delivery system that is neither prompt nor reliable. Instead, we need a system that is state of the art and the best way to get it is make use of, by making the USPS a part of, the private sector.

ENDING THE FOREIGN AID PIPELINE MESS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. ROTH. Mr. Speaker, today I have introduced legislation to bring to an end a multibillion-dollar problem with our foreign aid programs: the so-called foreign aid pipeline. The pipeline consists of funds appropriated in prior years, up to a decade ago, but which are not expended and just sit in accounts waiting for some bureaucrat to dream up a way to spend it.

Responding to my request for an investigation in 1991, the General Accounting Office reported that nearly \$9 billion has been sitting in the pipeline, for up to 10 years. GAO recommended that such unneeded funds be canceled after 2 years, with a couple of specific exceptions.

In 1991, the House adopted my amendment to cut off this pipeline, but the underlying bill was not enacted. Again in 1993, a version of my amendment was incorporated into the Foreign Affairs Committee's foreign aid reform bill, but that bill also was not enacted.

Today, I am renewing my initiative to cut off this multibillion waste of taxpayers' funds. GAO estimated that about half of the funds in the pipeline could be recovered by enacting my proposal, as much as \$4.5 billion. My bill was drafted after consulting with experts at the GAO.

At a time when Congress is debating reductions in programs for Americans, foreign aid should be cut first. The place to start cutting is in the foreign aid pipeline, because it has already been determined to be a source of waste.

As the new Congress proceeds to considering legislation to make spending savings, I intend to seek action on this bill and end this misuse of taxpayers' money.

USE OF UNDERUTILIZED BUILDINGS IN ECONOMICALLY DE- PRESSED AREAS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, I rise today to reintroduce legislation that I sponsored in the 103d Congress that would require the National Aeronautics and Space Administration to take advantage of abandoned and underutilized buildings and grounds in economically depressed areas of the country when selecting new site facilities. I invite all Members to co-sponsor this legislation.

I believe that in this age of reinvestment in our large cities, programs such as Enterprise Zone and HUD grants offer economically depressed communities the opportunity to pick themselves up and forge ahead with their recovery. I also believe, however, that Federal agencies, such as NASA, should look at those same communities when looking to expand their facilities. Much like a major sports team, NASA expansion into an economically depressed area would boost the area's financial

status, self-esteem, and morale. Often these last two simply cannot be fixed with a simple Government-sponsored grant.

My legislation would also allow older buildings and underused facilities in decaying cities the chance to be fully utilized, thereby furthering the economic and cosmetic recovery of those cities. And because those facilities would already be in place, NASA would not have to spend a fortune on constructing all new buildings and support infrastructure.

Mr. Speaker, NASA's operations should not just be something we see pictures of on television. I urge my colleagues to cosponsor this legislation so that all Americans can take advantage of this country's space program.

THE 103D CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 19, 1994, into the CONGRESSIONAL RECORD.

THE 103D CONGRESS

The 103rd Congress promised to govern. In the end, despite significant achievements, it was unable to deliver on much of the legislative program. But it should not be judged solely on the numerous measures which were defeated in the closing weeks. Among them were the bills dealing with health care, campaign finance, lobbying disclosure, telecommunications, and toxic waste clean-up. There is no doubt it was a bad ending to the Congress.

But the 103rd Congress really did quite a lot. It was reasonably productive even through extraordinarily contentious. In the end I think it was a respectable Congress, not spectacular but at least average.

MEASURES PASSED

Important legislation passed by the 103rd Congress included deficit reduction, the North American Free Trade Agreement, family and medical leave, "motor voter" registration, national service corps, Hatch Act revisions, the crime bill, interstate branch banking, Goals 2000 education reform, and deep cuts in the federal workforce. GATT may be added to this list during a special post-election session. It is easy to imagine another 8 to 12 pieces of major legislation that could have been passed near the end but were not. In judging the Congress it is important to think in terms of not only what it did but also what groundwork it laid. My guess is that basic agreements were reached in several areas in preparation for passage next year. That includes a telecommunications bill and superfund reform.

The central achievement of the 103rd Congress was passage last year of one of the largest deficit reduction packages in history—reducing the projected deficits over five years by some \$430 billion. The deficit will fall three years in a row—the first time that has happened since the Truman Administration. This has helped boost the economy—raising the overall growth rate, boosting productivity, and reducing the unemployment rate. Some 4.6 million new jobs have been created since January 1993, compared to 2.4 million over the previous four years. Passage of the North American Free Trade Agreement abolishing trade barriers between the United States, Mexico, and Canada has led to a sharp increase in U.S. exports to our NAFTA partners.

Among the other achievements of the 103rd Congress were several education initiatives, including renewal of elementary and secondary education aid and expansion of Head Start, the Goals 2000 reform to set achievement standards, a school-to-work transition program, and an overhaul of the college student loan program. Two separate banking laws passed, one the remove restrictions on bank branches across state lines and another to put money for economic development into distressed areas via community development banks. The new crime package means more police on the street, more prisons, and tougher punishment for federal crimes.

The reinventing government effort had some distinct successes; procurement reform to streamline government buying of goods and services and to allow more products to be purchased off the shelf, and buyouts to cut the federal payroll by almost 280,000 jobs over six years. Government reorganization advanced with the creation of a separate Social Security Administration and reorganization of the Agriculture Department. Congress renewed the independent counsel to investigate allegations against high ranking government officials. The most significant piece of environmental legislation passed was the California Desert Protection Act creating the largest wilderness area outside Alaska.

DISAPPOINTMENTS

A Congress, of course, is always measured against expectations. Looking just at what the 103rd Congress achieved, quite a lot was done. But looking at it against expectations and opportunities, it does not measure up very well. One standard by which Congress clearly failed was in gaining public confidence.

As I wrote earlier, this Congress was a reform Congress and we learned once again that those who seek reform and change run into many obstacles and risk failure.

I was disappointed that congressional reform, which included modest proposals for change made by the bi-partisan committee I co-chaired, died in both houses. These reform proposals will certainly be on the agenda for the 104th Congress.

The most significant failure of the Congress was on health care reform. It died when consensus failed to develop among supporters of various plans. Welfare reform did not get out of committee. A campaign finance reform plan with voluntary spending limits and curbs on special interest money was killed by filibuster, as was a bill to ban lawmakers from accepting any gifts from lobbyists.

I was disappointed that welfare reform was not enacted, but encouraged that in 1995 it will be high on the agenda of the 104th Congress. I was also disappointed that we could not strengthen the Clean Water Act and the Safe Drinking Water Act.

It is especially difficult to move on reform when public confidence in government is waning and suspicion of its every act is rising. The public sees Congress as a do-nothing assembly of quarrelsome partisans more attuned to the special interests than to the voters. The large number of filibusters in the Senate certainly slowed the agenda.

Many members of Congress believe the news media contributed to the very tough environment within which we do our work. The media tend to be more destructive than constructive, criticizing even those who are striving to make things better. One of my colleagues said that nothing about government is done as incompetently as the reporting of it. That may be an overstatement, but it is frustrating to see the failures of Congress celebrated while the very real successes are ignored.

CONCLUSION

Overall the 103rd Congress came out of the starting gate fast but it collapsed at the finish line. Some of the critics say that this was perhaps the worst Congress in 50 years. I simply do not agree. Those critics were too focused on the final days of the Congress and have not looked at the overall record. Certainly the final record could and should, have been better, but the 103rd Congress did manage to put together a list of significant accomplishments.

INTRODUCTION OF CAPITAL GAINS TAX PROPOSAL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing legislation, the Middle Class Income Tax Relief Act of 1995, which provides a capital gains tax cut for working class Americans. This legislation provides a lifetime capital gains bank of \$200,000. Any taxpayer throughout the person's lifetime would have a capital gains bank of \$200,000. Under this legislation, a taxpayer could exclude up to 50 percent of the gain on the sale of a capital asset, up to the limit in the maximum tax rate of 19.8 percent.

The benefit of lifetime capital gains tax bank would phase out as a taxpayer's income increases above \$200,000. Under this legislation individuals who sold stocks saved for retirement or a second home, or elderly individuals, who have a large gain in the sale of their principal residence, would benefit. The proposal includes a 3-year holding period for the capital asset. Short-term stock speculators would not be able to qualify for the benefit.

In addition, the bill allows taxpayers to index the cost of real estate for inflation. An inflation-induced gain is not a capital gain and should not be subject to tax.

Lately, there has been much said about the necessity and benefits of a capital gain tax cut. A capital gains tax cut is a valid measure, but a capital gains tax needs to be economically feasible and to benefit the middle-class. A capital gains tax cut needs to be responsible. I believe the Middle Income Tax Relief Act of 1995 is an appropriate capital gains tax cut.

Mr. Speaker, I insert a summary for the RECORD.

SUMMARY OF MIDDLE INCOME TAX RELIEF ACT OF 1995

Individuals would have a lifetime capital gains "bank".

Bank limit would be \$200,000 per person.

All individuals would be entitled to the \$200,000 bank: for example each spouse of a married couple would each have a separate limit.

Any individual who sold a qualified asset could exclude up to 50% of the gain on the sale, up to the \$200,000 limit.

Qualified assets would include all capital assets under the present law, except collectibles.

Under the bill, the maximum tax rate on capital gains income would be 19.8% (i.e. 1/2 of the maximum 39.6% rate).

The full benefit would be available in any year that a taxpayer had adjusted gross income in excess of \$200,000.

In the case of a sale or exchange of real property, taxpayers would be able to index

their basis in the asset to the rate of inflation. Thus, no tax on inflation-induced gains.

Example: taxpayer buys a house for \$100,000 and sells it 9 years later for \$200,000. Inflation was 5% per year over the 9-year period. Basis for measuring gain is \$145,000 so gain is \$55,000.

A 3-year holding period would apply so that the deduction would not be available to any taxpayer who held the asset for less than 3 years.

INTRODUCTION OF THE ANAKTUVUK PASS LAND EXCHANGE AND WILDERNESS REDESIGNATION ACT OF 1994

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased today to introduce the Anaktuvuk Pass Land Exchange and Wilderness Redesignation Act of 1994. When enacted, this legislation will ratify an agreement to settle a long-standing and difficult dispute between the National Park Service and Alaska Native landowners over the use of all-terrain vehicles—or ATV's for access for subsistence purposes in Gates of the Arctic National Park and Preserve.

The residents of Anaktuvuk Pass and the National Park Service have had a long-standing dispute over the use by village residents, of certain ATV's for subsistence purposes on national park and wilderness lands adjacent to the village. In an effort to resolve this conflict, Arctic Slope Regional Corp.—the regional corporation established by the Inupiat Eskimo people of Alaska's North Slope under the provisions of the Alaska Native Claims Settlement Act [ANCSA], Nunamut Corp.—the Anaktuvuk Pass ANCSA Village Corp.—the city of Anaktuvuk Pass and the National Park Service have entered into an innovative agreement both guaranteeing dispersed ATV access on specific tracts of park land and limiting development of Native land in the area. The agreement will limit the types of ATV's allowed and will also lead to enhanced recreational opportunities by improving public access across Native lands.

The village of Anaktuvuk Pass is located on the North Slope of Alaska in the remote Brooks Mountain Range, completely within the boundary of and surrounded by the Gates of the Arctic National Park and Preserve. Village residents have long relied upon the use of ATV's for summer access to subsistence resources, primarily caribou, on certain of these nearby park, and park wilderness lands. As there are no rivers near the community for motorboat access to park lands, ATV's provide the primary means by which to reach and transport game in the summer. The only alternative to ATV use is to walk which is not feasible in these remote areas. Snowmobiles are the primary mode of transportation for subsistence activities in the winter.

With the passage of the Alaska National Interest Lands Conservation Act [ANILCA] in 1980, Congress expressly reserved the rights of rural Alaska residents to continued, reasonable access to subsistence resources on public lands, by providing in section 811(a) of that act, "rural residents engaged in subsistence

uses shall have reasonable access to subsistence resources on public lands." Section 811(b) of ANILCA provides further that "the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation." The National Park Service and the Native landowners disagree about whether ATV's are other means of surface transportation traditionally employed for subsistence purposes in Gates of the Arctic National Park and Preserve. But there is no dispute that ATV's are necessary for the summertime subsistence activities of the residents of Anaktuvuk Pass.

Following several years of discussions, the Native landowners and the National Park Service have reached an agreement which will finally resolve the ATV controversy on the public lands surrounding Anaktuvuk Pass. In April 1992, the Park Service issued a final legislative environmental impact statement embracing the proposed agreement, and in November 1992, the Secretary of the Interior endorsed the agreement in a Record of Decision. The parties executed the agreement on December 17, 1992.

The parties have since executed two technical amendments to the original agreement.

The agreement involves an exchange of land and interests in lands between the Native landowners and the Park Service. Specifically, the Federal Government will convey in fee approximately 30,642 acres of park land to Arctic Slope Regional Corp. and Nunamuit Corp. On the Federal land conveyed to the Native corporations, the National Park Service will reserve surface and subsurface access and development rights as well as broad public access easements. In addition, certain non-wilderness areas of federally owned park land will be opened to dispersed ATV use. In return, the Native landowners will convey to the Federal Government approximately 38,840 acres in fee for inclusion in both the national park and national wilderness systems. Native landowners will also convey to the Park Service additional surface and subsurface development rights on 86,307 acres as well as a series of conservation, scenic, and public access easements on other Native-owned lands within the boundaries of Gates of the Arctic National Park and Preserve. Finally, the city of Anaktuvuk Pass will convey a city lot to the National Park Service for administrative purposes.

Congressional ratification of this agreement will be required in order to remove 73,993 acres of Federal land from the National Wilderness Preservation System, as well as to designate approximately 56,825 acres of other park and presently Native-owned lands as new national wilderness. If ratified by Congress, the agreement will expressly authorize dispersed ATV use on certain lands within the park boundary. Without congressional approval, the agreement will become null and void, and none of the conveyances or creation of easements proposed by the agreement will occur.

It is intended that this agreement will resolve the longstanding dispute over subsistence use of ATV's only on public lands in and around Anaktuvuk Pass. It is important to note that neither this agreement nor the accompanying Federal legislation will diminish, or

otherwise affect in any way, anyone's rights and privileges to access public lands in Alaska for subsistence purposes. This agreement does not conform or deny that ATV access to public lands for subsistence use is a statutorily protected traditional access right under ANILCA, and consequently, this agreement does not purport to resolve this issue.

As discussed previously, this legislation would remove 73,993 acres of wilderness from the park and designate 56,825 acres of new wilderness. Consistent with agreements reached during the 103d session, 13,168 acres of wilderness will be designated along the Nigu River, adjacent to the park, hence, a no-net-loss, no-net-gain of wilderness in the area.

BALANCED BUDGET AMENDMENT AND LINE-ITEM VETO

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, I am introducing two bills today to amend the Constitution to provide some budgetary common sense—one will require a balanced Federal budget; the other will provide line-item veto power for the President.

I have long been a staunch supporter of a balanced budget amendment to the Constitution. I have cosponsored the balanced budget amendment since I came to Congress, but until recently, the amendment was blocked by its opponents.

In 1992, the balanced budget amendment fell just nine votes short of the two-thirds majority needed for passage. In the 103d Congress, I was disappointed to see that both the House and the Senate rejected the balanced budget amendment. Some Members of the Congress continue to oppose the balanced budget amendment, claiming that Congress needs fiscal discipline now instead of in the future. I agree with part of that statement wholeheartedly: Congress does need fiscal discipline now. It should be obvious to all, however, that with deficits for 30 of the last 31 years, Congress simply has not had that discipline.

I will continue to push for passage of the balanced budget amendment. A constitutional amendment is no substitute for direct action on the part of Congress. However, we have seen time and time again that Congress does not have the ability to provide that action, and we need this enforcement mechanism. While I share individuals' concerns about social security and other vital programs, I believe Congress needs this fiscal tool to ensure budget discipline. It is time to just say no—and mean it—to the tax-and-spend policies that have gotten the Federal Government into this mess to begin with.

My rationale for introducing a line-item veto resolution is similar. As long as Congress continues to send the President jam-packed, all-encompassing spending bills, the President must often choose between signing unnecessary spending into law on one hand and shutting down the Federal Government on the other. A General Accounting Office [GAO] report estimated that if the President had line-item veto authority from 1984 through 1989,

the savings would have ranged anywhere from \$7 billion to \$17 billion per year.

In the 103d Congress, the House passed an expedited rescission bill which would force an up-or-down vote on a presidential rescissions package. I voted for this bill—it's a far cry from the true line-item veto, but it is a step in the right direction. We need to encourage fiscal responsibility in the Congress.

I urge support and passage of both of these important fiscal accountability bills early in the 104th Congress. The time is right for this legislation to finally come to fruition.

LIMIT CONGRESSIONAL TERMS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STUMP. Mr. Speaker, last November, citizens across the country sent a strong message to the Congress that they will no longer tolerate business-as-usual on Capitol Hill. This resulted in a new Congress that has already begun to demonstrate that it will deliver the reforms Americans have asked for and justly deserve. I am proud to be a part of this new, reform-minded body.

One of the reforms that is foremost on the minds of Americans is congressional term limits. They are tired, and rightly so, of career politicians who are more concerned with their reelection campaigns than advancing a legislative agenda that is in the Nation's best interests.

Under the current system of unlimited 2-year terms, no sooner are lawmakers elected to office before they are gearing up for the next campaign. This is no way to promote good government, and only contributes to the malfunctioning legislative process. Moreover, it is fiscally unsound. There is compelling evidence that the longer Congressmen stay in Washington, the more likely they are to support big spending programs, regardless of the public desire for budget cuts.

In an effort to reverse this damaging trend, I am today introducing a resolution proposing that our Constitution be amended to limit Members of Congress to three 4-year terms. Under the system of limited terms I am offering, we would have a body of noncareer legislators who know that their stay in Washington is temporary. They would not be constantly dogged by reelection concerns and would be able to devote more time and attention to their legislative responsibilities and make the tough budget-cutting decisions that are desperately needed. This would go a long way toward restoring integrity and fiscal responsibility to the Congress.

Mr. Speaker, when the Constitution was drafted, the Framers did not contemplate people making a career of politics, and history shows that they anticipated a good deal of turnover in Congress. I, therefore, urge my colleagues to join me in this effort to return the House to the body of citizen legislators that our Founding Fathers envisioned.

NATIONAL AGRICULTURAL
WEATHER INFORMATION SYS-
TEMS ACT IMPROVEMENTS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, last year I introduced legislation H.R. 1016, which would amend the National Agriculture Weather Information Systems Act of 1990 to improve the collection and distribution of weather information to assist agricultural producers. Today, I am again introducing this bill, and I urge all Members to cosponsor this important legislation.

The 1990 farm bill established the National Agricultural Weather Information System under the U.S. Department of Agriculture to meet the weather and climate information needs of agricultural producers. I believe that the program is vital because it collects and organizes weather information from universities, State programs, Federal agencies and the private weather consulting sector. Moreover, it provides funding for weather research programs.

However, it provides for the establishment of only 10 State agricultural weather information systems that are responsible for disseminating information to agricultural producers in those States. That leaves a large portion of this Nation's agricultural producers without any assistance.

Mr. Speaker, my legislation fills the gaps left by present law by requiring the Secretary of Agriculture to enter into an agreement with the Secretary of Commerce to use Weather Service offices and Weather Service forecast offices to collect, organize, and distribute information aimed at meeting the short-term and long-term weather and climate information needs of agricultural producers. Each field office of the National Weather Service will be responsible for collecting and organizing information that will impact the region that it covers.

H.R. 1016 will provide agricultural producers throughout the Nation with comprehensive and timely information. Weather information is central to agricultural producers across the Nation because variations in weather conditions can cause huge losses in production. My legislation will reduce the risk of profit loss.

Once again, Mr. Speaker, I urge all Members to cosponsor this important legislation.

INTRODUCTION OF THE STATE
MARITIME ACADEMY LICENSING
RELIEF ACT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. FIELDS of Texas. Mr. Speaker, I am pleased to introduce today a bill to provide relief to the young men and women who attend our State maritime academies: Texas A&M University at Galveston, the California Maritime Academy, the Great Lakes Regional Maritime Academy, the Maine Maritime Academy, the Massachusetts Maritime Academy, and the New York Maritime Academy.

These academies educate and train licensed officers for service during war and

peace in the maritime industry, the Navy, the Coast Guard, and the National Oceanic and Atmospheric Administration. Unlike students enrolled at the national service academies, cadets at our six State maritime academies pay their own tuition and fees for their education, including training cruises and naval science courses. In addition, their academic year lasts 11 months, which deprives them of the opportunity for summer employment. In order to get a maritime job, graduates have to take and pass examinations for a license as an engine or deck officer.

Regrettably, in 1990, the Omnibus Budget Reconciliation Act—Public Law 101-508—removed longstanding prohibitions against the collection of fees or charges for these examinations and licenses. While I oppose any fee or charge for the issuance of a maritime license, I am particularly distressed that there are no exemptions from these fees, and that they even apply to cadets graduating from our State maritime academies. In response to that act, the Coast Guard has imposed a number of new fees requiring these fine young men and women to pay up to \$500 to obtain their licenses and merchant mariner documents.

Mr. Speaker, State maritime academy cadets, who normally take a licensing examination within 3 months of graduation, do not have the financial resources to pay these fees. They have just completed 4 years of college, have spent thousands of dollars on college expenses, and have yet to earn a penny in their chosen profession. The fees place a heavy burden on cadets at a time when they can least afford it. These fees are a disincentive to those contemplating a career in the U.S. maritime industry and they are patently unfair, in that other transportation professionals, like airline pilots and railroad engineers, are not required to pay licensing or examination fees.

These fees will do little to reduce our Federal deficit; they will cause tremendous pain for our State maritime academy graduates; and they will further strain the U.S. merchant marine industry, which is struggling for its survival.

Superintendents at the State academies strongly recommend that the user fees for licenses be repealed for all cadets taking an entry level examination. These superintendents have previously testified during congressional hearings that "it is unconscionable to mandate to young men and women who pay for an education which clearly supports our national security to take and pass a licensing exam, and then charge them a fee to take it. In essence, the user fee is a graduation tax which is exorbitant in relation to an entry level cadet's income history."

While my preference would be to either repeal these onerous fees or waive them for first-time recipients, unfortunately, the Congressional Budget Office has indicated that either approach would create a pay-as-you-go [PAYGO] budget problem. Since I am not interested in increasing anyone's tax burden, I have decided to solve this problem in a different way.

Under my bill, our six State maritime academies would each receive a portion of a \$300,000 authorization to pay any Coast Guard user fees associated with the cost of a cadet obtaining an original license and merchant mariner document. Furthermore, this reimbursement system would only be activated when Congress appropriates the additional

money required to satisfy this purpose. Until that occurs, State maritime cadets will have to pay their own fees. In this way, Congress can ease the financial burden on these maritime cadets without forcing their academies to reduce funding for vital training or educational programs.

Mr. Speaker, I urge my colleagues to join me in support of the State Maritime Academy Licensing Relief Act.

JOB TRAINING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 4, 1995 into the CONGRESSIONAL RECORD.

JOB TRAINING

An important challenge for the nation is to equip American workers with the skills and training necessary to find jobs in today's labor force. In talking with employers in Indiana, I am constantly impressed with the mismatch between the skills Hoosiers have and the skills managers require. Many workers have skills, but not the right skills that high technology companies require to compete globally. The problem is how you move a work force suited to one type of economy into a world that demands different skills.

PRIVATE SECTOR TRAINING

The private sector has taken the lead on training and retraining the work force. Such efforts vary from firm to firm, but tend to predominate in larger companies. Corporate restructuring has reassigned responsibility from upper management to workers and supervisors, increasing the need for management and team-based skills at these levels. Companies have recognized that survival in the global marketplace requires a flexible work force with diverse skills and adaptability to new work routines and environments. On average, employers spend about 2% of their payroll on training.

The skills that are needed in the workplace are fairly well agreed upon. Workers need the ability to develop work schedules, budget money and assign staff. They require interpersonal skills. They need to know how to use computers to gather and process information. They must understand how their own work fits into the work around them so that they can solve problems. They also need to deal with new technologies in an everchanging workplace.

None of these skills replaces the needed proficiency in the basics: reading, writing and arithmetic. Without those basic skills, the other skills would be of little value. The important thing is that the education system produce learners, not knowers. Workers need to demonstrate a mastery of skills more than the accumulation of a body of knowledge.

FEDERAL PROGRAMS

The federal government runs a number of training programs to help complement private sector efforts, but many of those programs have had a mixed record of success. The federal government spent about \$25 billion last year on more than 150 employment and training programs administered by 14 agencies. Many of these programs are small and receive limited funding, and most are managed in cooperation with state governments. In Indiana, for example, the Indiana

Department of Workplace Development runs many retraining programs through local private industry councils.

Federal education and training programs concentrate on two types of persons. Disadvantaged workers lack the basic skills to function in the labor force or to acquire education and training. Programs for these persons concentrate on providing skills and education that will enable them to participate in the work force and become self-sufficient. Some programs provide remedial training; others, adult literacy and vocational training.

Dislocated workers have the skills to participate in the work force, but have become temporarily unemployed. These workers may require retraining to find new jobs. Workers who become dislocated through federal policies, such as trade agreements, environmental regulation or defense downsizing are eligible for federally funded job training.

REFORMS

Congress has already taken some steps to improve the current system. It has funded local "one stop" career centers where workers can obtain information on training programs and employment opportunities. It has also created School-to-Work transition programs that will assist young persons in making the transition from school to full-time employment.

However, more dramatic reforms are likely to be considered this year. We need to consolidate our present array of federal job training programs in a manner that enhances worker participation and productivity. These programs should be structured to make information and resources more available to the intended recipients. One approach would be to consolidate existing programs into a single federal program and give state governments more flexibility in administering retraining efforts. A second approach involves providing "skill scholarships", student loans, and tax credits to those who are in need of training and education. Financial resources would be placed directly in the hands of those who seek to improve their skills.

CONCLUSION

Most studies show that the benefits of federal retraining efforts are modest, especially in the programs for severely disadvantaged workers. It has become very clear that you cannot make up for the deficits of a lifetime in a few months of training. We may get better results from programs with one or two years of intense training.

I am inclined to think that the main focus of our efforts should be on mainstream young people who are not going on to four year college. The approach would direct such youth into community colleges and technical programs to upgrade their basic skills and to learn other skills needed in growing areas. Our country does a lot for people who go to college. We do considerably less for people who do not. They are the forgotten half. They are also largely the people who build homes, fix appliances, repair roads, answer telephones and work in factories.

Of course, the great flaw in the training programs is simple: many trainees cannot find jobs. One approach to alleviate this program may be for government to provide training funds to employers who have jobs but cannot find suitable workers. This approach sidesteps expensive and fruitless job searches. Employers, under this approach, would guarantee jobs to those who complete training successfully.

The nation's challenge is to create a system of worker training that will train a highly skilled and educated work force, boost our nation's productivity, and meet the economic challenges from abroad. Our

society must adopt a philosophy of life-long learning and training for workers. Without well-trained workers, this country will become a second-rate economy.

INTRODUCTION OF THE EQUAL REMEDIES ACT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation to correct a serious inequity in civil rights legislation, created by the passage of the Civil Rights Act of 1991. While that bill represented significant progress in the ongoing battle to overcome discrimination, it also created a two-tiered system of justice.

Under the current law, victims of intentional racial discrimination are entitled to unlimited damages. However, victims of discrimination based on disability, sex or religion can receive damages only up to a statutory maximum. Just as I strongly support the right to seek unlimited damages for racial discrimination, I also support this redress for victims of other types of discrimination as well.

That is why I am introducing the Equal Remedies Act of 1995. This bill would eliminate caps on damages set by the Civil Rights Act of 1991 and send the strong message that discrimination of any kind cannot be tolerated by our society. It is time to make all victims of discrimination equal under the law—second-class remedies have no place in anti-discrimination law.

I urge all my colleagues to support this important legislation.

CAPITAL GAINS—CREATING JOBS AND TREASURY REVENUE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CRANE. Mr. Speaker, when I first ran for Congress in a 1969 special election, the overriding theme of my candidacy at that time and the theme of my candidacy ever since, centered on fiscal responsibility—less spending and lower taxes. Although I was not initially able to serve on a committee directly dealing with tax or budget issues, in the 94th Congress, 1975–1976, I was honored with an appointment to the Committee on Ways and Means, the committee with jurisdiction over all tax matters that came before Congress. I have served on that committee ever since.

In the years prior to my service in Congress, it had become clear to me that lower taxes stimulate economic growth, and this was certainly the case with regard to the taxation of capital gains. From the day I began serving in Congress I have pushed to reduce the rate of tax on capital. In the time I have served on the committee, we have reduced the capital gains rate twice, only to see the rate hiked back up through the enactment of the Tax Reform Act of 1986. In 1989, we came close to again bringing the rate back down, actually passing a reduction in the House, only to see the legislation die in the Senate. Now, with a new

Republican majority in Congress and the Republican Contract With America, we have another opportunity to reduce the capital gains rate.

Over the years I have sponsored, cosponsored, and supported many different capital gains proposals. Indeed, I am an original cosponsor of the contract's capital gains proposal offered by my long-time colleague and good friend, the new chairman of the Ways and Means Committee, BILL ARCHER. In addition, to cosponsoring Chairman ARCHER's legislation, however, I wanted to again introduce my own legislation to this Congress, not only to highlight my long-standing commitment to this issue, but to raise the matter of the appropriate rate of taxation for capital gains.

In the next months, the Ways and Means Committee will be holding a series of hearings that will include debate and discussion of a capital gains rate reduction. We will discuss indexation of capital gains—something I believe is absolutely critical—the period of time which capital must be held to qualify, and we will discuss the rate at which capital gains ought to be taxed.

Frankly, I would love to see capital gains taxes eliminated altogether. Moreover, I believe any reduction in the rate will be beneficial to all Americans. However, if your intention is to greatly stimulate capital investment while at the same time maximize revenues to the Treasury, experts suggest that the capital gains rate should be set somewhat between 12–15 percent. The legislation I am introducing today would provide for a maximum capital gains rate of 15 percent for all brackets except for those in the lowest bracket, where the rate would be 7.5 percent.

I would be remiss in closing this statement without making some additional comments with regard to the benefits of reducing the capital gains rate. First, all Americans will benefit from a reduction in capital gains tax, not just the rich. It is flat out wrong to state that only rich people will benefit from such a tax cut. Indeed, the last time we seriously debated the issue in 1989, Treasury Department statistics showed that almost 75 percent of those families/individuals filing tax returns which reported capital gains had incomes of less than \$50,000, hardly the rich.

Moreover, when the capital gains rate is reduced, not only does money flow more freely between capital investments but more money is invested in capital. Both of these consequences are highly beneficial, and the net result of more investment is more jobs. The small businessman who is taking a risk starting a new business will find it easier to attract investors to share that risk because the penalty for success has been reduced. Moreover, because a larger pool of money will become available for capital investment due to a reduced capital gains tax rate, the cost of that capital to businesses will go down.

Another point that must be mentioned concerns how the change in the capital gains rate affects revenues to the Treasury—not a small issue in our dire budgetary circumstances. Critics of capital gains rate reductions have always tried to suggest that a reduction in the capital gains rate will mean a reduction in revenue to the Treasury. Nothing could be further from the truth. In reality, the past two times we have reduced the capital gains rate, revenues to the Treasury attributed to capital gains have actually increased. This happens because of

the consequences I just mentioned. When the rate is lower, more money flows to capital and between capital assets. Thus, you have more capital gain transactions and it is the transaction which triggers the tax. Moreover, the economic growth generated by more available and cheaper capital creates jobs, which means more taxpayers.

The vast majority of major industrialized countries in this world already know these benefits and their capital gains rates are significantly lower than the current rate in the United States. It is time that the United States got smart and caught up with the rest of the world. I look forward to a productive debate on the capital gains issue in the Ways and Means Committee and hope that our committee's capital gains initiative, in whatever final form it takes, passes both the House and the Senate and is signed into law by the President.

ROCKLAND COUNTY MEDIAN INCOME BILL, H.R. 21

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. GILMAN. Mr. Speaker, I rise to introduce H.R. 21, legislation to correct the median income calculation for Rockland County, NY.

Currently, Rockland County's median income is calculated by the Department of Housing and Urban Development [HUD] as part of the primary metropolitan statistical area [PMSA], which includes all of the income data for New York City. For this reason, HUD lists Rockland County's median income for a family of four as \$40,500. The 1990 census shows that the county's true median income to be \$60,479, a difference of approximately \$20,000.

Since HUD's income levels are used in calculating eligibility for almost all State and Federal housing programs, these inaccurate statistics severely limit the access of Rockland County residents to many beneficial programs. Income caps for the State of New York mortgage agency, Fanny Mae/Freddie Mac, HUD's section 8, and a myriad of other beneficial programs are artificially low, thus most of Rockland's residents, financial institutions, sellers, and home builders are at a severe disadvantage compared to their counterparts in neighboring counties, whose statistics accurately reflect their population.

During the 103d Congress I was successful in gaining the inclusion of this important bill's language in H.R. 3838, the Housing and Community Development Act. Unfortunately, though this legislation was approved by the House of Representatives the Senate chose not to act.

Accordingly, I urge my colleagues to support this median income bill as well as the 104th Congress' attempt to enact a major housing bill.

At this point in the RECORD, I request that the full text of my bill be inserted in the RECORD:

H.R. 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETERMINATION OF INCOME LIMITS.

That section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) in the 4th sentence—

(A) by striking "County" and inserting "and Rockland Counties"; and

(B) by inserting "each" before "such county"; and

(2) in the last sentence—

(A) by striking "County" the 1st place it appears and inserting "or Rockland Counties"; and

(B) by striking "County" the 2d place it appears and inserting "and Rockland Counties".

SEC. 2. REGULATIONS AND EFFECTIVE DATE.

The Secretary of Housing and Urban Development shall issue regulations implementing the amendments made by section 1 not later than the expiration of the 90-day period beginning on the date of the enactment of this Act. The regulations may not take effect until after September 30, 1994.

HEALTH INSURANCE EQUITY ACT OF 1995

HON. BLANCHE LAMBERT LINCOLN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. LINCOLN. Mr. Speaker, I rise today to re-introduce a bill that will make health insurance premiums more affordable for farmers and self-employed individuals. The Health Insurance Equity Act of 1995 simply changes the tax code to permanently provide the self-employed with a 100-percent tax deduction for costs incurred while purchasing health insurance. This legislation will also be retroactive to the previous tax year beginning January 1, 1994, when the 25-percent deduction expired. Let me be clear, this legislation gives the self-employed the 100-percent deduction now, and extends it to last year.

It is time to face the facts about purchasing health coverage today. Many of the 37 million uninsured are small business owners. Health care costs averaged \$3,160 per person in 1992, with current increases projected to run in double digits through the end of the century. Prescription drug costs in many cases have risen more than 60 percent since 1985. My constituents are asking for relief.

This bill achieves our goals of health care cost reduction and better access for the uninsured while reducing costs for those currently insured through lowering fees passed onto consumers from hospitals for care of the uninsured. Adoption of this proposal may even encourage employers to purchase better health care plans for their employees.

Our actions must show our constituents that we understand the problems they are facing. This legislation achieves 100-percent deductibility immediately without any phase-in. Tax relief and tax fairness are what this legislation is all about, and tax relief and tax fairness are what the Health Insurance Equity Act of 1995 is promoting. While this legislation is not the final solution to our health care ills, it is a necessary first step in providing assistance to the small businessmen and farmers who are the economic backbone of my district, my State, and our economy.

DOD ASSISTANCE IN BORDER PROTECTION FUNCTION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, I rise today to reintroduce legislation that would authorize the Secretary of Defense to assign up to 10,000 full-time Department of Defense [DOD] personnel to assist the Immigration and Naturalization Service [INS] and the U.S. Customs Service in performing their border protection functions. This legislation is identical to H.R. 1017, which I introduced in the 103d Congress. I am urging my colleagues to become co-sponsors of this legislation.

The Border Patrol has the strength of only 3,800, yet its mission is to guard the two longest borders of one of the largest countries of the world. Reports indicate that, at any given time, only 800 patrolmen are available to protect our 2,000-mile southern border.

The people of this country have shown that they are becoming increasingly impatient with Congress's inaction toward illegal immigration. In California alone, voters in November approved a State referendum that would discontinue nearly all State social benefits for illegal immigrants. While there is heated debate on both sides of this issue concerning its constitutional and moral grounds, the problem would not even exist if a stronger Border Patrol existed to monitor illegal crossings. Yet Congress has failed to provide funding necessary to enlarge the Border Patrol. Until Congress can find the money, this military option is the best short-term way to address this shortage of Border Patrol personnel. Until our borders are fully protected, illegal immigrants, drug traffickers, and possible terrorists will have an open invitation to cross into the United States undetected.

DOD personnel are already involved in some border protection work. Yet, in terms of numbers, their involvement is virtually insignificant. My new bill would permit the Secretary of Defense to beef up the border with DOD personnel so that our borders are fully protected.

We have hundreds of thousands of U.S. troops deployed throughout the world protecting European, Asian, and Latin American nations. At the same time, we have approximately three million illegal aliens crossing our border annually, carrying drugs into our Nation and taking jobs away from Americans that need them. If the DOD can bestow hundreds of thousands of U.S. troops on foreign nations for their defense, it should be able to spare about 10,000 military personnel to protect our Nation.

Once again, I urge all Members to become cosponsors of this important legislation.

VOLUNTARY SCHOOL PRAYER

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, I rise today to introduce a constitutional amendment to allow

for voluntary school prayer. The Founding Fathers intended religion to provide a moral anchor for our democracy. Wouldn't they be puzzled to return to modern-day America and find, among elite circles in academia and the media, a scorn for the public expression of religious values. I find it ironic that while taxpayer's dollars are being used by bureaucrats to distribute condoms in our public schools across America, our children are prohibited from reading the Bible or offering voluntary prayer in public schools. This sends a powerful message to our children—and it is the wrong message.

One of the many liberties our forefathers founded this great Nation upon was freedom of religion; a freedom to pray to the God we want, when we want, and where we want. Unfortunately, this freedom has been eroded by the Supreme Court over the last few decades. I firmly believe that no one should be forced to pray, especially if a certain prayer is contrary to an individual's beliefs. But, there can be no question that every American citizen has the right to pray voluntarily whenever and wherever he or she chooses, and that includes children in public schools. This is protected under the first amendment; "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It is that second part that I ask you to pay special attention to today.

As President Reagan so eloquently stated in 1982, "the First Amendment of the Constitution was not written to protect the people of this country from religious values; it was written to protect religious values from government tyranny."

SOURCE TAX LEGISLATION

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STUMP. Mr. Speaker, today I reintroduce legislation to prohibit State governments from taxing the pension income of people who reside in other States.

The so-called source tax has become a major cause of anger and concern among retirees in Arizona and other States. Many of these retirees are being forced to pay income tax to States in which they no longer live, nor have lived for many years.

In my opinion, the authority of California and other source tax States to tax Arizona residents merely because those residents may at one time have lived in those States and were covered by a pension plan, is dubious at best. The legislation I am introducing today would make clear that one State cannot tax the pensions of people who live in another. It is my belief and the belief of my constituents, that if source tax States need to raise revenue, they should do so from their own residents—not from people who cannot respond at the ballot box.

REFORMING THE HOUSE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 28, 1994 into the CONGRESSIONAL RECORD.

REFORMING THE HOUSE

In early January, the House of Representatives will consider and likely pass the most significant reforms of its internal operations in decades. These changes were proposed by the new leadership, but many are drawn from the reform plan of last session's Joint Committee on the Organization of Congress.

More generally, the reforms continue a tradition of institutional renewal, dating from the mid-1970s, which aims to open up congressional deliberations, increase the authority of party leaders, and make the House leadership more accountable to rank-and-file Members of Congress and the public. My sense is that most of the new reforms are constructive, and will lead to meaningful improvements in the way business is conducted in the House.

JOINT COMMITTEE REFORMS

Many of the reforms in this package were derived from the work of the Joint Committee on the Organization of Congress, a bicameral and bipartisan panel which I co-chaired. The Joint Committee made its recommendations for reform in November 1993, and last year the House did pass one of its major recommendations—requiring Congress to live under the same laws it applies to the private sector.

Unfortunately, the remainder of the Joint Committee's reform plan was not considered by the full House during the 103rd Congress. But the new House leadership has adopted or built on many of the key reform recommendations: First, again require the application of private sector laws to Congress. It is critical that Members of Congress follow the laws they pass for private citizens. Second, streamline the bloated congressional committee system, by reducing the total number of committees and restricting the number of committee assignments Members can have. The leadership also adopted a Joint Committee proposal to significantly reduce the number of subcommittees. Third, cut congressional staff. The leadership has proposed a one-third reduction in committee staff. It recommended no reduction in Members' personal staff or in large congressional support agencies such as the General Accounting Office. The Joint Committee recommended a reduction in the entire legislative branch of up to 12%. Fourth, open up Congress to enhanced public scrutiny by publishing committee attendance and roll call votes, requiring that the Congressional Record be a verbatim account of congressional proceedings, and requiring that special interest projects included in spending bills be publicized, thus providing additional barriers to wasteful spending.

ADDITIONAL REFORMS

The new leadership has also proposed changes that were not included in the Joint Committee package, some of which are constructive, others of which are problematic. For example, to streamline the House it has proposed that three standing committees be abolished. The Joint Committee adopted a more flexible, "attrition" approach to committee abolition, providing incentives for Members to leave less important committees through strict assignment limitations and a

requirement that committees losing one half of their members be considered for abolition. The basic approach of the leadership proposal should modestly improve the committee system, but it does not address the fundamental problem of several committees having huge jurisdictions.

Drawing on the proposals of an earlier reform commission, the leadership would create a new chief administrative officer for the House who would be responsible for managing its non-legislative functions. I support this attempt to reduce patronage. But the leadership has made the chief administrative officer a partisan position, appointed and supervised by the Speaker. Instead, the administrative functions of Congress should be handled in a bipartisan fashion, with the chief administrative officer reporting to leaders from both parties.

Another proposal would require a three-fifths "supermajority" in the House to increase income tax rates. However, almost all substantive issues in the House are now settled by majority rule, and it is unclear why a three-fifths vote is appropriate for revenue matters but not for other legislation. If such supermajorities proliferate in the House, the result would be more legislative gridlock in Washington. In addition, the constitutionality of this proposal is in question.

REFORM OMISSIONS

From my viewpoint, a number of important reform recommendations in the Joint Committee plan are not included in the proposals made by the new leadership. I intend to work for the passage of these reforms during the 104th Congress. Among the omitted recommendations are proposals to: First, include private citizens in the ethics process in a meaningful way. The Joint Committee proposed that private citizens investigate ethics complaints against Members of the House, but major ethics reforms are not included in the package under consideration.

Second, publicize the special interest tax breaks included in revenue bills and the budget resolution. My sense is that special interest loopholes should be treated the same as special interest spending projects. Such items should not be hidden from the public in huge bills. Third, streamline the budget process by shifting it from an annual to a biennial cycle, reducing redundant decisions and allowing more time for oversight.

CONCLUSION

The new House leadership has made a good start toward the passage of meaningful congressional reform. Their efforts have been assisted by the work of prior reform commissions, as well as the public demand for change and the transition to a new leadership with less invested in the institutional status quo. I intend to introduce and push for additional reforms aimed at making the House more efficient and publicly accountable. Reform is an on-going process. And reform is no panacea—many difficult issues are on the agenda. But sustained and meaningful institutional change is crucial for the restoration of public confidence in Congress.

INTRODUCTION OF POLICE AND FIREFIGHTERS TAX CLARIFICATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation that is of vital interest to police and firefighters in Connecticut.

This legislation would simply clear up a situation where erroneous State law has caused benefits that were intended to be treated as workmen's compensation to be brought into income on audit. In several States, including Connecticut, the State law providing these benefits for police and firefighters included an irrebuttable presumption that heart and hypertension conditions were the result of hazardous work conditions.

In Connecticut the State law has been corrected so that while there is a presumption that such conditions are the result of hazardous work, the State or municipality involved could require medical proof. This change satisfies the IRS definition of workmen's compensation. Therefore, all this legislation would do is exempt from income those payments received by these individuals as a result of faulty State law but only for the past 3 years—1989, 1990 and 1991. From January 1, 1992 forward those already receiving these benefits would have to meet the standard IRS test.

The importance of this legislation is that these individuals believed that they followed State law. The cities and towns involved believed that they followed State law and therefore all parties involved believed that these benefits were not subject to tax. However, the IRS currently has an audit project ongoing in Connecticut and has deemed these benefits taxable. All this legislation says is that all parties involved made a good faith effort to comply with what they thought the law was. The State was in error. That error has been rectified but those individuals on disability should not be required to pay 3 years back taxes plus interest and penalties.

This legislation has passed the House previously. It was included in H.R. 11, the Revenue Act of 1992 which was subsequently vetoed by President Bush. I hope that the 104th Congress can act expeditiously on this important legislation.

BASE AND CANAL RIGHTS IN PANAMA POST 2000

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CRANE. Mr. Speaker, 80 years ago, the United States completed construction of one of the engineering marvels of its or any age, a multilock, 51-mile-long interoceanic ship canal across the Isthmus of Panama. Since then, this manmade waterway has served the maritime nations of the world almost without interruption, enabling them to ship their goods from the Atlantic to the Pacific and vice versa much faster and cheaper than would have otherwise been possible. Even with the advent of the supertanker and large container ships, the Panama Canal remains a vital link in world commerce through which 15 percent of America's trade, and 5 percent of the world's, passes. In fact, a number of ships today—Panamax vessels they are called—are being built to specifications that will enable them to just clear the canal when fully loaded.

Credit for this outstanding operating record should go not only to those who have run the canal all these years but also to those who have provided security for it. For the 63 years prior to the signing of the Panama Canal Trea-

ty of 1977 and during the 17 years since, the Armed Forces of the United States have stood watch over the canal from a series of military bases located in a 10-mile-wide strip of territory adjacent to the canal. From those bases, they have been in a position to deal effectively not only with immediate threats to the canal itself, but also with other problems that could have eroded hemispheric peace and security if left untended. An excellent example of the two combined came just a few weeks ago when Cuban refugees sent to Panama pending a determination of their status went on a rampage that had to be quelled by United States military personnel.

The collapse of communism and the rise of the supertanker notwithstanding, there is good reason to believe that a smoothly operating, properly protected canal will be even more significant to the United States, Panama, Latin America and the rest of the world in the future. Several good reasons in fact. The conclusion of the NAFTA and the GATT agreements, not to mention the recent decision by the Summit of the Americas Conference in Miami to strive for an inter-American free trade zone by the year 2005, signal clearly a reduction in tariff and nontariff barriers throughout the region and the world. As they fall, the shipment of goods will inevitably rise as will the utility of the only vessel shortcut from the Atlantic to the Pacific and back. That being the case, the strategic significance of the Panama Canal, as one of the world's great maritime chokepoints, will continue to grow, a fact that will not be lost on terrorist groups or renegade nations determined to achieve their objectives by whatever means necessary. With the weapons they have, or can acquire, either might exert, or try to exert, leverage if there is even the slightest perception that the Canal is open to mischief as well as commerce.

So long as United States military personnel can be stationed in Panama and respond to any attacks on, or threats against, the canal, no such perception should exist. But, under the terms of the Panama Canal Treaty of 1977, which is still in effect, the United States is scheduled to remove all its military personnel from Panama and turn over their bases to Panama by December 31, 1999. After that date, Panama will have the sole responsibility for not only operating but also defending the canal, a big task for a small nation. Unless, of course, an agreement is reached between the United States and Panama that will first, allow the United States to lease its military bases in Panama past the turn of the century, second, permit United States military forces to operate out of those bases, and third, enable the United States to guarantee the regular operation of the canal.

The successful negotiation of such an agreement would be of particular benefit to Panama, as well as being of considerable assistance to the United States and the rest of the hemisphere. At present, some 6,000 jobs and \$200–600 million in additional income for Panama are tied directly to the United States military establishment in what was formerly known as the Canal Zone. Remove that establishment and most of that money and those jobs will disappear, as will the prospect of lease payments that would otherwise result from the continued American use of its bases in the zone. Also lost would be an opportunity for Panama to forgo the cost of a military establishment, something it could safely do if the

agreement provided that the United States would view an attack upon Panama in the same light as an attack upon itself. Compromised as well would be the possibility of a broader business understanding, under which the United States might lease the canal as well as its current military bases in exchange for such considerations as additional lease and/or dividend payments, trade concessions and/or an acceleration of prior U.S. treaty commitments. In short, Panama has even more to gain, relatively speaking, from a base rights/canal defense arrangement than does either the United States or its hemispheric neighbors, which may explain why public opinion polls taken there the past 2 years have consistently shown that at least two-thirds of those polled favor such an arrangement.

Significantly, strong support for a 21st century base rights/canal defense agreement also exists in the United States. In fact, a nationwide poll taken last March demonstrated a level of support nearly as high in this country as has been evidenced in Panama. That being the case, one would think that serious negotiations to reach such an agreement would have gotten underway by now, especially since the time by which it should take effect is fast approaching. But, instead of moving forward to start these negotiations, governments in both the United States and Panama have been more inclined to hold back, preferring the other to take the lead. Understandable as that may be from the standpoint of national pride, the problem is time is of the essence if an agreement is to be reached before the impending United States withdrawal of its remaining military forces from Panama is, for all practical purposes, irreversible. Under terms of the 1977 Panama Canal Treaty, the United States departure from Panama must be complete by December 31, 1999 which means that, absent an understanding well before then, we must proceed with the systematic removal of our military forces and equipment before that time. Put simply, any further delay in opening negotiations, however well intended, not only dims their prospects but also the prospects for the continued safe and dependable operation of the canal itself.

Under those circumstances, it seems to me that Congress is in a particularly good position—a unique position in fact—to address their problem and help get these important negotiations started. If it were to pass a resolution advising the President to enter into such negotiations, then the question of whether the President or the Government of Panama should be the first to call for talks would be moot. Neither would be in the position of having initiated the request for negotiations, meaning that the latter should then be able to proceed with dispatch. Inaction by Congress, on the other hand, promises no such advantages. At best, it is likely to mean opportunity delayed or diminished. At worst, it could result in opportunity denied.

Not wishing to share responsibility for either outcome, I am introducing today a sense-of-Congress resolution calling upon the President to enter into negotiations for a base rights/canal defense agreement with Panama. Specifically, the resolution calls for an agreement that would allow our military forces to be stationed in Panama after the turn of the century and would give those forces the right to act independently in order to guarantee the security and assure the regular operation of the

Panama Canal. In almost every respect, this resolution is identical to House Concurrent Resolution 17, which I introduced in the 103d Congress and which was cosponsored by no less than 85 of my colleagues. The only significant differences is that the passage of time has made its enactment all the more imperative. That being the case, I urge my colleagues join me as soon as possible as cosponsors of this resolution. Without being too specific, it provides the direction necessary to bring about a canal security arrangement that is not only needed but in the best interests of all concerned.

TRIBUTE TO JANET PARKER BECK

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Janet Parker Beck—an award-winning journalist for the San Mateo Times, book author, devoted mother, and caring wife—who passed away last month after an 11-week battle with cancer. Having been a friend and admirer of Ms. Beck for many years, I know that her untimely death at the young age of 41 is a tremendous loss for her family, the San Mateo County community, and our country.

Ms. Beck was born and raised in San Mateo and began her journalism career at Crestmoor High School in San Bruno. After graduating from college—having served as editor for student publications at Skyline Community College and San Jose State University—she was hired by the Times. During her career at the newspaper, Ms. Beck covered medical issues and legal affairs, including a dozen death-penalty cases and more than 40 murder trials. Her writing was widely respected by both the subjects of her stories and her readers for its intellectual contents, integrity, compassion, and ability to convey complex situations in a simple manner. She also used her writing talents to author the book, “Too good to Be True: The Story of Denise Redlick’s Murder,” which sold 70,000 copies.

Ms. Beck earned over 50 awards for her journalistic achievements. Among the many accolades she received, Ms. Beck was named the California Press Women’s Communicator of Achievement for 1994 and the National Federation of Press Women’s first-runner-up for Communicator of Achievement for 1994. She also received the National Federation of Press Women’s first place news writing award in 1986, 1987, and 1988. It was with a great source of pride that her award-filled career was capped off by being chosen to take her well earned place in the San Mateo County Women’s Hall of Fame.

In addition to her considerable professional accomplishments, Ms. Beck took tremendous pleasure from her family, especially her husband of 16 years, Jim, and their five-year-old daughter, Mandy. Her desk was a well-known gallery for her daughter Mandy’s artwork and photographs, while Jim was her constant companion since they met at a YMCA dance in 1970.

Mr. Speaker, Janet Parker Beck was one of the most remarkable individuals I have ever had the privilege to know and work with. Her

passing is a great loss for her family and our community. I ask my colleagues to join me at this time in paying tribute to her and the life of purpose she led, and extend our deepest of sympathies to Jim and Mandy, to her colleagues and to her community. She made us a better people with her all-too-brief 41 years of life.

INTRODUCTION OF THE MERCHANT MARINERS FAIRNESS ACT OF 1995

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. FIELDS of Texas. Mr. Speaker, it is an honor for me to reintroduce, along with our distinguished colleague LANE EVANS, on this first day of the new 104th Congress, the Merchant Mariners Fairness Act.

During the last Congress, this bill received extensive consideration but, regrettably, it was not enacted into law. In fact, it was cosponsored by 241 Members and it was adopted by the House of Representatives on three separate occasions.

The bill I am reintroducing today is the product of that careful consideration. It has been endorsed by many diverse groups, including the largest American Legion post in the United States, the Disabled American Veterans, and the AFL-CIO. It deserves the support of every Member of the House of Representatives.

Mr. Speaker, by way of background, my colleagues should know that during World War II, some 17.9 million men and women were inducted into our Armed Forces. Of that figure, 6.3 million volunteered and the remaining 11.6 million were drafted. Of this total, some 6.4 million or 35.8 percent were rejected for active duty because of various physical or mental disabilities.

Furthermore, it is interesting to note that of the nearly 12 million Americans who served in active duty status, 73 percent served overseas and, of these, 38.8 percent had rear echelon assignments. I have presented these figures only to illustrate that millions of uniformed men and women never served outside of the United States. In no way does this denigrate or negate their vital service to this country. It simply means that these individuals were needed here in the United States to train those who did go overseas.

Furthermore, some 270,000 men volunteered for service in the U.S. merchant marine. Many of these men joined the merchant marine because they had physical impairments, such as poor eyesight, or because they were too young to serve in the Army, Navy, or Marine Corps. Many of them could have avoided service but instead they chose to serve their country by enlisting in the U.S. merchant marine.

Of the 270,000 that volunteered, 37 died as prisoners of war, 6,507 were killed in action and 4,780 are missing and presumed dead. In addition, some 733 U.S. merchant ships were destroyed. In fact, the casualty rate for the merchant marine was only one-tenth of 1 percent lower than the Marine Corps, which had the highest casualty rate of any branch of service during the war.

In order to man our growing merchant fleet during World War II, the U.S. Maritime Com-

mission established various training camps around the country under the direct supervision of the Coast Guard. After completing basic training, which included both small arms and cannon proficiency, a seaman became an active member of the U.S. merchant marine.

These seamen helped deliver troops and war material to every Allied invasion site from Guadalcanal to Omaha Beach. They also transported troops back home to the United States and, when that task was completed, they carried food and medicine to millions of the world’s starving people.

Mr. Speaker, it has been 49 years since the end of World War II. Nevertheless, there are still some Americans who served in that war who have not received the honors, benefits, or rights they deserve. H.R. 44 will correct that injustice by providing veterans status to some 2,500 merchant mariners who have become the forgotten patriots of World War II.

Unlike their brothers in uniform, America’s merchant seamen came home to no ticker-tape parades or celebrations. Little, if anything, was said about the contributions they made to defeating the Axis powers or to preserving the freedoms that all Europeans and all Americans cherish. Worse, these merchant seamen came home to none of the veterans benefits enjoyed by other Americans who served their country during the World War II period.

In 1987, after years of litigation and delay, U.S. District Judge Louis S. Oberdorfer ruled that previous decisions by the Air Force rejecting veterans status for World War II merchant seamen were “arbitrary and capricious and not supported * * * by substantial evidence.”

Despite the results of this landmark court case, then Air Force Secretary Edward Aldridge unilaterally decided that World War II ended on August 15, 1945, for those who served in the U.S. merchant marine.

Mr. Speaker, clearly, that was a most unfair and unsupportable decision. By establishing this date, the Secretary made a determination that has no basis in law. The August 15, 1945, date does not appear anywhere in the Federal court decision mandating veterans status and, according to the Air Force, there is no documentation, no precedent, and no justification for choosing V-J Day.

Let me briefly describe why the August 15, 1945, date is wrong and why these 2,500 Americans have earned the right to be given veterans status.

First, the Federal War Shipping Administration [WSA] was in control of all ship movements far beyond the date of August 15, 1945. In fact, the WSA did not go out of existence until August 31, 1946. Until that time, merchant mariners traveled under sealed orders on ships which were under the direct military control of the U.S. Navy.

During the hearings on this legislation, we learned that at least 13 U.S. merchant vessels were damaged or sunk after August 15, 1945—a greater number than were lost at Pearl Harbor. One of them was the S/S *Jesse Billingsley*, which was hit by a mine off the coast of Trieste, Yugoslavia, on November 19, 1945. One U.S. merchant mariner lost his life in that explosion.

In addition, we must remember that for the U.S. merchant marine, the war did not end on

August 15, 1945. Defense shipping actually increased after that date to 1,200 sailings in December 1945, as compared to the World War II monthly peak of 800.

Second, while the Japanese indicated their desire to surrender on August 15, 1945, the situation facing the U.S. merchant marine did not radically change on that date. In fact, I have a copy of a telegram sent on August 15, 1945, by the U.S. Naval Pacific Command which states that "for all merchant vessels in the Pacific Ocean areas, Japan has surrendered. Pending further orders, all existing instructions regarding defense, security, and control of merchant shipping are to remain in force. Merchant ships at sea, whether in convoy or sailing independently, are to continue their voyages."

Third, it wasn't until December 31, 1946, that President Harry Truman declared in a press conference that he was issuing Proclamation 2714, which states that "although a state of war still exists, it is at this time possible to declare, and I find it in the public interest to declare, that hostilities have terminated."

And, finally and most importantly, all of our Federal laws that affect those who served during the World War II period use the date December 31, 1946.

There is no arbitrary cutoff date for the Male Civilian Ferry Pilots, the Wake Island Defenders, the Guam Combat Patrol, or the Women's Army Auxiliary Corps and there shouldn't be any for our Nation's merchant mariners.

Mr. Speaker, H.R. 44 will correct Secretary Aldridge's unfair decision by eliminating the unsupportable date of August 15, 1945. It is a fair solution to this problem because it treats all those who served during the World War II period in exactly the same manner. If an individual was in a Navy boot camp or Army basic training on December 31, 1946, then they have been considered a World War II veteran for the past 49 years.

While the 2,500 Americans affected by H.R. 44 would be eligible for a variety of veterans benefits, in reality the only benefits they are likely to obtain are recognition, the right to have a flag on their coffin, and a headstone.

After all, education benefits have long since expired, people in their late-60's do not buy new homes, and all of these individuals are already eligible for Medicare benefits. In short, it is highly unlikely that any of these individuals will ever obtain care at a VA hospital. In fact, we know that 76,000 merchant mariners have been given veterans status because of the 1988 decision and, of that number, only a handful have received VA hospital benefits.

Mr. Speaker, it is for this reason that the Congressional Budget Office has estimated that H.R. 44 would result in negligible outlays to the Federal Government in fiscal year 1995.

I have been contacted by hundreds of people affected by Secretary Aldridge's unfair decision. Each of these Americans share the common characteristic of love of country and the commitment to serve during one of the most difficult periods in our Nation's history.

Because of their young age or physical impairments, most of these men could have simply chosen to avoid service during World War II. However, they chose not to do so, and we must not, even at this late hour, forget them.

Mr. Speaker, it is essential that we resolve this problem legislatively because the Department of the Air Force seems unwilling to correct it administratively.

Finally, I would like to acknowledge the outstanding leadership of Congressman LANE EVANS. We have stood together on this legislation for a number of years and LANE EVANS is a champion for our Nation's veterans.

I urge the House of Representatives to move H.R. 44 so that we can finally provide these Americans with the recognition which they have long deserved. In my 15 years in Congress, I have never seen an issue, which affects so few people, attract the support of so many Americans. It is time we finally enacted this important legislation into law. These men have waited a lifetime to tell their grandchildren that they are World War II veterans.

SOCIAL SECURITY EARNING TEST REPEAL

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. STUMP. Mr. Speaker, I am reintroducing legislation today to repeal the Social Security earnings test. As many of my colleagues know, the earnings test is one of the most unfair features of the Social Security law—limiting what Social Security recipients may earn and subjecting such recipients to what amounts to effective marginal tax rates of 50 percent or higher.

The earnings test affects only recipients who must work. Those who rely upon investment income to supplement their Social Security are not affected. Only those who choose or are forced to return to the work force face reduction or loss of their benefits.

Mr. Speaker, the work ethic should not end at age 62. Older people who wish to remain self sufficient through their own labors should not have to face a loss of their benefits. Nor should the Nation face the loss of the immeasurable talent and experience older workers bring to the work force. It is past time to repeal the Social Security earnings test.

FOREIGN SUBSIDIARY TAX EQUITY ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, last year I introduced H.R. 1374, the Foreign Subsidiary Tax Equity Act, to discourage domestic corporations from establishing foreign manufacturing subsidiaries in order to avoid Federal taxes. Today, I am reintroducing this bill. American manufacturers for too long have abused the good faith of the American workers by developing manufacturing processes in this country before moving production facilities overseas and handing out pink slips back home. Despite the fact that America possesses the most productive and talented labor force in the world, many United States manufacturers, lured by cheap labor costs and tax holidays, have closed down plants and moved operations to countries like Mexico, Taiwan, and South Korea.

Under my bill, foreign subsidiaries of U.S. companies that ship a significant portion of

their products into the United States would be taxed as if that subsidiary were located in the United States. Simply, the intent of my bill is to discourage tax-motivated foreign investment while protecting the jobs of your constituents.

Mr. Speaker, my bill is similar to legislation proposed by President Nixon in 1973, but the issue has been controversial since the inception of the corporate income tax in 1909. In 1962, President John F. Kennedy proposed repeal the deferral of overseas investment in developed countries, but Congress did nothing.

My bill would forbid foreign subsidiaries of U.S. companies from relocating manufacturing jobs in countries that provide tax holidays and other tax breaks and shipping a significant portion of their products into the United States. A current tax loophole allows these companies to avoid being taxed as if that subsidiary were located in the United States.

Mr. Speaker, in addition to losing millions of dollars in income taxes due to this anomaly in our tax code, the United States is losing a major portion of its manufacturing base. Once the manufacturing base is gone, it will be very difficult to get back. Germany and Japan have clearly taken the lead in maintaining a strong and viable manufacturing sector as their economies have continued to outperform ours. Overall, maintaining a productive manufacturing base is the lifeline to a modern, high income, competitive economy.

I have always believed the root of America's social decay is the ill advised trade and tax policies Congress has advocated for the past 25 years. Mr. Speaker, I urge all members to take a closer look at the problem of runaway manufacturing plants and co-sponsor this important legislation. My bill would be the first step in putting an end to this practice and make these companies pay their fair share.

FARM PRICES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 9, 1994, into the CONGRESSIONAL RECORD.

FARM PRICES

The United States is in the middle of the greatest harvest ever. The corn crop could be 50% higher than last year, and soybean production will exceed the historic 1979 crop with excellent weather across the farm belt. The yields this year are simply phenomenal, as farmers continue to astound us with their productive capacity.

The downside to this record production is lower prices. Steps are being taken, and others are under consideration, to help the farmer. In the long run, exports are the remedy, as consumers around the world demand high-quality American agricultural products. Ultimately, net farm income is projected to grow from \$43 billion in 1993 to as much as \$51 billion this year.

PRICES

Corn prices declined from a nationwide average of \$2.61 per bushel in June to \$2.09 per bushel in September. Some local elevators are currently reporting prices of less than

\$2.00 per bushel. Prices normally decline at harvest time, but they are unusually low this year because of the record 1994 crop, projected at 9.6 billion bushels. The U.S. Department of Agriculture (USDA) has been criticized in some corners for setting the 1994 Acreage Reduction Program (ARP) at zero percent.

Soybean prices have also declined, from an average of \$6.72 per bushel in June to \$5.31 per bushel in September—and less than \$5.00 per bushel at some local elevators. This decrease was fueled by the highest-ever national soybean yields, producing a record crop of between 2.3 billion and 2.5 billion bushels. Demand is expected to increase next year from greater exports and more livestock feeding, but not enough to compensate for the record crop. Low soybean prices are particularly damaging for Hoosier farmers because Indiana is the only major soybean state where the crop is projected to be lower than 1993.

OPTIONS FOR RAISING PRICES

I have urged the Department of Agriculture to consider a number of options to boost corn and soybean prices. Possibilities include:

Increase corn ARP: USDA recently announced a preliminary 1995 corn Acreage Reduction Program of 7.5% below the established base. This would take land out of production and improve corn prices for the coming year.

Raise corn support loan rate: Some farm groups have called for an increase in the 1994 Commodity Credit Corporation (CCC) loan rate from the current, \$1.89/bushel to as high as \$2.40/bushel. They claim this would have a direct impact on prices in the near future. USDA is considering an increase in the loan rate for 1995.

Allow 1994 corn crop entry into Farmer-Owned Reserve: The President has allowed farmers to place 1994 corn in the Reserve when their CCC loans mature after 9 months. It is unclear what impact this would have on short-term prices.

Soybeans on "flex" acres: If USDA determines that the price of soybeans next year will be below 105% of the loan level, it can prohibit program participants from planting soybeans on their optional flex acres. This would reduce production and increase prices.

Export Enhancement Program (EEP): EEP has been used in the past to help export soybean oil. If world prices continue to fall, USDA could increase EEP support of soybean oil to maintain America's competitive position.

Ethanol and other alternative products: As of January 1, about 30% of the U.S. gasoline market will be required to use ethanol in reformulated gasoline. Over time, corn prices may rise as much as 20 cents per bushel because of this rule. Congress is also examining ways to encourage the use of soy ink and other non-food uses for American agricultural products.

THE 1995 FARM BILL

The effectiveness of these measures to support prices will also be addressed in the 1995 farm bill. Government commodity support programs must be reauthorized next year. The 1990 farm act made farm programs more market-oriented, giving farmers more flexibility in choosing which crops to plant. A provision known as the Madigan amendment gave the Secretary of Agriculture more flexibility in setting loan rates and set-asides to maintain competitiveness in world markets. I expect this trend towards market flexibility to continue in the 1995 farm bill. Program flexibility puts more decisions in the hands of farmers rather than government bureaucrats, but it can also lead to greater price fluctuations for farmers.

The farm bill should also address the hidden costs of farming. First, participating in crop support programs should be less complicated. The paperwork for program participation should not be a burden to farmers. Second, government regulations should be flexible at the local level. It is not possible to set detailed and comprehensive guidelines from the top, and major regulations should be evaluated on a case-by-case basis, using risk assessment and cost-benefit analysis.

Some of the biggest issues in the 1995 farm bill will be environmental issues, including wetlands policy, and renewing the Conservation Reserve Program (CRP). Current wetlands policy that restricts farming on wetlands makes no distinction between wetlands that are environmentally important and those that are not. I am supportive of efforts to narrow the definition of wetlands.

CRP has been successful at boosting prices and preserving valuable resources. Because of our terrain, the average Southern Indiana farmer receives even more in CRP payments than in deficiency payments, and I support the full reauthorization of CRP. In addition, the 1995 farm bill should make CRP flexible enough to distinguish between more and less environmentally important lands. The program should remain completely voluntary.

CONCLUSION

I recognize the great risks in the farming business. The risks involved in farming are greater than in most industries, and Congress should continue to provide some stability to agriculture and assure that farmers can maintain a decent living and have a reasonable return on their investments. The 1995 farm bill is an opportunity to improve farm support programs and reduce the regulatory burden on farmers.

ENGLISH LANGUAGE TAX CREDIT

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, I rise today to introduce an important piece of legislation that I believe to be an integral part of the official English movement. As you may know, I am the author of H.R. 123, the Language of Government Act which seeks to make English the official language of the United States Government. This legislation is the perfect complement to the Language of Government Act. It recognizes the need for a highly skilled labor force and provides a tax credit to employers for the cost of providing English language instruction to their limited-English-proficient employees.

Many Americans lack the language skills and literacy necessary to take full advantage of roles as responsible citizens and productive workers. While many employers acknowledge the need to educate their workers and have demonstrated an interest in establishing on-site training programs for their employees, the high cost of doing so often prevents them from taking any concrete action. This legislation will provide them with an incentive to offer this crucial instruction to their employees and make the workplace a friendlier, and less daunting environment for non-English-proficient employees.

NATIONAL SECURITY REVITALIZATION ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. GILMAN. Mr. Speaker, on the opening day of this historic Congress, I take great pleasure in introducing the National Security Revitalization Act which implements the foreign affairs and the national defense provisions in the Contract With America.

It is a great honor and privilege for me to serve as the chairman of the newly named International Relations Committee and I intend to ensure that our highest priority will be the consideration of this important and long overdue legislation which will ensure that we maintain a strong defense capability around the world and imposes serious limitations on the subordination of American troops to foreign command in United Nations peacekeeping operations.

In addition, the bill will strengthen critically important regional institutions, such as the North Atlantic Treaty Organization and will ensure that our participation in any future U.N. mission directly serves our national interests.

Together with my good friend and colleague, FLOYD SPENCE, the chairman of the National Security Committee, we will bring the National Security Revitalization Act back to the House floor to restore American credibility around the world and to ensure that Congress plays an enhanced role in the foreign policy making process.

In the second session of the 103d Congress, Republican members of the Foreign Affairs Committee laid a solid foundation for the attainment of these objectives by championing key provisions in the Foreign Relations Act for fiscal year 1994 and fiscal year 1995 and the NATO Participation Act which I introduced in March of last year.

Accordingly, I urge my colleagues to join me in cosponsoring this vitally important legislation.

INTRODUCTION OF RAPID DEPLOYMENT FORCE LEGISLATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation to establish a Rapid Deployment Force as an added resource of the Federal Bureau of Investigation. This force would be temporarily deployed by the FBI, to assist local authorities in investigating an increasing of crime in a particular municipality, due to an increase of drug or gang related activity. The Rapid Deployment Force would represent a partnership between the Federal, State, and local crime fighting entities.

This past weekend in my hometown of Hartford, CT, a rash of crime broke out leaving four dead, another critically wounded, and three others injured from gunshot wounds. This final criminal outbreak of 1994 brought the number of homicides in the city to 58, an increase of over 400 percent in the past 2 years. As the spread of drugs, and the city's

gang problem continues to grow, the need for additional resources is evident. I am thankful that the recently enacted crime bill is bringing more cops on the beat into our Nation's cities and towns. I commend the Attorney General and the Department of Justice for their work in ensuring the rapid appropriation of funds for the Cops on the Beat Program.

However, it is not enough to just deploy more police officers on the street. A Federal Rapid Response team would bring with it resources and expertise that State and local governments cannot be expected to supply. I believe that a Rapid Deployment Force is essential in investigating and combating crime in towns and cities when drug and gang related activities escalate. And I urge my colleagues to support this important crime fighting legislation.

THE STUTTGART FISH FARMING EXPERIMENTAL LABORATORY

HON. BLANCHE LAMBERT LINCOLN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mrs. LINCOLN. Mr. Speaker, I rise today to introduce legislation to transfer the Stuttgart Fish Farming Experimental Laboratory to the Department of Agriculture.

The lab was established in 1958 under the Interior Department and charged with conducting research and experimentation to solve problems relating to the commercial production of warmwater fish. Located in the heart of the Nation's catfish and baitfish production region, the lab and its staff have become nationally renowned for their work on behalf of the aquaculture industry.

In the years since the laboratory was established aquaculture has progressed rapidly, becoming the fastest growing segment of U.S. agriculture, accounting for nearly 300,000 domestic jobs. My home State is the largest producer of commercial baitfish and the second largest producer of catfish—accounting for nearly \$100 billion in annual revenue.

Mr. Speaker this simple bill will transfer the laboratory from the Interior Department to USDA. I believe that this move makes sense because the people who do business with this laboratory are farmers, and are best served by USDA. The bill also changes the laboratory's name to the Stuttgart National Aquaculture Research Center to better reflect the excellent work that the lab produces. I look forward to passage of this legislation.

TRIBUTE TO SADIE HARVEY ODOM

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. SAWYER. Mr. Speaker, every so often in life, if we are fortunate enough, someone comes along whose grace and wisdom enriches our own experience. Someone whose capacity to serve others inspires us to move beyond the limits we impose on ourselves, even as we wonder if we can ever match such a gift for giving.

Sadie Harvey Odom, a 41-year resident of Akron, OH, was such a human being. Every

person whose life she touched—from her family, to her friends, to the broader community in which she lived—marveled at her generosity of spirit, force of intellect, and strength of character.

Born in Atlanta in 1924, Sadie Harvey completed high school at the age of 15. She went on to graduate cum laude 4 years later from Morris Brown College, where she was a founding member of the school's Alpha Kappa Alpha sorority chapter. She had hoped to study medicine at the University of Georgia, but was denied admission because the school would not educate African-Americans. Always determined to forge ahead, Sadie Harvey worked in the aeronautical engineering lab at a U.S. Air Force base in Hampton, VA, during World War II. Upon returning to Atlanta after the war, she met and married Vernon Odom, with whom she would share the next 47 years of her life. The Odoms moved to Akron in 1953, intending to stay only for 3 years. Instead, they spent the rest of their lives together in Akron, raising a family and devoting themselves to community service and the betterment of African-Americans.

Vernon Odom headed the Akron Urban League and the Akron Community Service Center for nearly three decades. His beloved wife, Sadie, was beside him every step of the way. She was a guiding force behind local Urban League programs and volunteered with many other civic organizations, including the American Cancer Society, the United Negro College Fund, and the NAACP.

Even as she gave selflessly of her time and herself in support of her community, Mrs. Odom raised a superb family of her own and worked as a medical technologist at St. Thomas Hospital. She applied her biology training to her volunteer work, as well, helping to test Akron's schoolchildren for sickle cell anemia and elderly residents for diabetes.

Mr. Speaker, there are many people in this world who live full, honest, and caring lives. And then there are the Sadie Odoms, whose integrity and selflessness leave a mark that is indelible.

Sadie Harvey Odom passed away on October 20, 1994, after a long illness. An entire community mourns as it contemplates this loss. But we also share the gratitude that comes from knowing a person with a heart of grace and a soul of love—from knowing Sadie Odom.

THE DEFENSE BUDGET AND MILITARY READINESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 23, 1994, into the CONGRESSIONAL RECORD.

THE DEFENSE BUDGET AND MILITARY READINESS

The commitment of U.S. forces to Haiti and Kuwait has raised concerns about the "thinning out" of the U.S. military since the end of the Cold War. Defense spending has declined by 11% since the 1989 peak of \$303 billion, following a decade of massive increases. The defense budget edged up this year to \$264 billion, and is projected to stay

near current levels over the next four years. The question now is whether defense spending is sufficient to meet the new and emerging threats to our interests here and abroad.

NEW GLOBAL ENVIRONMENT

There is no doubt that the United States is more secure today than it was when thousands of Soviet nuclear warheads targeted American cities. Today there is no comparable direct military threat to the United States. The U.S. is the strongest military power in the world today, and has the best trained and equipped fighting force.

Yet, the world remains a dangerous place. The collapse of the Soviet empire has resulted in increasing instability in many parts of the world. Despite the desire of Americans to pay more attention to solving our own problems, we continue to have global interests that we must defend. Much of the world is threatened with chaos—full of civil wars, escalating ethnic and religious conflicts, and massive surges of refugees. Such instability can hurt the U.S. economy, limit our access to vital resources, including oil, and produce an international environment hostile to our interests and values.

The post Cold-War world is not peaceful, but the U.S. cannot afford to intervene everywhere. The challenge today is to identify the interests we are prepared to defend by force and ensure that our armed forces have the tools they need to do the job we ask of them. This challenge becomes even more critical as we plan for an uncertain future, since defense budget decisions we make today will determine the kind of armed forces we will have several years down the road.

THREAT-BASED DEFENSE

Our defense spending should be based on threats to our national security. During the Cold War, the threat was the Soviet Union, and our spending on defense was designed to meet that threat. Our task is to reorient our defense to respond to new threats in the post-Cold War world. Those threats include: the proliferation of nuclear weapons and other weapons of mass destruction; the threat of large-scale aggression by major regional powers such as Iraq; the threats to democracy and reform movements in the former Soviet Union, particularly Russia; and economic dangers to our security if we fail to build a competitive and growing economy here at home. The bottom line is that it will cost the U.S. less to respond to these new threats than it cost us to meet the Soviet threat.

The Pentagon has developed a defense plan that responds to the changed international environment. The so-called bottom-up review concludes that the U.S. must maintain a force capable of fighting and winning two nearly simultaneous regional wars, such as another Iraqi invasion of Kuwait and a North Korean invasion of South Korea. The Administration says that it has fully budgeted for its planned force structure, but that changes in inflation rates could change future funding needs. Others argue the budget crunch will be more severe as new procurement programs swell funding requirements. The Pentagon acknowledges it cannot fund all the new weapons programs now in development, and is assessing which programs to fund and which to cancel.

READINESS

After the end of the Vietnam War in the mid-1970s, rapid cuts in the defense budget and the loss of skilled personnel eroded the U.S. military's combat readiness. Some critics say that we are now facing a similar problem of a "hollow military." They say the costs of operations in Somalia, Rwanda and now in Haiti are placing an excessive

burden on the defense budget. They say these costs detract from our ability to respond effectively to more serious potential threats from Iraq and North Korea. Some even suggest the U.S. no longer has the capability to face down another Iraqi invasion of Kuwait.

While I believe the combat readiness of our armed forces needs improvement, I think comments about a "hollow military" are overstated. Military operations abroad have led to low readiness ratings in three of the Army's 12 divisions and placed strains on other elements of the force, such as airlift. These trends must be promptly reversed. Even so, we still have by far the best-equipped and best-trained military in the world. The transition to a more mobile force is involving painful adjustments in personnel, base closings and cancellations of new weapons systems. Yet, a recent report authored by a former Army Chief of Staff concluded that readiness is acceptable in most areas.

Improving the readiness of U.S. forces should be the top budget priority for defense spending. Congress, with my support, has taken several steps this year toward this objective. These steps include: protecting military pay raises to ensure retention of high quality personnel; increasing overall spending on operations and maintenance, the key Pentagon account for readiness; increasing spending on airlift and sealift capabilities, which allow our forces to respond quickly to overseas threats in the Persian Gulf and elsewhere; boosting training support for battalion-sized units; promoting "interservice" cooperation in combat and other missions, as evidenced by the joint Army-Navy effort in Haiti; and enhancing battlefield weapons systems. I will continue to support efforts to maintain our readiness. I think the military's humanitarian and peacekeeping operations must not be permitted to bleed the Pentagon's budget.

CONCLUSION

The U.S. must be careful about picking and choosing its military missions, so that U.S. forces do not become overextended. We cannot and should not commit U.S. forces to every trouble spot in the world. The key test is whether U.S. interests are threatened. Maintaining the readiness and morale of our military requires that we identify the interests we are prepared to defend by force, while using other means, including coalitions with our friends and allies, to deal with lesser threats to the U.S. national interest. A combat ready American military is essential to our national security.

RETIRED DISABLED LAW ENFORCEMENT OFFICERS' COUNSELING NETWORK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. TRAFICANT. Mr. Speaker, I rise today to reintroduce an important piece of legislation that I sponsored in the 103d Congress that would establish a national retired disabled law enforcement officers' counseling network, and I urge my colleagues to become cosponsors.

We call on police officers in emergencies. We trust them with our lives, families, and homes. Day in and day out most of us take them for granted to ensure our safety. Yet few of us truly appreciate the overwhelming stress, both mental and physical, that they endure in order to serve us. But there has never been

a national proposal to give disabled retired police officers the psychological counseling they may need. Until now.

Too often, retired disabled police officers suffer from depression, feelings of isolation, uncertainty of their futures, and worsening medical conditions. With appropriate counseling, many of these officers will learn to cope with their new lives and some will be able to obtain meaningful employment.

My legislation would establish up to eight officer counseling centers throughout the United States to provide counseling to retired disabled officers and members of their immediate families. Any retired disabled Federal, State, county, city law enforcement officer, or special agent would be eligible to participate in this innovative and necessary program.

I ask all Members to help those who have helped us. Please cosponsor this important legislative initiative.

THE RESCISSION OF CORPS OF ENGINEERS USER FEES

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, I rise today to introduce legislation to prevent the U.S. Army Corps of Engineers from collecting so-called user fees at certain facilities maintained and operated by the Corps. Specifically, this bill will repeal section 5001, Title V, of the Omnibus Budget Reconciliation Act of 1993 [OBRA] which authorized the Secretary of the Army to establish and collect fees for the use of developed recreation sites and facilities.

These fees have been part of budget fiction for years. The White House has always proposed these onerous taxes and Congress has always rejected them. Unfortunately, these fees became a reality with the passage of OBRA. Furthermore, there are no guarantees that the revenue from these fees will be used by the Corps of Engineers for the maintenance of its facilities. I believe that with these fees going into general revenue—not the Corps budget—people who want to enjoy the great outdoors actually will end up paying twice, once as a taxpayer and once as a user of Corps facilities.

While these fees, ranging from \$3 per vehicle to \$25 for a yearly pass, may not seem like a lot, the fact of the matter is that the American public has already paid once for these facilities and their continued upkeep. This, in my opinion, is double-dipping by the Federal Government. My legislation would seek to rescind the fee now required as outlined in OBRA for the use of public recreation areas at certain lakes and reservoirs under the jurisdiction of the Army Corps of Engineers.

It's also important to note that the cost of installing boxes at the collection sites, in some instances, can exceed \$25,000 depending on the location of the facility. So we are using operating and maintenance funds from the Corps to build the collection boxes in order to hit up the public for more funds that won't necessarily go to the Corps. It's reprehensible that an agency like the Corps of Engineers will spend its own funds so that it can collect money for the general treasury.

This fee structure, as modest as it may be, sets a dire precedent. Americans who want to

go boating, camping, or swimming should not be singled out to foot the bill for more Federal spending. Tourism and other recreational activities throughout the country could be negatively impacted with these fees. Folks simply do not want to pay over and over again for something that is already paid for; nor should they.

REFORM OF THE MINING LAW OF 1872

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. RAHALL. Mr. Speaker, today I am introducing into the 104th Congress legislation to reform the mining law of 1872. Joining me in sponsoring this measure are GEORGE MILLER of California, CHRISTOPHER SHAYS of Connecticut, BRUCE VENTO of Minnesota, NEIL ABERCROMBIE of Hawaii, PETER DEFAZIO of Oregon and JERRY KLECZKA of Wisconsin.

This bill, the Mineral Exploration and Development Act of 1995, is identical to the version of H.R. 322 which passed the House during the last Congress on November 18, 1993, by a bipartisan vote of 316 to 108. In fact, our new Speaker, the gentleman from Georgia [NEWT GINGRICH], voted for this bill at that time. Unfortunately, last year the House-Senate conference committee on mining law reform was unable to reach an agreement.

Today, with the introduction of this measure, we begin where that historical debate left off. In my view, the advent of a new Congress with a Republican majority does not change the fundamental and bipartisan support that continues to be displayed for reforming the mining law of 1872. Indeed, the fiscal austerity being advanced by the Republican leadership may very well enhance our prospects for gaining enactment of this legislation, which has enjoyed the support of the National Taxpayers Union, during this Congress.

Mr. Speaker, for the benefit of my colleagues, many of whom may be new to this issue, in order to explain this measure perhaps it is best to briefly go back to the year 1872. At the time, Ulysses S. Grant resided in the White House. Union troops still occupied the South. The invention of the telephone and Custer's stand at the Little Bighorn were still 4 years away. And in 1872 Congress passed a law that allowed people to go onto public lands in the West, stake mining claims, and, if any gold or silver were found, produce it for free.

In an effort to promote the settlement of the West, Congress said that these folks could also buy the land from the Federal Government for \$2.50 an acre.

That was 1872. This is 1995. Yet, today, the mining law of 1872 is still in force.

In 1995, however, for the most part it is not the lone prospector of old, pick in hand, accompanied by his trusty pack mule, who is staking those mining claims. It is large corporations, many of them foreign controlled, who are mining gold owned by the people of the United States for free, and snapping up valuable Federal land at fast-food hamburger prices.

Remaining as the last vestige of frontier-era legislation, the mining law of 1872 played a role in the development of the West. But it also left a staggering legacy of poisoned streams, abandoned waste dumps, and maimed landscapes.

Obviously, at the public's expense, the western mining interests have had a good thing going all of these years. But the question has to be asked: Is it right to continue to allow this speculation with Federal lands, not to require that the lands be reclaimed, and to permit the public's mineral wealth to be mined for free?

Today, anybody can still go onto Federal lands in States like Nevada and Montana and stake any number of mining claims, each averaging about 20 acres. In order to maintain the mining claim, until very recently all that was required was that the claimholder spend \$100 per year to the benefit of the claim. In the event hardrock minerals such as gold or silver are found on the claim, they are mined for free. There are no requirements that a production royalty be paid to the Federal Government.

It is incredible, but true, that an estimated 1.8 billion dollars' worth of hardrock minerals are annually mined from Federal lands in the Western States in this fashion. Yet, the Federal Government does not collect one penny in royalty from any of this mineral production.

Under the mining law of 1872, claimholders can also choose to purchase the Federal land being claimed. They can do this by first showing that the lands have valuable minerals, and then by paying the Federal Government a mere \$2.50 or \$5.00 an acre depending on the type of claim. This is called obtaining a mining claim patent. Perhaps a good feature in 1872, when the Nation was trying to settle the West. But today there is hardly a need to promote the additional settlement of L.A., San Francisco, or Denver.

Recently, for example, a mining company received preliminary approval to obtain 25 of these patents covering about 2,000 acres of public land in Montana. This company will pay the Federal Government little more than \$10,000 for land estimated to contain 32 billion dollars' worth of platinum and palladium.

Moreover, once the mining claim is patented, nothing in this so-called mining law says that it has to be actually mined. The land is now in private ownership. People are free to build condos or ski slopes on it.

For example, a couple of years ago the Arizona Republic carried a story about a gentleman who paid the Federal Government \$155 for 61 acres' worth of mining claims. Today, these mining claims are the site of a Hilton hotel. This gentleman now estimates that his share of the resort is worth about \$6 million.

Claimholders can also mine these Federal lands with minimal reclamation requirements. The only Federal requirement is that when operating on these lands they do not cause "unnecessary or undue degradation." What does this term mean? It means that they can do whatever they want as long as it's pretty much what all of the other miners are doing. And who will pay the bill for this abuse? Check over the Superfund National Priority List and you will learn the answer.

I might add that the issue of mining law reform does not deal with coal, or that matter, oil

and gas. These energy minerals, if located on Federal lands, are leased by the Government, and a royalty is charged. Further, mining law reform does not deal with private lands. The scope of the mining law of 1872 is limited to hardrock minerals such as gold, silver, lead, and zinc on Federal lands in the Western States. That is also the scope of this reform bill.

In brief, the legislation we are introducing today would prohibit the continued give-away of public lands. It would require that mining claims be diligently developed. It would impose a royalty on the production of valuable minerals extracted from Federal lands. And, it would require industry to comply with some basic reclamation standards.

Again, this legislation is identical to the bill which passed the House last year by a bipartisan 3-to-1 margin.

Mr. Speaker, I receive many calls in my office on the issue of mining law reform. When people learn that today, in 1995, gold and silver is still mined off public lands for free, they are, naturally, incredulous. The question is often asked: How come Congress has not done anything to reform the mining law yet?

Frankly, as the Member who commenced this current effort to reform the mining law back in 1987, I, too, am incredulous that this law continues in force in a manner basically unchanged from its 1872 origins. Historically, the western hardrock mining industry has been successful in blocking any and all congressional reform initiatives. Lately, however, I have noticed an increasing sentiment within the more progressive element of the industry to settle this matter once and for all. Perhaps 1995 will be the year in which the voice of this element of the industry will become the dominating voice of the industry overall.

For the benefit of my colleagues, following I offer a brief history on the effort to reform the mining law of 1872:

HISTORY OF MINING LAW REFORM

The genesis of mining law reform dates back to 1879, seven years after the enactment of the Mining Law of 1872. At that time, Congress created the first major Public Land Commission to investigate land policy in the West. One of its major recommendations included a thorough rewrite of the 1872 law which even then was believed by many to undermine efficient mineral development.

Several decades later, in 1908, President Roosevelt created the National Conservation Commission to study Federal land policy in the West, and it, too, made a number of recommendations for reform of the Mining Law. Again, in 1921, a committee appointed by the Director of the Bureau of Mines recommended a series of reforms, developed in concert with mining industry representatives interested in improving the mechanics of the law. These recommendations were embodied in legislation introduced in both houses of Congress and hearings were held in 1922, however, no action was taken at that time.

Following this effort, the next call for reform came at the onset of World War II, when then Secretary of the Interior Harold Ickes endorsed a leasing system for hardrock mining. In 1949, the Hoover Commission on Organization of the Executive Branch of the Government, like the first Public Land Commission, recommended a series of changes to the Mining Law. This effort was succeeded by the President's Materials Policy Commis-

sion (the Paley Commission) in 1952 which also recommended revisions, including placing hardrock minerals under a leasing system. Once again, the criticism centered on inefficiencies in mineral development caused by the law.

Between 1964 and 1977 Congress went through another period of debate on mining law reform. The debate became more complex during that time as issues related to abuse and the need for environmental protections were added to the mix. The Public Land Law Review Commission, created by Congress in 1964, made the Mining Law a prominent issue on its agenda. Following issuance of the Commission's report in 1970, Congress debated the issue until 1977, when efforts to reform the mining law collapsed.

After a decade-long hiatus, on June 23, 1987, what was then known as the Subcommittee on Mining and Natural Resources held an oversight hearing on the Mining Law of 1872, initiating the current round of Congressional debate on reform. Subsequently, the Subcommittee held a number of hearings on specific issue areas related to hardrock mining on public lands, such as: hardrock mine reclamation and bonding requirements, abandoned mine land problems, mining claims on Stock Raising Homestead Act lands, uncommon varieties of hardrock minerals, regulation of hardrock mining wastes, and oil shale claims. On September 6, 1990, the Subcommittee on Mining and Natural Resources conducted a hearing on the first reform measure introduced into the House in over a decade, H.R. 3866, sponsored by then Subcommittee Chairman Rahall. This hearing was augmented by several reports produced by the U.S. General Accounting Office at the Subcommittee's request: *An Assessment of Hardrock Mining Damage* (1988); *The Mining Law Needs Revision* (1989); *Unauthorized Activities Occurring on Hardrock Mining Claims* (1990); *Patenting of Mining Claims Complies with Law* (Oregon Dunes) (1990); and, *Increased Attention Being Given to Cyanide Operations* (1991).

At the commencement of the 102nd Congress, on February 6, 1991, H.R. 918 was introduced by Rep. Nick Rahall. During the first session of that Congress, the Subcommittee on Mining and Natural Resources held four field hearings on the bill in Denver, Colorado (April 12, 1991); Reno, Nevada (April 13, 1991); Santa Fe, New Mexico (May 3, 1991); and Fairbanks, Alaska (May 25, 1991). Two additional days of hearings were held on the bill in Washington, D.C. on June 18, 1991, and June 20, 1991. On June 24, 1992, H.R. 918 was favorably considered by what was then known as the Committee on Interior and Insular Affairs which reported the bill with amendments by a roll call vote of 26 to 19. The House began floor consideration of the bill, but did not complete action on the measure prior to the adjournment of the 102nd Congress.

At the beginning of the 103rd Congress, on January 5, 1993, Rep. Rahall introduced H.R. 322, which closely mirrored the version of H.R. 918 previously considered on the House Floor. On March 11, 1993, the Subcommittee on Energy and Mineral Resources held a hearing on the bill and on October 28, 1993, the Subcommittee favorably reported the bill as amended. On November 3, 1993, the Committee on Natural Resources favorably reported the bill as amended by a vote of 28 to 14. H.R. 322 was passed by the House on November 18, 1993, by a vote of 316 to 108. Unfortunately, during the 103rd Congress a House-Senate conference committee on mining law reform was unable to reach an agreement.

ANTITRUST AND COMMUNICATIONS REFORM ACT OF 1995

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. MARKEY. Mr. Speaker, I rise today as an original cosponsor of legislation introduced today which proposes to update our Nation's communications laws for the information age.

Introduced by my colleague JOHN DINGELL, this legislation embodies measures—H.R. 3626 and H.R. 3636—which were approved in overwhelming fashion by the House in the previous Congress. Together, these bills represented the Nation's roadmap for the information superhighway. I want to commend my distinguished colleague, Mr. DINGELL, for quickly bringing these issues to the attention of the House by introducing this legislation on the opening day of the 104th Congress.

Although approved by impressive margins in the House, the Senate was unable to complete work on a similar measure due to a number of factors, including the lack of sufficient days remaining in the legislative calendar.

Titles III, IV, V, and VI of the bill introduced today consist of the language of H.R. 3636, which I introduced in the 103d Congress with Representative JACK FIELDS. Working closely in bipartisan fashion with our other subcommittee colleagues, we were able to propose radical changes and needed reforms to our Nation's communications laws. This bill passed the House by a vote of 423 to 4 last year.

It is my hope to again work closely with now-Chairman FIELDS and other committee members, in a nonpartisan way, to repeat our legislative success in the new Congress.

The purpose of this legislation is to help consumers by promoting a national communications and information infrastructure. This legislation seeks to accomplish that goal by encouraging the deployment of advanced communications services and technologies through competition, by safeguarding ratepayers and competitors from potential anti-competitive abuses, by preserving and enhancing universal service, and by addressing longstanding legal and regulatory issues posed by the Modification of Final Judgment [MFJ], which broke up Ma Bell a decade ago.

The bill will preserve and enhance the goal of providing to all Americans high-quality phone service at just and reasonable rates. This goal of universal service is one of the proudest achievements of our Nation during the 20th century, and this legislation will ensure it endures beyond the year 2000.

Second, the legislation will promote and accelerate competition to the cable television industry by permitting telephone companies to compete in offering video programming. Specifically, the bill would rescind the statutory ban on telephone company ownership and delivery of video programming. Telephone companies would be permitted, through a separate subsidiary, to provide video programming to their subscribers so long as they establish an open system to permit others to use their video platforms. But they must enter the business the old fashioned way: by building a new system and not just through buying up an existing system.

In addition, the legislation will promote competition in the local telephone market. This market is one of the last monopoly markets in the entire telecommunications universe. We all have witnessed how the long distance market and the telecommunications equipment market has benefited tremendously from competition. Just 10 years ago, you had one choice in long distance—AT&T—and one choice for a phone—black rotary dialed.

Through Federal policies, hundreds of equipment makers and long distance companies now exist, providing rigorous competition. We can see those same benefits in the local telephone market, and thereby benefit consumers by giving them more choice at lower prices.

Moreover, the legislation addresses issues related to the breakup of AT&T. The bill lays the foundation to resolve issues with respect to the line of business restrictions placed upon the Bell operating companies at the time of the breakup. It sets the stage for determining how and when a Bell company may participate in the long distance marketplace.

In addition, this legislation stipulates the terms and conditions for Bell company participation in the information services, alarm, and equipment manufacturing markets. This legislation will effectively take these issues out of the courts and will provide a blueprint to the Federal Communications Commission, the Department of Justice, and State regulators as to how to move the industry toward greater competition while protecting consumers and competitors from the potential for monopoly abuses. This bill will also provide a modicum of certainty to participants in the marketplace, allowing CEO's, investors, and entrepreneurs to effectively plan for the future.

Again, I want to commend Mr. DINGELL for introducing this legislation. I look forward to working with him, Mr. FIELDS, Mr. BLILEY, and other committee colleagues, on legislation to overhaul the 1934 Communications Act for the 1990's.

TRIBUTE TO JOE PATERNO AND THE NITTANY LIONS

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. CLINGER. Mr. Speaker, on this historic first day of the 104th Congress, I would like to publicly extend my warmest congratulations to Joe Paterno and the Nittany Lions of Penn State on their Rose Bowl victory.

As the winner of the Big Ten Conference, the Nittany Lions went to Pasadena to meet a worthy adversary, and the Oregon Ducks proved to be just that. In the end, however, Penn State triumphed, 38 to 20, after displaying fine teamwork and unrelenting determination.

With this Rose Bowl victory, Joe Paterno passes Bear Bryant as the coach with the most bowl game victories to his credit. This win completes the fifth undefeated season in his 29 years of coaching at Penn State.

The Associated Press and CNN/USA Today have awarded the national championship to another undefeated team, but in my mind Penn State has earned the right to be called a national champion.

While my colleagues from Nebraska may disagree with my assessment of Penn State's ranking, the only way to settle, once and for all, the question of which team is the national champion can only be decided in a head-to-head competition. As USA Today indicated in a cover story headline yesterday, without a match between these two undefeated teams, the question of which team is better is still open to debate.

One thing is certain, Pennsylvanians and Penn State alumni across the country can take pride in the performance of this team and the football program at Penn State. With many of the players returning next year, we may see this open question settled after all.

PROGRESS ON THE ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 26, 1994, into the CONGRESSIONAL RECORD.

PROGRESS ON THE ECONOMY

One of the top concerns of Hoosiers remains the economy and the economic outlook. Hoosiers are concerned about the budget deficit, our international competitiveness, and especially jobs and job security. At the same time, most recognize that progress is being made and that the economy is doing better now than it has for years. Over the last two years we have made major progress on the budget deficit. That in turn has given a significant boost to the economy. We need to build on these successes and continue the basic policies that have helped turn things around. Certainly there is still much room for improvement in the economy, but there is little evidence that our economic policy needs a major change in direction.

PROGRESS ON THE ECONOMY

In January 1993, both the federal deficit and federal spending as a share of the economy were spiraling upward, while the economy was in the slowest recovery of the post-war era. The President and Congress passed the deficit reduction package last year which led to a dramatic drop in the deficit, and also has sparked a steady, sustainable economic recovery. Critics were saying that the package would cause a recession and higher unemployment. It has had just the opposite effect, boosting the economy in several key ways.

Deficit reduction: The \$430 billion deficit reduction package means that the deficit will decline for three years in a row—the first time that has happened since the Truman Administration. We are finally getting a handle on the deficit—bringing it down from \$290 billion in 1992 to a projected \$160 billion next year. That will make the deficit as a share of the economy the lowest since 1979, and one of the lowest of all the major industrialized countries.

By 1998 the national debt will be \$650 billion lower than was projected before the passage of the deficit reduction plan. (Two-thirds of this comes directly from the deficit reduction package, the rest from the strengthened economy.) That's \$10,800 of reduced federal debt for each family of four in Indiana. We need to continue these deficit reduction efforts rather than reverse course.

Growth: The U.S. economy is growing at a solid, sustainable pace. The rate of economic

growth, which averaged 1.5% in the Bush Administration, has more than doubled to 3.3% in the Clinton Administration. The U.S. economy is growing faster than any other major industrialized country. Our projected growth rate of around 3% is about where we want it—much slower and it would lead to rising unemployment, much faster and it would reignite inflation.

Unemployment: The unemployment rate has come down from 7.1% in January 1993 to 5.9% today. Some 4.6 million new jobs have been created since January 1993, compared to 2.4 million over the previous four years. 92% of these jobs have been in the private sector, compared to 54% during the Bush Administration. American job growth this year will exceed job growth of all the other major industrialized countries combined.

In Indiana, the unemployment rate has dropped from 5.9% in January 1993 to 5.1%. The number of Hoosier jobs has grown by 155,000 in the last two years, after declining by almost 100,000 in the three previous years.

This is solid progress on the jobs front, and we need to continue the deficit reduction lower interest rates, and strong economic growth that have helped bring it about.

Productivity: Higher productivity is key to an increased standard of living for American workers. Productivity has increased at an annual rate of 2.2% since the beginning of 1993—a significant improvement over the record of the 1980s. The lower interest rates resulting from deficit reduction have boosted investment and productivity.

Inflation: It has been a significant accomplishment that we have done so well in boosting economic growth and lowering unemployment without reigniting inflation. Inflation since January 1993 has averaged 2.8%—the lowest level in 30 years.

Income growth: Income growth is one aspect of the recovery that remains disappointing. Median family income has not kept up with inflation in recent years. It grew slightly last year, but after adjusting for inflation actually declined by about 1%. This is a slight improvement over the previous four years, but still disappointing. Family incomes in Indiana did not decline like the rest of the country, but they did not grow either.

This has made many people skeptical about overall progress on the economy since they have not felt it much in their paychecks. Although most workers saw a modest increase in their total compensation—wages plus benefits—during the past decade, it was much less than in earlier decades and most of the increase recently has gone for higher employee health insurance premiums. So workers have not seen much increase in their paychecks. Making real progress on takehome pay will require continued strong economic growth, increased investment, as

well as meaningful health care reform that reins in escalating health care costs.

Trade deficit: A second disappointment is the trade deficit. Since the mid-1970s, the U.S. has been importing more goods and services than it has exported. The trade deficit in goods and services, which peaked at \$150 billion in 1987, fell to \$30 billion in 1991. Since then, severe recessions in Europe and Japan have reduced their ability to buy U.S. products, driving our trade deficit up to the \$80-90 billion range. This should turn around as Europe and Japan recover.

CONCLUSION

Certainly we need to continue to focus on improving our country's economic future, but we have made significant progress in shoring up the economy during the past two years. An independent study recently found that the U.S. now has the world's most competitive economy, overtaking Japan for the first time since 1985. Federal Reserve Chairman Alan Greenspan said earlier this year that because of the deficit reduction effort, "... the foundations of the economic expansion are looking increasingly well-entrenched". We need to continue the policies that have made the difference—meaningful deficit reduction, moderate interest rates, and an emphasis on productive investment. These policies are working and we should stick with them.

TRIBUTE TO THE DWIGHT ELEMENTARY SCHOOL

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EWING. Mr. Speaker, as we convene the 104th Congress, and welcome each of the new Members to this assembly of the people, I am reminded not only of our duty to preserve, protect, and uphold the U.S. Constitution, but of the vital role an educated citizenry plays in the effective governing of our country. As Members of Congress we have a responsibility to promote civic education and to recognize those who excel in their studies.

This is why I am proud to enter into the permanent RECORD of the 104th Congress the names of the following distinguished students from Dwight Elementary School in the 15th District of Illinois who have been awarded a Certificate of Achievement from the Center of Civic Education, for their study of the history and principles of the Constitution of the United States of America. The honorees are: Joseph Brassard, Robert Breese, Timothy Brown, Lori

Eggenberger, Nathan Hoegger, Pamela Maeder, Bryan Neville, Anita Nourie, Curtis Price, Falyne Price, Amber Riegel, Dennis Robisky, Andrea Scott, Jennifer Small, Jason Spandet, Joey Stevenson, Kathleen Stewart, Joann Weller, and Rhea Ann Wilson.

Who knows, Mr. Speaker? Some of these students may serve in the U.S. House of Representatives one day. Most important, however, is that these students help to educate other citizens about the importance of public participation and the virtues of good government.

Mr. Speaker, I offer my congratulations to these fine students.

PROTECT LIFE: NOW AND FOREVER

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 4, 1995

Mr. EMERSON. Mr. Speaker, I rise today to introduce legislation which will begin the process of amending the Constitution to protect human life in all its stages.

Over the past 2 years, the administration has touted its pro-abortion policies. In fact, States across the Nation are being notified that they breaking the law if they continue to refuse to provide abortions under the Medicaid Program. This must stop, and an amendment to the Constitution will do just that.

The U.S. Congress has been quick to defend the interests of the poor and the homeless, who have no effective advocate for their cause—and indeed those are worthy efforts. Yet Congress has, for too long, ignored the most silent voice of all, that of an unborn child.

The U.S. legal system is firmly based on morals. Is it right or wrong to steal? Is it right or wrong to hurt another person? Is it right or wrong to drive an automobile carelessly, thus endangering the lives of others? The answer to all of these questions is, of course, it is wrong.

The fact remains that abortion is the taking of an innocent human life—a killing that is morally wrong. The solution is to amend the Constitution and clarify that basic human rights extend to all—including the unborn.

I urge my colleagues in the House to put this scandalous chapter in our Nation's history to an end by starting the process which would amend the Constitution to protect all life.

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, January 5, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 6

9:30 a.m.
Joint Economic
To hold hearings on the employment-unemployment situation for December.
SD-538

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to examine issues involving municipal, corporate and individual investors in derivative products and the use of highly leveraged investment strategies.
SD-106

JANUARY 10

9:00 a.m.
Budget
To hold joint hearings with the House Committee on the Budget to review congressional budget cost estimating.
345 Cannon Building
Labor and Human Resources
To hold hearings to examine Federal job training programs.
SD-430

9:30 a.m.
Armed Services
Organizational meeting to consider committee business.
SR-222

Select on Intelligence
To hold hearings to examine world threat issues.
SH-216

10:00 a.m.
Judiciary
Organizational meeting to consider committee business.
SD-226

JANUARY 11

9:00 a.m.
Labor and Human Resources
To continue hearings to examine Federal job training programs.
SD-430

10:00 a.m.
Appropriations
Organizational meeting to consider subcommittee membership, committee rules of procedure, and committee budget for the 104th Congress.
S-128, Capitol

JANUARY 12

9:00 a.m.
Labor and Human Resources
To continue hearings to examine Federal job training programs.
SD-430

JANUARY 19

9:30 a.m.
Indian Affairs
To hold oversight hearings to review structure and funding issues of the Bureau of Indian Affairs.
SR-485

Wednesday, January 4, 1995

Daily Digest

HIGHLIGHTS

First session of the One Hundred Fourth Congress convened.
House passed congressional accountability measure.

Senate

Chamber Action

Routine Proceedings, pages S1-S52

Measures Introduced: One hundred forty-nine bills and thirty-eight resolutions were introduced, as follows: S. 1-149, S.J. Res. 1-12, S. Res. 1-25, and S. Con. Res. 1.

Pages S47-52

Reports of a Committee: Pursuant to the order of the Senate of December 1, 1994, the following reports were filed:

Report on the Inquiry into the U.S. Park Police Investigation of the Death of White House Deputy Counsel Vincent W. Foster, Jr. (S. Rept. No. 103-433, Vol. I)

Report on the Communications Between Officials of the White House and the U.S. Department of the Treasury on the Resolution Trust Corporation. (S. Rept. No. 103-433, Vol. II)

Page S47

Administration of Oath of Office: The Senators-elect were administered the oath of office by the Vice President.

Pages S4-5

Measures Passed:

Notification to the President: Senate agreed to S. Res. 1, providing that a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to inform the President of the United States that a quorum of each House is assembled. Subsequently, Senators Dole and Daschle were appointed by the Vice President.

Page S6

Notification to the House of Representatives: Senate agreed to S. Res. 2, informing the House of Representatives that a quorum of the Senate is as-

sembled and that the Senate is ready to proceed to business.

Page S6

Hour of Daily Meeting: Senate agreed to S. Res. 3, fixing the hour of daily meeting of the Senate at 12 o'clock meridian, unless otherwise provided.

Page S6

Electing President pro tempore: Senate agreed to S. Res. 4, electing the Honorable Strom Thurmond, of South Carolina, as President pro tempore of the Senate.

Page S6

Notifying President of the Election of President pro tempore: Senate agreed to S. Res. 5, notifying the President of the United States of the election of Senator Thurmond as President pro tempore of the Senate.

Page S6

Election of Secretary of the Senate: Senate agreed to S. Res. 6, electing Sheila Burke as Secretary of the Senate.

Page S6

Election of Sergeant at Arms and Doorkeeper of the Senate: Senate agreed to S. Res. 7, electing Howard O. Green, Jr., as the Sergeant at Arms and Doorkeeper of the Senate.

Page S6

Election of Secretary for the Majority: Senate agreed to S. Res. 8, electing Elizabeth B. Greene as the Secretary for the Majority.

Page S6

Notification to the President: Senate agreed to S. Res. 9, notifying the President of the United States of the election of a Secretary of the Senate.

Pages S6-7

Election of Secretary for the Minority: Senate agreed to S. Res. 10, electing C. Abbott Saffold as the Secretary for the Minority.

Page S7

Notification to the House: Senate agreed to S. Res. 11, notifying the House of Representatives of the election of Senator Thurmond as President pro tempore of the Senate. Page S7

Notification to the House: Senate agreed to S. Res. 12, notifying the House of Representatives of the election of a Secretary of the Senate. Page S7

Amending Senate Rules: Senate agreed to S. Res. 13, amending Rule XXV of the Standing Rules of the Senate. Pages S7–8

Majority Committee Appointments: Senate agreed to S. Res. 15, making majority party appointments to certain Senate committees for the 104th Congress. Page S8

Minority Committee Appointments: Senate agreed to S. Res. 16, making minority party appointments to Senate committees under paragraph 2 of Rule XXV for the One Hundred and Fourth Congress. Pages S8, S44

Subsequently, the resolution was modified.

Page S44

Amending Senate Rules: Senate agreed to S. Res. 17, to amend paragraph 4 of Rule XXV of the Standing Rules of the Senate. Pages S8–9, S44

Subsequently, the resolution was modified.

Page S44

Reappointment of Senate Legal Counsel: Senate agreed to S. Res. 18, relating to the reappointment of Michael Davidson as Senate Legal Counsel. Page S10

Page S10

Majority Committee Appointments: Senate agreed to S. Res. 20, making majority party appointments to certain Senate committees for the 104th Congress. Page S10

Page S10

Displaced Staff Member: Senate agreed to S. Res. 25, relating to section 6 of S. Res. 458 of the 98th Congress. Page S44

Page S44

Amending Senate Rules: Senate began consideration of S. Res. 14, amending paragraph 2 of the Rule XXV of the Standing Rules of the Senate. Pages S30–44

Pages S30–44

Pending:

Harking Amendment No. 1, amend the Standing Rules of the Senate to permit cloture to be invoked by a decreasing majority vote of Senators down to a majority of all Senators duly chosen and sworn.

Pages S30–44

A unanimous-consent time agreement was reached providing for further consideration of the pending amendment on Thursday, January 5, with a vote on a motion to table the amendment to occur thereon.

Page S44

Senate will continue consideration of the resolution on Thursday, January 5.

Measure Indefinitely Postponed:

Committee Funding: Senate indefinitely postponed further consideration of S. Res. 19, to express the sense of the Senate that the Committee on Rules and Administration when it reports the committee funding resolution for 1995–96 it should reduce funding for committees by 15% from the level provided for 1993–94. Pages S10, S45

Pages S10, S45

Unanimous-Consent Agreements:

Select Committee on Ethics: Senate agreed that, for the duration of the 104th Congress, the Select Committee on Ethics be authorized to meet during the session of the Senate. Page S9

Page S9

Time for Rollcall Votes: Senate agreed that, for the duration of the 104th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10 minutes' duration, the warning signal be sounded at the beginning of the last 7½ minutes. Page S9

Page S9

Authority to Receive Reports: Senate agreed that, during the 104th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate. Page S9

Page S9

Recognition of Leadership: Senate agreed that the majority and minority leaders may daily have up to 10 minutes on each calendar day following the prayer and disposition of the reading, or the approval of, the Journal. Page S9

Page S9

House Parliamentary Floor Privileges: Senate agreed that the Parliamentarian of the House of Representatives and his three assistants be given the privilege of the floor during the 104th Congress. Page S9

Page S9

Printing of Conference Reports: Senate agreed that, notwithstanding the provisions of Rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed. Page S9

Page S9

Authority for Appropriations Committee: Senate agreed that the Committee on Appropriations be authorized during the 104th Congress to file reports during adjournments or recesses of the Senate on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend Rule XVI, pursuant to Rule V, for the pur-

pose of offering certain amendments to such bills or joint resolutions, which proposed amendment shall be printed.

Pages S9–10

Authority for Corrections in Engrossment: Senate agreed that, for the duration of the 104th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

Pages S9–10

Authority to Receive Messages and Sign Enrolled Measures: Senate agreed that, for the duration of the 104th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States and—with the exception of House bills, joint resolutions, and concurrent resolutions—messages from the House of Representatives, that they be appropriately referred, and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Pages S9–10

Privileges of the Floor: Senate agreed that, for the duration of the 104th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.

Pages S9–10

Referral of Treaties and Nominations: Senate agreed that for the duration of the 104th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

Pages S9–10

Appointments:

Commission on the Roles and Capabilities of the U.S. Intelligence Community: The Chair announced the following appointment made by the Republican Leader, Senator Dole, During the sine die adjournment: Pursuant to provisions of Public Law 103–359, the appointment of Senator Warner and David H. Dewhurst, of Texas, as members of the Commission on the Roles and Capabilities of the United States Intelligence Community.

Page S45

National Bankruptcy Review Commission: The Chair announced the following appointment made by the President pro tempore, Senator Byrd, during the sine die adjournment: Pursuant to provisions of Public Law 103–394, and upon the recommendation of the Republican Leader, the appointment of James

I. Shepard, of California, as a member of the National Bankruptcy Review Commission.

Page S45

Commission on Protecting and Reducing Government Secrecy: The Chair announced the following appointment made by the Democratic Leader, Senator Mitchell, during the sine die adjournment: Pursuant to provisions of Public Law 103–236, the appointment of Senator Moynihan and Samuel P. Huntington, of New York, as members of the Commission on Protecting and Reducing Government Secrecy.

Page S45

John C. Stennis Center for Public Training and Development: The Chair announced the following appointment made by the Democratic Leader, Senator Mitchell, during the sine die adjournment: Pursuant to provisions of Public Law 100–458, Sec. 114(b)(1)(2), the reappointment of William Winter to a six-year term on the Board of Trustees of the John C. Stennis Center for Public Training and Development, effective Oct. 11, 1994.

Page S45

Nominations Received: Senate received the following nominations:

Robert E. Rubin, of New York, to be Secretary of the Treasury.

Robert E. Rubin, of New York, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

Ronna Lee Beck, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Linda Kay Davis, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Eric T. Washington, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

(See next issue.)

Messages From the House:

Page S45

Communications:

Page S45

Petitions:

Pages S45–47

Statements on Introduced Bills:

(See next issue.)

Additional Cosponsors:

(See next issue.)

Amendments Submitted:

(See next issue.)

Notices of Hearings: (See next issue.)

Additional Statements: (See next issue.)

Quorum Calls: One quorum call was taken today. (Total—1) (See next issue.)

Adjournment: Senate convened at 12 noon, and recessed at 9:10 p.m., until 10 a.m., on Thursday,

January 5, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S45.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: [Bills and resolutions introduced today will be printed in a future issue of the RECORD.]

Reports Filed: The following reports were filed subsequent to the sine die adjournment of the One Hundred Third Congress:

Report entitled "Activities of the Committee on Education and Labor During the 103d Congress" (H. Rept. 103-872, filed on December 13, 1994);

Report entitled "Summary of Activities of the Committee on Standards of Official Conduct During the 103d Congress" (H. Rept. 103-873, filed on December 13, 1994);

Report entitled "Activities and Summary Report of the Committee on the Budget During the 103d Congress" (H. Rept. 103-874, filed on December 19, 1994);

Report entitled "Legislative Review Activity During the 103d Congress of the Committee on Ways and Means" (H. Rept. 103-875, filed on December 20, 1994);

Report entitled "Activities of the Committee on Post Office and Civil Service for the 103d Congress" (H. Rept. 103-876, filed on December 20, 1994);

Report entitled "Summary of Legislative Activities of the Committee on Public Works and Transportation, One Hundred Third Congress" (H. Rept. 103-877, filed on December 22, 1994);

Report entitled "Activities Report of the Committee on Veterans' Affairs, House of Representatives, 103d Congress" (H. Rept. 103-878, filed on December 23, 1994);

Report entitled "Activities of the Permanent Select Committee on Intelligence During the 103d Congress" (H. Rept. 103-879, filed on December 23, 1994);

Report entitled "Legislative Review Activities of the Committee on Foreign Affairs During the 103d Congress" (H. Rept. 103-880, filed on December 29, 1994);

Report entitled "Activities of the Committee on Armed Services for the 103d Congress" (H. Rept. 103-881, filed on December 29, 1994);

Report entitled "Activity of the Committee on Energy and Commerce for the 103d Congress" (H. Rept. 103-882, filed on January 2);

Report entitled "Activities of the Committee on the Judiciary During the 103d Congress" (H. Rept. 103-883, filed on January 2);

Report entitled "Activities of the House Committee on Government Operations During the 103d Congress" (H. Rept. 103-884, filed on January 2);

Report entitled "Activities of the Committee on Small Business During the 103d Congress" (H. Rept. 103-885, filed on January 2);

Report entitled "Activities of the Committee on Agriculture During the 103d Congress" (H. Rept. 103-886, filed on January 2);

Report entitled "Final Report on the Activities of the Merchant Marine and Fisheries Committee, 103d Congress" (H. Rept. 103-887, filed on January 2);

Report entitled "Summary of Activities of the Committee on Science, Space, and Technology for the 103d Congress" (H. Rept. 103-888, filed on January 2); and

Report entitled "Report on the Activities of the Committee on Appropriations During the 103d Congress" (H. Rept. 103-889, filed on January 2).

(See next issue.)

Election of Speaker: By a yea-and-nay vote of 228 yeas to 202 nays, with 4 voting "present", Roll No. 2, Newt Gingrich of the State of Georgia was elected Speaker of the House of Representatives over Richard A. Gephardt of the State of Missouri. Representatives Thomas of California, Fazio, Roukema, and Schroeder acted as tellers. The Speaker was escorted to the Chair by Representatives Gephardt, Arney, DeLay, Bonior, Boehner, Fazio, Collins of Georgia, Lewis of Georgia, Bishop, Deal, Kingston, Linder, McKinney, Barr, Chambliss, and Norwood.

Representative Dingell administered the oath of office to the Speaker, who subsequently administered the oath to Members-elect present en bloc. **Page H8**

Party Leaders: It was announced that Representatives Arme y and Gephardt had been elected majority and minority leaders, respectively, and that Representatives DeLay and Bonior had been appointed majority and minority whips, respectively.

Pages H8-9

House Officers: House agreed to H. Res. 1, electing the following officers of the House of Representatives: Robin H. Carle, Clerk; Wilson S. Livingood, Sergeant at Arms; Scott M. Faulkner, Chief Administrative Officer; and Reverend James David Ford, Chaplain.

Page H9

On division of the question, rejected an amendment that sought to name certain minority employees to the positions of Clerk, Sergeant at Arms, and Chief Administrative Officer.

Page H9

Notify Senate: House agreed to H. Res. 2, to inform the Senate that a quorum of the House had assembled and had elected Newt Gingrich, a Representative from the State of Georgia, Speaker; and Robin H. Carle, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives.

Page H9

Notify President: House agreed to H. Res. 3, authorizing the Speaker to appoint a committee of two members to join with a like committee of the Senate to notify the President that a quorum of each House has assembled and that the Congress is ready to receive any communication that he may be pleased to make. Subsequently, the Speaker appointed Representatives Arme y and Gephardt to the committee.

Page H9

Inform President: House agreed to H. Res. 4, authorizing the Clerk of the House to inform the President that the House of Representatives had elected Newt Gingrich, a Representative from the State of Georgia, Speaker; and Robin H. Carle, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives.

Page H9

House Rules: House agreed to H. Res. 6, adopting the Rules of the House of Representatives for the One Hundred Fourth Congress.

Pages H23-38 (continued next issue)

By a ye a-and-nay vote of 416 yeas to 12 nays, Roll No. 6, the House agreed to section 101 of the resolution regarding committees, subcommittees, and staff reforms;

(See next issue.)

By a ye a-and-nay vote of 421 yeas to 6 nays, Roll No. 7, the House agreed to section 102 of the resolution regarding truth-in-budgeting baseline reform;

(See next issue.)

By a ye a-and-nay vote of 355 yeas to 74 nays, with 1 voting "present", Roll No. 8, the House agreed to section 103 of the resolution regarding term limits for the Speaker, committee and subcommittee chairmen;

(See next issue.)

By a ye a-and-nay vote of 418 yeas to 13 nays, Roll No. 9, the House agreed to section 104 of the resolution regarding a ban on proxy votes in any committee or subcommittee;

(See next issue.)

By a ye a-and-nay vote of 431 yeas, Roll No. 10, the House agreed to section 105 of the resolution regarding sunshine rules concerning committee meetings;

(See next issue.)

By a ye a-and-nay vote of 279 yeas to 152 nays, Roll No. 11, the House agreed to section 106 of the resolution regarding limitations on tax increases;

(See next issue.)

By a ye a-and-nay vote of 430 yeas to 1 nay, Roll No. 12, the House agreed to section 107 of the resolution regarding a comprehensive House audit; and

(See next issue.)

By a ye a-and-nay vote of 249 yeas to 178 nays, Roll No. 13, the House agreed to section 108 of the resolution providing that the Majority Leader and Minority Leader, or their designees, be authorized to call up for consideration on January 4, 1995 (or thereafter) H.R. 1, the "Congressional Accountability Act of 1995", subject to one hour of debate, equally divided between the Majority Leader and Minority Leader, or their designees, and subject to one motion to recommit by the minority, which could include amendments; and

(See next issue.)

House agreed to title II of the resolution which provided for House administrative reforms; changes in the committee system; oversight reform; Member assignment limit; multiple bill referral reform; accuracy of committee transcripts; elimination of "rolling quorums"; prohibition on committees sitting during House consideration of amendments; accountability for committee votes; affirmation of minority's rights on motions to recommit; waiver policy for special rules; prohibition on delegate voting in Committee of the Whole; accuracy of the CONGRESSIONAL RECORD; automatic rollcall votes; appropriations reforms; ban on commemoratives; numerical designation of amendments submitted for the CONGRESSIONAL RECORD; requirement for the Pledge of Allegiance as the third order of business each day; publication of signators of discharge petitions; protection of classified materials; structure of the Permanent Select Committee on Intelligence; abolition of legislative service organizations; and miscellaneous provisions and clerical corrections.

(See next issue.)

Rejected the Bonior motion to commit title II to a select committee composed of the Majority Leader and the Minority Leader with instructions to report

back the same to the House forthwith containing an amendment that changes from three to four years the Speaker term limits; contains language regarding majority-minority committee staff ratios on committees; language regarding the striking of waivers from budget resolutions; language regarding a ban on gifts from lobbyists; language regarding certain limitations on income from royalties received by any Members, officer, or employee of the House; and language amending existing rules creating the position of Director of Non-Legislative and Financial Services (rejected by a recorded vote of 201 ayes to 227 noes, Roll No. 14). (See next issue.)

H. Res. 5, the rule which provided for the consideration of the resolution, was agreed to earlier by a yea-and-nay vote of 251 yeas to 181 nays, Roll No. 5. Agreed to order the previous question on the resolution by a yea-and-nay vote of 232 yeas to 199 nays, Roll No. 3. Pages H10-19, H22-23

Earlier, objection was heard to a unanimous consent request to consider the resolution. Rejected the Bonior motion to commit H. Res. 5 to the Committee on Rules with instructions (rejected by a yea-and-nay vote of 196 yeas to 235 nays, Roll No. 4). Pages H19-22

Congressional Accountability Act: By a yea-and-nay vote of 429 yeas, Roll No. 15, the House passed H.R. 1, to make certain laws applicable to the legislative branch of the Federal Government. (See next issue.)

Legislative Program: The Majority Leader announced the legislative program for the week of January 9. Agreed that the House will adjourn from Thursday to Monday; and adjourn from Monday, January 9 until Wednesday, January 11; and adjourn from Wednesday, January 11, until Friday, January 13. (See next issue.)

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of Wednesday, January 11. (See next issue.)

Minority Employees: House agreed to H. Res. 7, providing for the designation of certain minority employees. (See next issue.)

Meeting Hour 104th Congress: House agreed to H. Res. 8, fixing the daily hour of meeting for the 104th Congress. (See next issue.)

Steering and Policy Committees Funding: House agreed to H. Res. 9, providing amounts for the Republican Steering Committee and the Democratic Policy Committee. (See next issue.)

Employee Position Transfers: House agreed to H. Res. 10, providing for the transfer of two employee positions. (See next issue.)

Sacrifice and Courage of Warrant Officers Hilemon and Hall: House agreed to H. Con. Res. 1, recognizing the sacrifice and courage of Army Warrant Officers David Hilemon and Bobby W. Hall II, whose helicopter was shot down over North Korea on December 17, 1994. (See next issue.)

Committee Elections: House agreed to the following resolutions to designate committee memberships:

H. Res. 11, designating majority membership on certain standing committees of the House;

H. Res. 12, designating minority membership on certain standing committees of the House; and

H. Res. 13, electing Representative Bernard Sanders to standing committees of the House. (See next issue.)

House of Representatives Page Board: Pursuant to section 127 of Public Law 97-377, the Speaker appointed as members of the House of Representatives Page Board the following Members: Representatives Emerson and Kolbe. (See next issue.)

House Office Building Commission: Pursuant to the provisions of 40 United States Code, sections 175 and 176, the Speaker appointed Representative Arme as a member of the House Office Building Commission, to serve with himself and Representative Gephardt. (See next issue.)

Select Committee on Intelligence: Pursuant to clause 1 of rule 48 and clause 6(f) of rule 10, the Speaker appoints as members of the Permanent Select Committee on Intelligence the following Members: Representatives Combest, Chairman, Dornan, Young of Florida, Hansen, Lewis of California, Goss, Shuster, McCollum, Castle, Dicks, Richardson, Dixon, Torricelli, Coleman, Pelosi, and Laughlin. (See next issue.)

Morning Hour Debate: It was made in order that the House may convene 90 minutes earlier than the time otherwise established by order of the House on Mondays and Tuesday of each week solely for the purpose of conducting "morning hour" debates under certain conditions. (See next issue.)

Clerk's Authorization: Read a letter from the Clerk of the House wherein, under clause 4 of Rule III of the Rules of the House of Representatives, she designates Ms. Linda Nave, Deputy Clerk, to sign any and all papers and do all other acts under the name of the Clerk of the House which she would be authorized to do by virtue of such designation, except as provided by statute, in case of the Clerk's temporary absence or disability. (See next issue.)

Senate Messages: Message received from the Senate today appears on page H23.

Quorum Calls—Votes: One quorum call (Roll No. 1), thirteen yea-and-nay votes, and one recorded vote developed during the proceedings of the House today and appear on pages H1-2, H3-4, H19, H22, H22-23 (continued next issue).

Adjournment: Met at noon and adjourned 2:24 a.m. on Thursday, January 5.

Committee Meetings

No committee meetings were held.

CONGRESSIONAL PROGRAM AHEAD

Week of January 5 through 7, 1995

Senate Chamber

On *Thursday*, Senate will resume consideration of S. Res. 14, amending paragraph 2 of Rule XXV of the Standing Rules of the Senate, with a vote on the motion to table Harkin Amendment No. 1, relating to the imposition of cloture, to occur at 11:30 a.m.

Senate may also consider S. 2, to make certain laws applicable to the legislative branch of the Federal Government.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Banking, Housing, and Urban Affairs: January 5 and 6, to hold hearings to examine issues involving municipal, corporate and individual investors in derivative products and the use of highly leveraged investment strategies, 10 a.m., SD-106.

Committee on the Budget: January 5, to hold joint hearings with the Committee on Governmental Affairs on S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments, and to strengthen the partnership between the Federal Government and State, local and tribal governments, 9:30 a.m., SH-216.

Committee on Governmental Affairs: January 5, to hold joint hearings with the Committee on the Budget on S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments, and to strengthen the partnership between the Federal Government and State, local and tribal governments, 9:30 a.m., SH-216.

Committee on the Judiciary: January 5, to hold hearings on a proposed constitutional amendment to balance the Federal budget, 10 a.m., SD-226.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see page E30 in today's RECORD.

House Chamber

The program will be announced.

House Committees

Committee on the Budget, January 6, to hold an organizational meeting, 10 a.m., 210 Cannon.

Committee on Economic and Educational Opportunities, January 5, to hold an organizational meeting, 9:30 a.m., 2175 Rayburn.

Committee on the Judiciary, January 5, to hold an organizational meeting, 11 a.m., 2141 Rayburn.

Committee on Rules, January 5, to hold an organizational meeting, 1 p.m., H-313 Capitol.

Committee on Science, January 5, to hold an organizational meeting, 1 p.m., 2318 Rayburn.

January 6, hearing on "Is Today's Science Policy Preparing Us for the Future," 9:30 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, January 5, to hold an organizational meeting, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, January 5, to hold an organizational meeting, 11 a.m., and to hold a hearing on the Contract With America, 1 p.m., 1100 Longworth.

Joint Meetings

Joint Economic Committee: January 6, to hold hearings on the employment-unemployment situation for December, 9:30 a.m., SD-538.

Next Meeting of the SENATE

10 a.m., Thursday, January 5

Senate Chamber

Program for Thursday: At 10:15 a.m., Senate will resume consideration of S. Res. 14, amending paragraph 2 of Rule XXV, with a vote on the motion to table Harkin Amendment No. 1, relating to the imposition of cloture, to occur at 11:30 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, January 5

House Chamber

Program for Thursday: No legislative business is scheduled.

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