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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. NUSSLE].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 6, 1995.

I hereby designate the Honorable JIM NUSSLE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

LINE-ITEM VETO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana [Mr. HOSTETTLER] for 2 minutes.

Mr. HOSTETTLER. Mr. Speaker, I come to the floor today for a number of reasons. It is my hope and expectation that later this evening, this Chamber will pass H.R. 2 and give the President a much overdue line-item veto. I commend my colleagues for this effort and look forward to casting my vote in support of this very useful tool as it will be a good first step in eliminating unnecessary Federal spending and put a bit of balance into the Federal budget process. However, I think the words that I should most emphasize here would be ''first step.'' Giving the President the power and authority to rescind spending that is viewed as wasteful or excessive is only the first step in the long and arduous journey toward fiscal responsibility. However, given the fact that President's Clinton's budget, which was just released today, contains an annual budget deficit of over $190 billion for the next 5 years, Congress is obviously going to have to take the lead in instilling some kind of fiscal control in the Federal budget process.

Line-item veto or no-line-item veto, from the looks of the red ink in this President's budget, it is readily apparent that if anything is going to be done about this country's fiscal crisis, it is going to be done by us. And at the risk of sounding cynical or pessimistic, we have not even begun to make the difficult decisions that we will undoubtedly have to make to put the Federal budget process and Federal spending back on the path toward fiscal health. It is because I am ready, even anxious, to make these decisions that I decided to run for Congress last year at this time. I looked around me, at what was happening to the priorities our Federal Government had established when doling out Federal tax dollars, my tax dollars, and I became concerned, actually frightened, and I thought about the future of my children. I began to seriously worry about the burden that trillions of dollars in debt will place on my children and on the children of all Americans. Each year, lawmakers seem to ignore what is fiscally sound economic advice from their constituents and endlessly deficit spend the hard working citizens' tax dollars. And every year that this happens, the financial security of our children, and our children's children is jeopardized. I am no longer willing to take this kind of chance with the future of our country. Today we celebrate the birthday of former President Ronald Reagan, a man whose commitment to fiscal responsibility was acknowledged and respected far and wide. Today I celebrate the birthday of another gentleman who taught me about fiscal accountability. My father turns 72 today, and it is from him that I learned about the duty, responsibility, and obligation for family that I try to incorporate into my life every day. It is because of this overwhelming sense of commitment to my family that I stand before you today. As we undertake this enormous task in front of us, I urge us not to lose sight of the fact that it will be our children that will actually suffer from our lack of dedication to true fiscal responsibility.

WELFARE REFORM AND INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, as the prior gentleman in the well was talking about, this is a week where we are really going to be focusing on the budget. But I think there is an awful lot of other issues as we all sit down as Americans around the budget table and try and figure out how we get our budget under control.

The first thing that strikes me is that tomorrow night, February 7, there is going to be a dinner in this town, and they are going to charge $50,000 a plate for the Speaker. That is an awful lot of money.

While that dinner is going on, many of us are trying to increase the minimum wage. But let us think about how many minimum wage people are going to be at that dinner. I do not think

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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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there is going to be any there eating the dinner. There may be some serving the dinner because a minimum wage employee, if they work full time an 8-hour day throughout the year would make $10,500. And that would not get them even to the hors d'oeuvre course if they took their whole year's salary and put it there.

A $50,000-a-plate dinner and the minimum wage and the Federal budget, how do we bring all of that together, because the issue in the budget is what we spend our money on, and who we think has the greatest claim to getting Federal attention.

My guess is most of the people who buy those dinners have something they want. It just does not pass the straight face test to say, oh no, they paid $50,000 for dinner because they believe in good government or they wanted a decent meal. No, no, I think they want something. And I think we know what they want. They probably want some little tax benefit.

One of the things that we have done over and over again is we talk about spending programs, but we never talk about the fact that special tax benefits to individuals are also spending much, because we are taking money away that would be coming in.

We had last week on this floor a very important amendment pointing to that when we talked about the line-item veto. We said not only should the President be able to line item veto spending that looked like pork, but the President should be able to line item veto any special tax privileges.

Guess what? That lost. So I guess the dinner is going on because people still figure that is a possibility if they go to their dinner.

But I think when we look at America and when we look at our long historic tradition we have felt that there should be room in the budget for those who need the most help. That is how families do it. When American families sit around the table and they are in tough times they do not cut the kids out first, for heaven's sake, they do not say we will drop education first because they happen to think that is an investment. They tend to look at the parts of the budget that really are going to those who are best off in the family. And yet, somehow, because of how we collect revenues to run for office and everything else, we tend to distort our budget priorities.

Think how many people who get the minimum wage can make much of a campaign contribution. If you make $10,500 a year, what kind of campaign contribution do you think you could make? How many fancy dinners do you think you can go to? What kind of clout do you think you are going to have in Washington trying to bring your case to the table? Does your case have to be traded off with balancing it for those who are the most well off?

We now understand there is a new deal on the table, and that is maybe people will go along with the minimum wage increase if we can have a capital gains cut. I am not sure we are ever going to get to balancing the budget if we continue to do that, saying we just absolutely cannot do anything for those who are struggling along on the lowest rung unless we continue to do things for those who are on the upper rungs because otherwise I do not know what rich people will do. Maybe they will just get mad and not give money to campaigns anymore. Would that not be a terrible thing?

So, I think as we look at all of these issues that are floating around out there, I hope everybody listens to several very key things. No. 1, we have to stop kidding people we are going solve the deficit by finding some waste, fraud, and abuse. Anywhere we find waste, fraud, and abuse, sure, cut it, just cut out the tea tasters and those things, but we know that is not going to balance the budget. We have to do some other thing too and let us think about our very core priorities as we get to that.

SUPPORT FOR THE LINE-ITEM VETO

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Georgia [Mr. NORWOOD] is recognized during morning business for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I rise today in support of the line-item veto. This is an action we need to take to save this country from our runaway debt. It is an action we must take to end the irresponsible practices by this body. It is an action that is completely consistent with the wishes of our Founders.

Mr. Speaker, we are making significant changes in the way the Federal Government operates. I have listened to the arguments made by the other side against these changes, and I am struck by how little regard is shown for our Federal debt. Perhaps we do not understand the amount our debt costs us? Perhaps we think that these programs we are so afraid of cutting will survive even if we bankrupt the Nation. We owe $4.8 trillion. I hear the other side talk about us hurting programs that benefit young people. They do not seem to understand that we are trying to save the future for young people all over America. We have no right to fund any program, no matter how well intentioned, at the expense of the children of the next generation.

I ran for this office because I have two little grandchildren. I saw the ever-rising debt and the dreadful impact it will have on their future. I am here to do something about the debt and free that burden from their future and from the future of young people throughout my district and throughout America. I support the line-item veto because the students in Sallie Bullock's calculus class at Madison County High in Danielsville, GA already owe $310,760'. I support it because Mary Mills fifth grade class at Oconee County Intermediate School in Watkinsville, GA already owes $365,600. I support it because Martha Scroggs' kindergarten class at Episcopal Day School in Augusta already owes $457,000. Mr. Speaker, the line-item veto is an important step for the future of these young people.

I have listened to the constitutional arguments against the line-item veto. To those people, I would share the words of Alexander Hamilton in Federalist No. 73. In response to those who stated that the veto would give the President too much power, Hamilton argued that the veto power was important because it limited the power of Congress.

> The propriety of the thing does not turn upon the supposition of superior wisdom or virtue in the executive; but on the supposition that the legislative will not be infallible; That the love of power may sometimes betray it into a disposition to encroach upon the rights of the other members of the government; that a spirit of faction may sometimes pervert its deliberations; that the impressions of the moments may sometimes hurry it into measures which itself on maturer reflection condemn.

Mr. Speaker, if Alexander Hamilton only knew what we have come to in this body. When $20 million for a fingerprint facility in West Virginia is inserted into an emergency assistance bill for Los Angeles earthquake victims, we prove that Hamilton was right. When $11½ million are spent on powerplant modernization in a shipyard about to be closed, we prove that we need to give the President the line-item veto. If Hamilton could see what we do here today, he would certainly support it as well.

One other argument that we hear is that it will be used by the President as a political weapon. Mr. Speaker, 43 Governors have the line-item veto. If it was being used as this evil political weapon as our opponents would suggest that it is, you would certainly think that far fewer States would have them. If it were being used irresponsibly by those who have it, it would be taken away. I believe that our opponents greatly overstate the danger of the use of the line-item veto. The veto power possessed by the President today is a far more powerful tool, but it has been used wisely. We have no reason to expect otherwise with the line-item veto.

Mr. Speaker, we are making significant changes in the way business is conducted by the Federal Government. The line-item veto is one more way for us to show the American people that we are making their Government more responsible.

INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, later in this session we will be

discussing efforts at reforming the welfare system in this country, and it is clearly the goal of both the Republicans and the Democrats to make sure that people move from welfare into the American economic system and that those individuals move into that economic system in the hopes of achieving economic self-sufficiency. It is clearly what the President has announced as he has discussed welfare reform and as he has discussed the minimum wage.

The minimum wage becomes key to that effort of moving people from welfare, from public assistance, from dependency, to economic self-sufficiency. We must make it clear that in this country those individuals that choose to go to work, those individuals that later we will seek to require to go to work, that they are making a logical economic choice for them and for their families.

The key to doing that is making sure that the minimum wage will boost people above the poverty level in this country; that when they make a decision to get up every morning and go to work and go to work all day long, that in fact when they come home to their families and their children, they will know they succeeded in lifting their family out of poverty. If we do not do that it is very difficult to rationalize to those individuals why in fact they should go to work.

The $4.25 minimum wage that we have today does not do that for individuals, and it clearly does not do that for individuals who are working on behalf of themselves and their families.

What we see today is more children under the age of 6 are living in poverty than at any time in recent history, and 58 percent of those children are living in families where individuals go to work every day. They go to work on a part-time or full-time basis but they do not receive, they do not receive wages sufficient to keep their family above the poverty line.

We have got to make sure that that no longer is true. And that is why the increase in the minimum wage is so terribly important. Clearly, work must pay, and that is the signal that we must send in this country; that you go to work, it is worth your while to go to work to do that job and to provide for your family. That simply is not true.

The increase in the minimum wage that the President has asked us to support, 45 cents this year and 45 cents next year, will raise an individual above the poverty line. It unfortunately still does not address an individual that is working on behalf of a spouse and/or children in that family. But we have got to make that effort. This is the minimum that we can do on the minimum wage.

Historically, the increase in the minimum wage has had very, very substantial bipartisan support. When we addressed this exact same increase, 45 cents one year and 45 cents the next year, when it was presented to us by President Bush it was passed overwhelmingly on a partisan basis; 383 Members in this House voted for it, 135 Democrats voted for it, crystallizing again that President Bush had the same goal that President Clinton did, and that is to make work pay, to get people to go to work and to be able to provide for their families.

I think it is unfortunate that we now see the Republican majority leader say to this country that he will oppose the minimum wage with every fiber in his body, that he will deny these individuals who are seeking to provide for their family the ability to go to work and come home above the poverty line.

I think it is unfortunate when we see the people of this House suggest that we cannot raise the minimum wage because we have to compete with wages in Mexico. I think we should have told the people of this country that that was the conditions on the passing of NAFTA, and that now Americans' wages are going to be tied to the wages of Mexico.

Is that the message we have for people that go to work in this country every day, that you can live at the standard of living provided people in Mexico? That simply cannot be.

□ 1250

That simply cannot be. That cannot be the underpinnings of the American system of economics. It cannot be the underpinning of the free enterprise system, and it cannot be the underpinning for support for families in this country.

We have got to understand that Americans who go to work are entitled to participate in the American standard of living on behalf of themselves and for their families.

I am delighted to see that apparently the support for the minimum wage is not complete across the Republican spectrum, because this weekend we found out Senator DOLE is not opposed to it. The question is only what we will have to pay to achieve the minimum wage, and the indications are that if you cut the capital gains tax, where 75 percent of the benefit goes to 10 percent of the population, then and only then are the Republicans prepared to try to help the millions of American families who go to work every day yet remain in poverty.

BAILOUT OF MEXICO

The SPEAKER pro tempore (Mr. NUSSLE). Under the Speaker's announced policy of January 4, 1995, the gentleman from Kentucky [Mr. BUNNING] is recognizd during morning business for 5 minutes.

Mr. BUNNING. Mr. Speaker, article I of the U.S. Constitution vests the power of the purse in the Congress. Unfortunately, the President of the United States has taken it upon himself to do an end run around the Constitution, the Congress, and the American people to bail out Mexico.

Mr. Clinton has pushed the barriers past the breaking point. He is basing his power grab on a twisted reading of his authority under the Gold Reserve Act of 1934. That is the law which established the Exchange Stabilization Fund that Mr. Clinton has raided to save Mexico.

The Exchange Stabilization Fund was not meant for the kind of shenanigans that Mr. Clinton is trying to pull. It was designed to ensure that we would have an orderly and stable system of exchange rates.

In other words, the Gold Reserve Act gives the President authority to stabilize the U.S. dollar and protect its value. It does not give the President the authority to prop up the currency of Mexico.

It seems that Mr. Clinton needs to take a refresher course in constitutional law. Only Congress has the authority to appropriate money.

Apparently, the chairman of the Federal Reserve, Alan Greenspan, doesn't think too much of Mr. Clinton's bailout scheme either.

The Washington Times reported on February 1 that the Exchange Stabilization Fund, the IMF and the BIS do not have the resources to deal with Mexico's problems. He went on to say that the bailout should be addressed by the political leaders of the country because of its broad implications.

Mr. Greenspan is not alone in thinking that this financing scheme is a multibillion-dollar disaster waiting to happen.

The Hertigage Foundation had warned that this bailout was a bad deal as early as January 25. A study by Heritage warned,

> The proposed loan guarantees may bail out Mexico this year, but they will not prevent another crisis unless the Mexican Government corrects the fundamental structural problems that caused the peso's collapse.

Our financial partners in Europe seem to understand the problem. When it came to a vote at the International Monetary Fund, Germany, Britain, Denmark, the Netherlands, Belgium, and Switzerland all abstained from voting rather than support Mr. Clinton's plan.

I applaud my colleague, Mr. TAYLOR of Mississippi, for pushing the envelope on this issue by introducing a privileged resolution that will put the House on record as to where we stand on this bailout.

His resolution will put us on track to determine whether the President has acted outside the scope of his authority.

We have all sworn to defend the Constitution of the United States. If the President is wrongly seizing power from the legislative branch, it is our duty to stop him.

Mr. TAYLOR's privileged resolution is just the thing to start the inquiry into what I believe may be the power grab of our time. Congress, not the President or the Courts, is charged with the power to spend the money.

We cannot sit on our hands and watch the President shred the Constitution and ignore the will of the Representatives of the American people. We must let everyone know that this body looks out for the interests of the American people, not the Government of Mexico.

CALCULATION OF CONSUMER PRICE INDEX SHOULD BE OUTSIDE POLITICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Oregon [Mr. WYDEN] is recognized during morning business for 5 minutes.

Mr. WYDEN. Mr. Speaker and colleagues, I am a Member of the House who has felt that the calculation of the Consumer Price Index for our country should be a concern that was outside politics, one that was going to be nonpartisan. Making sure that the Consumer Price Index is calculated accurately is of enormous importance to, for example, low-income senior citizens who depend on their Social Security to pay for their necessities, but it is also important to millions of middle-income taxpayers, because our brackets are now indexed for inflation, and the tax brackets and the personal exemption, the standard deduction. A number of these concerns for middle-income people are affected by the Consumer Price Index.

But recently is seems to me politics has been introduced to these discussions, because the Speaker has said that unless the Consumer Price Index is changed within the next 30 days, the agency that calculates it, the Bureau of Labor Statistics, would be zeroed out.

I think this is very unfortunate. We understand why someone might want to do this, because if you lower the Consumer Price Index, you can have a no-fingerprints way to cut the deficit by about $150 billion, if you cut the Consumer Price Index by just 1 percentage point. But what you will do in the process is hurt those low-income seniors and, ironically, there are some new studies by the Bureau of Labor Statistics that show because of the high medical expenses of seniors their Consumer Price Index may be understated rather than overstated. So you will hurt those seniors.

But you will also hurt the middle-income taxpayers who will find they will be paying more in taxes as a result of these changes.

Now, I am one of the Democrats who voted on the first day of the session to make it tough to raise income taxes, because I thought it was important to protect small businesses and seniors and others. So last Friday, with the minority leader, the gentleman from Missouri [Mr. GEPHARDT], and a number of our colleagues, I introduced a piece of legislation stipulating that to cut the Consumer Price Index in this Congress and raise the taxes on middle-income people and hurt low-income senior citizens you would have to comply with rule XXI that was passed the first day saying that a tax increase has got to be approved by a three-fifths majority. I am very hopeful that this bill will not be necessary.

I want that Consumer Price Index calculated on nonpartisan bases by professional economists, but if there is going to be an effort to politicize the Consumer Price Index, it will come out on the floor of the House of Representatives and cutting it and hurting the senior citizens and the middle-income taxpayers, for those who want to do it, they will have to comply with the rule making it tougher to raise income taxes.

SUPERFUND LIABILITY MORATORIUM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. CANADY] is recognized during morning business for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, I rise today to offer an avenue of relief to small businesses and individuals throughout the country who have done nothing wrong, but are nonetheless being held liable for the expensive task of Superfund site clean up.

As you know, Mr. Speaker, Congress passed the Superfund law in 1980 to clean up the country's most polluted waste sites. The merits of the Superfund effort are without question. Superfund sites are environmental disaster areas which have a clear potential for impact on public health and safety. Superfund sites must be cleaned up.

But while the Superfund law may have a noble purpose, the details are a nightmare. The framers of Superfund, adhering to the concept of ''polluter pays,'' created a scheme of joint and several and retroactive liability. This wrongheaded provision has forced many individuals and small businesses to pay a portion of the clean up costs although they are not in fact responsible for the pollution.

Mr. Speaker, this structure has resulted in a notorious tangle of litigation and enforcement, and it has wreaked havoc on the lives of innocent citizens while accomplishing very little in the way of actual clean up.

These innocent individuals had no knowledge of the release of hazardous substances into the environment. They were simply trying to do the right thing by contracting with a third party for proper disposal. Now they are liable, under Superfund, for the cleanup of environmental disasters they did not create.

Such liability without culpability is patently unfair. It runs contrary to common sense and the fundamental requirements of justice. Further, it can be financially devastating to innocent individuals who are caught in the Superfund trap.

There is general agreement, in this body and elsewhere, that the Superfund liability structure must be changed. I am aware that the appropriate committees and subcommittees in both Houses of Congress are working on a comprehensive reform effort. I support this effort.

However, as Congress debates the shape and scope of reform, individuals in my district and elsewhere continue to be pursued and persecuted for something they did not do. This is not right, Mr. Speaker. We must stop this injustice and prevent this law from further disrupting the lives of innocent individuals.

It is for this reason that I introduced H.R. 795 last week to provide relief for innocent parties while we proceed with comprehensive reform of the law. My bill instructs the Administrator of the Environmental Protection Agency [EPA] to cease all agency actions against the nonpolluters. It also places a moratorium on the authority for contribution actions under the statute.

It is important, Mr. Speaker, to explain what my bill does not do. It does not abolish the Superfund Program, it does not repeal Superfund funding authority and it does not stop the clean up of Superfund sites. It allows the EPA to continue its enforcement actions against the true polluters—the culpable owners and operators of the contaminated sites and all others who had prior knowledge of illegal or environmentally harmful disposal activities.

H.R. 795 simply suspends the practice of financing Superfund clean ups on the backs of innocent people who had no knowledge of wrongdoing and no intent to harm the environment.

This legislation is needed to provide relief to the innocent individuals caught in the Superfund liability trap. The Superfund nightmare has gone on far too long. We should stop the injustice without further delay. I encourage my colleagues to join me in this effort.

THE LINE-ITEM VETO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 1995, the gentleman from Oregon [Mr. DEFAZIO], is recognized during morning business for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today we have before the House the issue of the line-time veto, or did we really have a viable form of the line-item veto pending before this House? This could be a useful tool in the armamentarium of a President who is truly concerned about reducing the budget, a President who just does not want to use it in a political or punitive manner to go after a few programs, that he or she in the future could not convince the Congress to otherwise not fund.

But the question is, is this a viable form, or is it a grandly symbolic gesture, a gesture intended for the 84th birthday of ex-President Ronald

Reagan? We have heard that a lot from the other side.

Well, let us just recount a few of the Reagan years so we can get this in perspective. Remember, President Reagan promised the people of the United States of America that he would balance the budget by 1984. Instead, his administration worked hand in glove with Congress to pile up the greatest amount of debt ever seen for this Nation. It took us 200 years to amass the first $900 billion of debt, but in a mere 8 years, President Reagan's administration more than tripled the national debt to over $3 trillion. Yes, they talked a great game about reducing the deficit and balancing the budget, but they never ever submitted a balanced budget. They never ever even submitted a budget within $100 billion of balance.

And then finally in the twilight years, in the last year of the Reagan administration, Budget Director Miller submitted a list of what he said Ronald Reagan would have used the line-item veto on if only he had that power.

The deficit in 1988 was $150 billion. After tremendous efforts downtown at the White House, President Reagan and Mr. Miller came up with a list of $1 billion in cuts that they would have made had they had the line-item veto. So instead of $150 billion deficit, it would have been $149 billion, and, of course, not a penny would have come from the Pentagon, the largest single source of general fund spending.

Last year we passed a constitutional version of a line-item veto called an enhanced rescission. This year we have before us an empty gesture. Clearly, the bill that will be voted on finally today, the Stenholm amendment, the bill we passed last year having been defeated in a vote last Friday on the floor of this House, is unconstitutional, and will be thrown out by the courts.

So if what we want is a grandly symbolic empty gesture, then vote ''yes'' on final passage today.

Happy birthday, of course, to the ex-President.

His legacy of a $3 trillion will stand as a monument for generations of Americans to come. I would hope this House would begin to take real steps toward cutting the Federal deficit and the Federal debt and no more gestures. Do not vote today for this empty gesture.

THE PRESIDENT'S PROPOSED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. BAKER] is recognized during morning business for 1½ minutes.

Mr. BAKER of California. Mr. Speaker, in response, today President Clinton just introduced his budget, and if you heard, the previous speaker said the last 2 years of Ronald Reagan was $150 billion in deficit and $155. Today's budget introduced by President Clinton the deficit is $210 billion.

The first 4 years of the Clinton administration will show a deficit of over $1 trillion. This budget is not balanced.

But it is not the President's fault. It was not the President's fault for the last 26 years. Pick your favorite, was it Carter, was it Reagan, was it Ford, was it Clinton? Who is your favorite for unbalancing the budget? And the answer is this Congress. This Congress has had its foot on the accelerator for 26 years.

Never once has this Congress balanced the budget in 26 years. Never once has this Congress balanced the budget in 26 years.

Well, today is President Ronald Reagan's 84th birthday, and today we are going to give President Reagan and President Clinton a little present, and that is the line-item veto, because we need new tools. We have shown we cannot balance the budget ourselves.

Last week this Republican Congress passed the balanced budget amendment. This week we are going to give the President, whomever the President is, the tool to help us balance the budget with the line-item veto.

Let us remember it is not the President, it is the Congress. And we are going to allow the Executive and Congress to sit down together to continue to work toward a balanced budget in 2002 so that our grandchildren will not have to pay for the Government we use and are afraid to pay for.

FISCAL RESPONSIBILITY AND THE LINE-ITEM VETO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. KNOLLENBERG] is recognized during morning business for 1½ minutes.

Mr. KNOLLENBERG. Mr. Speaker, today I rise in strong support of the line-item veto which will effectively give the President the ability to strike out pork-barrel projects from otherwise good legislation.

The line-item veto will end the ''Christmas Tree'' practice of tacking on pet projects to wholly unrelated legislation—burying the details away from the public's eye.

Last year and in 1993 we saw this practice expand to an unprecedented level. The most flagrant abuse was after the city of Los Angeles was devastated by the earthquake. Congress eventually passed the emergency supplemental earthquake assistance bill, but not before slipping in $10 million for a train station in New York, $1.3 million for Hawaiian sugar cane mills, and $20 million to add employees to the FBI in West Virginia.

This list of abuses goes on and on and the taxpayers are stuck with the bill and asked to pay more of their fair share. I don't think they would think that their share should include $1.1 million for a national pig research facility in Iowa or $35 million to eradicate screw worms in Mexico.

Mr. Speaker, tacking on these types of pet projects has become a runaway train and the American taxpayers are getting taken for a ride toward economic disaster. Let us keep the train on the tracks.

I urge all of my colleagues, on both sides of the aisle, to support this critical piece of legislation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 9 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. LINDER] at 2 p.m.

PRAYER

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

Open our eyes, O gracious God, so that we may see the magnificence of Your creation; open our minds to the promises of Your true and lively word; open our ears to hear the words of others and to listen to their thoughts and experiences; open our intellect so we can understand the mysteries of knowledge and the fruits of wisdom, and open our hearts so we can love and forgive, so we can hope and have faith, so we can be thankful for all Your good gifts of life and the blessings of each new day. Amen.

THE JOURNAL.

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House is approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Alabama [Mr. EVERETT] will please come forward and lead the House in the Pledge of Allegiance.

Mr. EVERETT 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.

PERMISSION FOR SUNDRY COMMITTEES AND SUBCOMMITTEES TO MEET TODAY DURING THE 5-MINUTE RULE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the following

committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule.

The Committee on Economic and Educational Opportunities and the Committee on the Judiciary.

Mr. Speaker, it is my understanding that the minority has been consulted, and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. WISE. Mr. Speaker, reserving the right to object, the gentleman is quite correct. The minority has been consulted in the case of the Committee on Economic and Educational Opportunities and the Committee on the Judiciary. Once again we want to applaud the majority. This consultation, we think, is a very helpful and healthful process, and we look forward to continuing it in the future.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 1) ''An Act to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates, on State, local, the 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,'' agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROTH, Mr. DOMENICI, Mr. KEMPTHORNE, Mr. GLENN, and Mr. EXON to be the conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated tot he House by Mr. Edwin Thomas, one of his secretaries.

REPUBLICAN CONTRACT WITH AMERICA

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

Mr. BALLENGER. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will: Force Congress to live under the same laws as everyone else; cut committee staffs by one-third, and cut the congressional budget; we have done that.

It goes on to state that in the first 100 days, we will vote on the following items: A balanced budget amendment—we have done this; unfunded Mandates Legislation—we have done this; Line-item veto; a new crime bill to stop violent criminals; Welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat Dads and protect our children; Tax Cuts from Families to lift Government's burden from middle income Americans; National Security Restoration to Protect our Freedoms; Senior Citizens; Equity Act to allow our seniors to work without Government penalty; Government regulatory reform; commonsense legal Reform to end frivolous, lawsuits, and Congressional term limits to make congress a citizen legislature.

This is our Contract With America.

PRESIDENT'S BAILOUT OF MEXICO RAISES SERIOUS CONSTITUTIONAL QUESTIONS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, if NAFTA is such a great deal, why do we have to bailout Mexico? That is the central question that must be answered before a single dime of our money is placed at risk.

The $47 billion bailout is a raw deal for the American taxpayer. Adding insult to injury, the President is taking an end run around the people's elected Representatives and unilaterally placing our money at risk. Since Congress controls the power of the purse, this action raises serious constitutional questions.

A depression in the steel industry in the late 1970's and early 1980's cost the northwest Indiana district I represent 50,000 good jobs. The U.S. Government did not bailout a single person who had a mortgage, a car payment, or children attending college.

It is flat out wrong for our Government to bail out Mexico without first seeking permission from the American people, through their elected Representatives, whose money will be placed at risk.

Mr. Speaker, I urge acceptance of Mr. TAYLOR's privileged resolution so that we can find out what the bailout really means for the American taxpayer.

WHAT TOOK US SO LONG

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

Mr. NORWOOD. Mr. Speaker, for years, the American people have supported the line-item veto as another tool to help control Government spending and balance the budget. In November 1994, a poll showed that 77 percent of the American people supported the line-item veto, and in 1992, a poll showed a 68-percent approval rating. With this kind of support for a good Government measure, I have to ask what took us so long?

Putting aside any notion of partisan politics, the Republican majority has finally brought the line-item veto to the floor for a vote. We are delivering to the President a necessary tool to allow him to control Government spending and to kill pork-barrel politics. We are keeping our promise to the American people through our Contract With America. I hope my Democrat colleagues join me in supporting this legislation. Its time has finally come.

WELFARE QUEENS AND THE WELFARE KINGS OF THE CORPORATE WORLD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the President's budget is already under attack, and that is par for the course. There are people who are still blasting welfare queens, but keep in mind that AFDC helps American children and food stamps help feed America's poor.

What bothers me is that no one talks about those welfare kings, with that $51 billion in direct subsidies to corporations and $53 billion in tax breaks for fat cats. And no one talks about welfare kings. Check this out: $18 million for Sunkist to sell orange juice; $5 million for Gallo to sell wine; $1 million for M&M to sell candy; half a million to Ronald McDonald to sell chicken; and half a million to Campbell's Soups to sell V–8 juice. Beam me up, Mr. Speaker.

President Clinton's budget may not be perfect, but it has a heart and it has a soul, and that may be just a good place to start our debate from. Think about that.

TODAY'S VOTE ON THE LINE-ITEM VETO: A PRESENT FOR EX-PRESIDENT REAGAN

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

Mr. HEFLEY. Mr. Speaker, we are doing something today that the Democrat-controlled Congress over the past 40 years could never bring itself to do. Today we are going to vote on a line-item veto to give the President, regardless of party affiliation, the ability to control spending and Government growth. The President will finally be able to exert the same power that 43 Governors already enjoy—the line-item veto.

I am proud to stand here today in support of this important budget-control issue. It finally took a Republican majority to bring this item to the floor for a vote. Let us pass the line-item

veto and help eliminate unnecessary and wasteful Government spending.

Happy birthday, President Reagan. You are finally getting the present you dreamed about.

THE MANY FACES OF POVERTY

(Mr. HILLARD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HILLARD. Mr. Speaker, I rise today in favor of increasing the minimum wage for the working poor, a group of individuals who are helping themselves but because of inflation and laws passed by governing bodies, including this body, their wages have been eroded over the years. We must raise the minimum wage.

Families headed by women are much more likely to be poor and for a longer period of time. For example, 35 percent of families headed by women, as compared to 7 percent of two-parent households, fell below the poverty level in a given month in 1990.

These are the working poor, a group of individuals who have rejected welfare and who are trying hard to make it. We must take them out of poverty. An increase in the minimum wage is only the first step.

□ 1410

PASS THE LINE-ITEM VETO

(Mr. EVERETT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, in a speech to the City Club of Cleveland a little over 7 years ago, former President Ronald Reagan had this to say about the line-item veto: ''No President should be faced with the all-or-nothing proposition. The time is here for giving the President the same thing that 43 Governors have—a line-item veto.''

Mr. Speaker, the Contract with America calls for a vote on the line-item veto. Hopefully this measure will pass with the same measure of bipartisan support that unfunded mandates did.

President Reagan was right 7 years ago and his words are true today.

Republicans are working hard to deliver on our promise to the American people to give the President a tool to help fight waste and redundancies in the Federal budget.

INCREASE MINIMUM WAGE

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, I want to commend the President on his proposal to increase the minimum wage and encourage my colleagues to have hearings on the proposal and move it to passage immediately. Over two-thirds of working people making the minimum wage are adults over 21 years of age. They work 40 hours a week and still live below the poverty level.

Let us be blunt: All the current minimum wage and 40 hours of work will get you is poverty. That is shameful. While the rich get richer over the last 15 years, the real value of the minimum wage has fallen 27 percent since 1979. If we expect working people to be responsible, we need work to pay. Let us pass the President's proposal and increase the minimum wage.

END THE BOTTOMLESS PIT: ENACT THE LINE-ITEM VETO

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, for decades now Congress has treated the American taxpayer as an unlimited source for revenue. Congress has spent millions and ultimately billions of dollars on programs and policies which have limited our freedom and imperiled the dignity of millions of Americans by entrapping them on welfare.

The spending habits of this body over the last quarter century has come at a terrible cost. The Federal Government has racked up almost $5 trillion in debt. This is the height of irresponsibility. It is an utter disregard for future generations.

Mr. Speaker, today we will vote on the line-item veto. This measure will give the President the power to review our budgets and veto unneeded projects, and thus help eliminate budgetary fat.

Last November the American people sent a clear message to this body. They said they were tired of the waste, tired of the deficits, tired of the mismanagement, and thus tired of Government.

Mr. Speaker, in the last 4 weeks this body has worked on a bipartisan basis to pass unfunded mandates reform and a balanced budget amendment. Now we must pass the line-item veto on a similar basis and stop treating the American taxpayer as an unlimited bottomless pit.

CUT FAT, NOT GROWTH

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, make no mistake about it, the President's budget coming to Congress today contains some serious cuts. For West Virginia, the Appalachian Regional Commission, which is the underpinning of so many community development projects, is cut at least one-third. The Economic Development Administration, which recently provided the underpinnings as part of the Swearingen aircraft industry deal, that would be cut 27 percent. Veterans should know they would be basically protected. Medicare, Social Security, and Medicaid, so important to our State legislature right now, would be protected. A class tax cut would affect thousands of West Virginians, and would be paid for.

Significantly, this budget will continue the deficit reduction pattern of reducing the deficit by one-half in relation to our economy and with no tax increase this year.

I understand this budget will only be the starting point and there will be additional cuts, but I do hope that people understand we cannot be cutting growth at the same time we are cutting fat.

SUPPORT H.R. 2, THE LINE-ITEM VETO

(Mr. HEINEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEINEMAN. Mr. Speaker, I rise today in strong support of H.R. 2, the line-item veto.

With the passage of the balanced budget amendment, the 104th Congress has taken an important first step in controlling rampant Federal spending. Now we must take the next step—we must give the President the line-item veto.

This past November, the people of my district—and the people all across America—voted for change. They sent a message loud and clear to Washington—it is about time we listened.

Congress has abused the trust of the American people over and over again, spending far beyond its means. Now it is time to stop this runaway Federal spending and to regain the trust of the taxpayers. We can balance the budget. We can bring some fiscal restraint to the Federal budget process.

It is time to change business as usual in this city. It is time to let the people know that we are serious about making this Government work for them. It is time to give the President of the United States the same power that 43 Governors have to control spending.

Mr. Speaker, it is time to pass the line-item veto, and I say to my colleagues today—just do it. Vote for H.R. 2, vote for the line-item veto—vote for common-cents fiscal reform.

LINE-ITEM VETO A NECESSARY TOOL

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I rise in strong support of the line-item veto. Opponents of the line-item veto say they believe it would take power away from Congress and give it to the President. But I see it as a way of taking power away from pork-barrel programs and giving it to people who want to cut

spending and reduce the deficit, regardless of which side of Pennsylvania Avenue they work on, and regardless of which party they call home.

My only regret about the line-item veto we will pass later today is that it does not allow the President to veto pork in tax incentive programs. There is no difference between a program that appropriates $100 million to directly subsidize a certain activity and a tax incentive that cuts taxes by $100 million for the same activity. Both increase the deficit and neither is available to the average citizen.

I urge my colleagues to support the line-item veto. It is a good tool in the hands of both Republican and Democratic Presidents.

REDUCE FEDERAL SPENDING

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, if it is one thing the American people have had their fill of, it is seeing their hard-earned tax dollars squandered on frivolous special interest projects. Whether it is a $500 toilet seat for the military or $100 million interstate to nowhere, the American people have had it with paying for someone else's pork.

Up until now America's real pork producers, referring, of course, to Congress, has buried their pet pork projects in important legislation. That is why our line-item veto is such an important part of the Contract With America. It gives the President the power to search out and destroy wasteful spending before it starts.

With the line-item veto, the buck isn't all that stops at the President's desk. The pork stops there too. Several minutes ago the President delivered to Congress his budget, which is out of balance by over $210 billion, the 27th year in a row.

It is time the President and Congress worked together to reduce Federal spending. When Mr. Clinton ran for President, he said he wanted a line-item veto. Our Contract With America gives him just that.

Happy birthday, Ronald Reagan.

SURGEON GENERAL NOMINEE HAS GOOD CREDENTIALS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. SCHROEDER. Mr. Speaker, I think every American would agree that one of the most critical health problems we have in this Nation is the raging incidence of teen pregnancy. I was very proud when President Clinton came forward with a nominee for Surgeon General who has credentials that are better than almost any other American in dealing with this very important issue of teen pregnancy. Dr. Henry Foster, Jr., is a very distinguished Ob-Gyn in Tennessee who has worked in the housing projects, who has worked in his State tirelessly to tackle teen pregnancy, and this country could make great strides with his knowledge.

How sad I am that some people on the other side want to treat this President as though he is road kill. They are saying they will not deal with this nominee because of his associations with Planned Parenthood of America.

Now, I thought the right to free association still stood. I think that Planned Parenthood of America is a very honorable group to be associated with, and I certainly hope they change their mind.

SUPPORT FOR RAISING THE MINIMUM WAGE

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, I rise today in support of an increase in the minimum wage by 45 cents over each of the next 2 years. I spoke last week on this issue. However, due to new opposition and a new Republican proposal, I find it necessary to address the minimum wage increase again.

The proposal was offered by Senator DOLE to strike a deal with Democrats whereby we would support a capital gains tax cut in return for support of the increase in the minimum wage. This is ludicrous and it clearly demonstrates the sharp differences between the two parties.

Mr. Speaker, the Democratic Party is not interested in making deals that would give a tax cut to the richest in our society. When we are trying to break the cycle of welfare dependency, our Republican colleagues are trying to ensure that the wealthy are protected from paying their fair share.

The January 29 issue of the Washington Post, they state that ''Republicans want to replace welfare with work.'' If we do not increase the minimum wage, we are making that even harder.

ONE FOR THE GIPPER

(Mr. BUNN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNN of Oregon. Mr. Speaker, today is Ronald Reagan's birthday. As one of our greatest Presidents, Ronald Reagan won the cold war, expanded the economy, and restored America's faith in herself. He inspired us because in his heart, he knew the American people were crying our for a smaller Government, lower taxes, and a strong defense.

Ronald Reagan fought for these goals over the unending objections of a do nothing Democrat Congress. Now, as he fights against the cruel indignities of Alzheimers disease, a Republican Congress meets to take up the line-item veto.

Mr. Speaker, I cannot imagine a more appropriate birthday present than the passage of the line-item veto Ronald Reagan so desired, and so deserved. So, to my friends on the Republican side of the aisle—let us go to work, pass the line-item veto, and win one for the Gipper!

MINIMUM WAGE INCREASE

(Mr. KLINK asked as was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, I rise today also to talk about the increase in the minimum wage.

I was talking to a woman from my district on Friday. She said, ''Congressman KLINK, I don't want to be forced to go on welfare.'' And then she listed off the expenses that she would have to pay when she goes to work, with child care and with her rent and with food and with transportation costs.

And she said, ''for $4.25, I can't afford to go to work; I don't want to go on welfare.''

In fact, that is the position so many people find themselves in. They want the pride of going to work each day, of having sweat on their brow at the end of the day and talking about a job well done. They want to get some discipline back in their lives again. But at $4.25 an hour, they just cannot afford to do that.

I think it is among Members of this House and the other body also to say to people that $4.25 an hour is not a livable wage and to increase the minimum wage of this Nation.

LINE-ITEM VETO: AN IDEA WHOSE TIME HAS FINALLY COME

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, today we will vote to add one more disciplinary tool to the budget and appropriations process, the line-item veto. Along with the balanced budget amendment, which we passed 2 weeks ago, the line-item veto will help bring fiscal sanity to Congress' out-of-control spend-a-thon over the last 40 years.

Former President Ronald Reagan used to say the line-item veto was not a partisan issue but a good-government issue. Unfortunately, the Democrat-controlled Congress refused, refused to put aside partisan differences to pass this important legislation. But today we will finally throw aside partisan politics. We will pass this good-government measure.

Happy birthday, Ronald Reagan. The line-item veto is an idea whose time has come. It is too bad we could not

have done this years ago when Ronald Reagan was President.

LINE-ITEM VETO WILL HELP CUT WASTEFUL SPENDING

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute.)

Mrs. VUCANOVICH. Mr. Speaker, today we will note on H.R. 2, the Line-Item Veto Act. Having recently cast a historic vote to pass the balanced budget amendment, we are on our way to sound fiscal management. But if we are genuinely interested in bringing the Federal budget under control, we must look at additional means of restraining spending. H.R. 2 is an important tool in this process.

H.R. 2 gives the President true line-item veto authority, empowering him to disallow specific items in spending bills without having to veto the entire legislation—which may contain worthwhile and necessary programs. Perhaps more importantly, H.R. 2 places the burden on Congress to act initially to reject a President's rescission message.

Too often, spending bills passed by Congress contain items, especially pork-barrel projects, that would not stand up to the test of an individual vote. If used in a conscientious manner, the authority that H.R. 2 confers on the President could indeed help effectively cut wasteful spending out of the Federal budget.

I support H.R. 2 and urge my colleagues to likewise support this important measure.

RESTORE SANITY AND ACCOUNTABILITY TO FEDERAL SPENDING

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, here is a list of good reasons why the line-item veto must be passed:

A $58 million bailout of George Steinbrenner's shipbuilding company; $15 million for never-authorized courthouses which were opposed by the Federal judges whom they were built for; $11.5 million to upgrade a powerplant for the soon-to-be-closed Philadelphia Naval Shipyard; and $35 million to eradicate screwworms in Mexico.

It is time to end the spending sprees and get off the pork-barrel merry-go-round. The American people are watching and they are demanding greater accountability in the budget process. We should pass the line-item veto with the same bipartisan majorities that the unfunded mandates and the balanced budget amendment had.

Mr. Speaker, the line-item veto is a no-brainer. We need it; the American people want it. And we should act now to restore sanity and accountability to Federal spending.

AND THE BEAT GOES ON

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, that sound you hear from the other side of the aisle is the last drumbeat of the old order. Our liberal friends continue to march to the beat of Government mandates, Government spending, and Government taxing. That is why they are so quick to endorse an increase in the minimum wage, so quick to oppose the balanced budget amendment, so desperate in their opposition to the line-item veto.

But the American people are marching to the beat of a different drummer. They look to the future and to us for new solutions, smaller Government and fewer mandates.

The American people want the private sector to be able to create jobs that pay more than just the minimum wage. They want a future free of nonsensical, repetitive, and unproductive regulations. And that is why the people voted against liberal Democrats in overwhelming numbers last November.

Mr. Speaker, the tired, old drumbeat of bigger Government, bigger taxes, and bigger spending goes on. Thankfully, the American people have stopped listening. They have started reading the ''Contract With America,'' soon to be No. 1 on the best seller list and the No. 1 priority of this New Republican Congress.

□ 1430

RAISING THE MINIMUM WAGE WILL HELP MAKE WORK PAY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I received a letter last week from Harvey Nehring, who lives in Farmington, NM. Harvey cannot understand how anybody could even think of opposing a raise in the minimum wage.

Harvey stated that people who oppose an increase in the minimum wage do not realize that it costs the working poor $40 an hour to get their car repaired and $60 an hour to fix their plumbing. The working poor have no health insurance, no retirement benefits. They receive no gifts from lobbyists, and do not receive frequent flyer miles. In Harvey's words, the working poor are simply honest Americans who work hard to keep this country going.

Mr. Speaker, raising the minimum wage is a bipartisan issue. In 1989, the vote on increasing the minimum wage was 382 to 37 in the House. It was proposed by then President Bush. Mr. Speaker, we should all agree that in order to get people off welfare, we need to give them a salary that will help their ends meet.

Mr. Speaker, I agree with Harvey. Let us raise the minimum wage.

THE TAXPAYER WILL BE THE WINNER WITH THE LINE-ITEM VETO

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, last fall, we asked the American people to vote for us, the Republican Party, and in return, we would change the way Congress does business. We promised a three-part attack consisting of change, reform, and fiscal accountability.

We pledged to adopt the Fiscal Responsibility Act, combining the balanced budget amendment and the line-item veto. Two weeks ago, we soundly passed the balanced budget amendment, and now it is our responsibility, to pass the line-item veto.

The bill continues the fight we began for the American people in January. The veto requires Congress to justify or eliminate all spending projects. Ultimately, it changes business as usual, no longer will the President blindly sign a bill with hidden pork projects.

It is the ultimate budget reform initiative. Let us continue the fight and pass this much needed legislation. The taxpayer will be the definite winner.

INCREASING THE BUDGET DOES NOT CUT SPENDING

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, I rise today to call attention to the spending increases in the budget recently proposed by President Clinton. Only in Washington, DC, would we look at spending increases from year to year and talk about budget cuts.

Mr. Speaker, look at the numbers. In fiscal year 1995, we will spend $1,539 billion. In fiscal year 1996, if we do as the President has proposed, that number goes to $1,612 billion. Mr. Speaker, that is a spending increase of $73 billion, and all I am hearing discussion about is how we have cut spending. We have not cut spending, we have increased spending by $73 billion.

Carry this thing out to the year 2000. In the fiscal year 2000, if we do as is proposed today in the President's budget we will spend $1,905 billion. That is an increase of $366 billion. We have not cut spending, Mr. Speaker, we are increasing spending. It is about time the American people knew what was going on here, so we can get down to the serious business of balancing this budget.

Mr. Speaker, we can do better. We must do better. Our children deserve it.

A PROMISE TO FORMER PRESIDENT REAGAN: THE HOUSE WILL PASS THE LINE-ITEM VETO

(Mr. CHRISTENSEN asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, Republicans have promised a lot lately. We promised to make Congress subject to the same laws that the rest of the American people have to live with. We kept that promise. We promised to give the American people a balanced budget amendment. We kept that promise. We promised to put an end to burdensome unfunded mandates, and we kept that promise.

Mr. Speaker, Republicans are keeping every single promise we have made to the American people. Today we will fulfill another promise by voting and passing the line-item veto.

Mr. Speaker, I would like to make one more promise. Seven years ago President Ronald Reagan delivered his final State of the Union Address. He asked Congress to give the future Presidents the line-item veto. He would not have it, but he was asking for the American people and for every President to come after him to have that opportunity.

I promise to him on his 84th birthday today that we will give the President of the United States the line-item veto. I ask my colleagues to vote in favor of that today.

CONGRESS MUST RESTORE THE 25-PERCENT DEDUCTION FOR HEALTH CARE EXPENSES TO FARMERS AND SMALL BUSINESS PEOPLE

(Mr. GANSKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, I am going to vote today for the line-item veto. Two summers ago in the State of Iowa when we had floods, we saw the disaster bill pay for courthouses in New York and strips of highway in West Virginia. However, I want to address another issue, also. I rise today to express the frustration of the people of Iowa over the failure of this body to restore the 25-percent deduction for health care expenses for self-employed individuals.

America's farmers, the heart and soul of this Nation, do not qualify for the same tax deduction for health care expenses which are available to employees of large corporations. Instead, they are provided with only a thin 25-percent deduction, and that expired at the end of 1993. Congress has still failed to take the steps necessary to restore this.

Mr. Speaker, farmers and other self-employed individuals across the State of Iowa and the rest of America are waiting for this important tax provision to be extended. At a time when every Member of Congress is working to expand this health care insurance, we must make this available again.

URGING CONGRESS TO DO JUSTICE TO RONALD REAGAN'S BIRTHDAY AND PASS A STRONG LINE-ITEM VETO

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, I want to join all of our colleagues this afternoon who have endorsed the line-item veto and are going to be voting for it today. I think it is important to recall the exact words of President Reagan when he was here January 21, 1988, and asked the House to do that. He said:

> Let's help ensure our future prosperity by giving the President a tool that, though I will not get to use it, is one I know future Presidents of either party must have.
>
> Give the President the same authority that 43 Governors use in their States: The right to reach into massive appropriation bills, pare away the waste, and enforce budget discipline. Let's approve the line-item veto.

Today we are going to carry that through on the President's wishes. Mr. Speaker, the line-item veto is an invaluable instrument in the arsenal to cut Government spending, and an absolute necessity to give the Congress the discipline we need to change the spending culture in Washington.

I applaud my colleagues for putting forth the hard work and finally bringing us to the line-item veto which we will face today.

KEEP MOVING FORWARD ON THE CONTRACT—SUPPORT THE LINE-ITEM VETO

(Mr. LATHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATHAM. Mr. Speaker, I rise to encourage my colleagues to take the next step forward on fulfilling the Contract With America and approve the Presidential line-item veto.

During meetings with constituents over the last several weeks, I have been extremely pleased to hear their message. They say ''We see you working hard, making real changes and keeping your promises, and we like what we are watching.''

The line-item veto is the next step in making it harder for Congress to tax, spend and pile up debt. Asking the President to cut unnecessary spending without line-item veto is like asking a surgeon to do this work with a meat ax. His prospects for success are so slim, the most likely result is that he will not take the chance. That is why we need to provide him with a precision instrument, the line-item veto.

Members of Congress should not be afraid of the line-item veto or any other tool that increases accountability. By making ourselves more accountable, we are winning back the people's trust. And that is the most important tool in any democracy.

RAISING SPENDING IS NOT A SPENDING CUT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, in President Clinton's State of the Union that he gave just about 2 weeks ago in this Chamber, this is what he said: ''Should we cut the deficit more? Well, of course we should.'' As many of the Members will remember, that was a great line, and many a lot of us applauded. However, his 1996 fiscal year budget came in, and the question is, why did he not?

I wonder, Mr. Speaker, does the Clinton administration still have as its highest priority reduced spending? Not only does his budget ring up almost $200 billion in deficit for fiscal year 1996, but it projects deficits of almost $200 billion every year to the year 2005. It uses the same old accounting gimmicks that we have seen before, and it claims $144 billion in cuts in Federal spending over 5 years. The reality is that in fiscal year 1996 alone, the administration proposed increasing spending by $50 billion.

Mr. Speaker, do we have to say it again? Raising spending by less than we plan is not a spending cut.

PRESIDENT CLINTON'S BUDGET INCREASES THE DEFICIT

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, Members of Congress were given the President's budget today, and once we look at that budget, I hope every Member, Republican and Democrat, as well as the American people, will be as upset as I am as I have gone through this budget.

Here is what I see: Spending every year goes up faster than inflation. Even the so-called reductions are gimmick accounting. They are not truly reductions.

Let me tell the Members what happens to the national debt.

□ 1440

At the end of 1994, the national public debt of this country was $4.6 trillion. This budget, by the year 2000, increases the debt to $6.67 trillion, from $4.6 to $6.67 trillion in this 5-year period. Ladies and gentlemen, the interest on the public debt this year is going to be $339 billion. That is 25 percent of all revenues coming into the Federal Government.

We have to do it better. Let us do it.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 3, 1995.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, February 3, 1995 at 4:30 p.m. and said to contain a message from the President whereby he informs the Congress of his intent to add Armenia to the list of beneficiary developing countries for the purposes of the generalized system of preferences program.

With great respect, I am
Sincerely yours,
ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

ADDITION OF ARMENIA TO LIST OF BENEFICIARIES UNDER THE GENERALIZED SYSTEM OF PREFERENCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–26)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

The Generalized System of Preferences (GSP) program offers duty-free treatment to specified products that are imported from designated beneficiary countries. It is authorized by the Trade Act of 1974, as amended.

I am writing to inform you of my intent to add Armenia to the list of beneficiary developing countries for purposes of the GSP program. I have carefully considered the criteria identified in sections 501 and 502 of the Trade Act of 1974. In light of these criteria, I have determined that it is appropriate to extend GSP benefits to Armenia.

I am also writing to inform you of my decision to terminate the designation of The Bahamas and the designation of Israel as beneficiary developing countries for purposes of the GSP program. Pursuant to section 504(f) of the Trade Act of 1974, I have determined that the per capita gross national products of The Bahamas and of Israel have exceeded the applicable limit provided for in section 504(f). Accordingly, I have determined that it is appropriate to terminate the designation of The Bahamas and Israel as GSP beneficiaries.

This notice is submitted in accordance with sections 502(a)(1) and 502(a)(2) of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1995.*

UNITED STATES BUDGET, FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–3)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

The 1996 Budget, which I am transmitting to you with this message, builds on the Administration's strong record of economic progress during the past two years and seeks to create a brighter future for all Americans.

When I took office two years ago, the economy was suffering from slow growth, inadequate investment, and very low levels of job creation. We moved quickly and vigorously to address these problems. Working with Congress in 1993, we enacted the largest deficit reduction package in history. We cut Federal spending by $255 billion over five years, cut taxes for 40 million low- and moderate-income Americans, and made 90 percent of small business eligible for tax relief, while increasing income tax rates only on the wealthiest 1.2 percent of Americans. And while we placed a tight ''freeze'' on overall discretionary spending at 1993 levels, we shifted spending toward investments in human and physical capital that will help secure our future.

As we fought for our budget and economic policies, we moved aggressively to open world markets for American goods and services. We negotiated the North American Free Trade Agreement with Canada and Mexico, concluded negotiations over the Uruguay Round of the General Agreement on Tariffs and Trade, and worked with Congress to enact implementing legislation for both.

Our economic plan helped bring the deficit down from $290 billion in 1992, to $203 billion in 1994, to a projected $193 billion this year—providing three straight years of deficit reduction for the first time since Harry Truman was President. Measured as a percentage of our economy—that is, Gross Domestic Product (GDP)—our plan will cut the deficit in half.

By reassuring the financial markets that we were serious about getting our fiscal house in order, our plan also lowered interest rates while holding inflation in check. That helped to stimulate private investment and exports, and sparked the creation of 5.6 million new jobs—more than twice the number in the previous four years.

Now that we have brought the deficit down, we have no intention of turning back. My budget keeps us on the course of fiscal discipline by proposing $81 billion in additional deficit reduction through the year 2000. I am proposing to save $23 billion by reinventing Cabinet departments and two other major agencies, to save $2 billion by ending more than 130 programs altogether, and to provide better service to Americans by consolidating more than 270 other programs. Under my plan, the deficit will continue to fall as a percentage of GDP to 2.1 percent, reaching its lowest level since 1979.

Despite our strong economic record, however, many Americans have not shared in the fruits of recovery. Though these Americans are working harder and harder, their incomes are either stagnant or falling. The problem is particularly acute among those with less education or fewer of the skills needed to compete in an increasingly global economy. To build a more prosperous America, one with rising living standards for all Americans, we must turn our attention to those who have not benefited from the current recovery.

My budget proposes to do that.

PROMOTING A RISING STANDARD OF LIVING FOR ALL AMERICANS

I am proposing a Middle Class Bill of Rights, which will provide tax relief to middle-income Americans. The Middle Class Bill of Rights includes a $500 per child tax credit for middle-income families with children under 13; expands eligibility for Individual Retirement Accounts and allows families to make penalty-free withdrawals for a range of educational, housing, and medical needs; and offers a tax deduction for the costs of college, university, or vocational education. Also as part of my Middle Class Bill of Rights, I am proposing to revamp our confusing array of job training programs by consolidating some 70 of them. In my G.I. Bill for America's Workers, I propose to offer dislocated and low-income workers ''Skill grants'' through which they can make their own choices about the training they need to find new and better jobs.

The G.I. Bill for America's Workers is the final element of my effort to improve the education and skills of Americans, enabling them to compete in the economy of today and tomorrow. In the last two years, we enacted Goals 2000 to encourage States and localities to reform their education systems; revamped the student loan program to make post-secondary education affordable to more Americans; and pushed successfully for the School-to-Work program that enables young Americans to move more easily from high school to training or more education.

And I am proposing to pay for this Middle Class Bill of Rights with specific spending cuts. In fact, I am proposing enough spending cuts to provide more than twice as much in budget savings—$144 billion—as the tax cuts will cost—$63 billion—over five years.

CREATING OPPORTUNITY AND ENCOURAGING RESPONSIBILITY

By itself, the Federal Government cannot rebuild America's communities. What it can do is give communities some of the tools and resources to address their problems in their own way.

My national service program provides incentives for Americans of all ages to volunteer their services in local communities across the country, and earn money for their own education. The budget proposes to invest more in our urban centers as well as in rural areas, and to continue our efforts to build stronger government-to-government relations with American Indian and Alaska Native Tribes. And I will work with Congress to enact comprehensive welfare reform that embodies the principles of work and responsibility for abled-bodied recipients, while protecting their children.

My Administration has worked with State and local law enforcement agencies to help retake the streets from the criminals and drug dealers who, in far too many places, now control them. Congress enacted my crime bill last year, finally answering the cries of Americans after too many years of debate and gridlock. We pushed successfully for the ''three strikes and you're out'' rule for violent criminals, and we are making significant progress on my promise to put 100,000 more police on the street. Congress also passed the long-overdue Brady Bill, which provides for background checks that will keep guns out of the hands of criminals. In this budget, I am proposing new funds with which States and localities can hire more police, build more space in prisons and boot camps, invest in prevention programs for first-time offenders, and provide drug treatment for many more drug users.

My Administration inherited deep-seated problems with the immigration system, and we have gone a long way toward addressing them. This budget proposes the strongest efforts yet, including funds for over 1,000 new Border Patrol agents, inspectors, and support staff. While working to fulfill the Federal Government's responsibility to secure our borders against illegal immigration, the budget also proposes funds to assist States that are unduly burdened with the health, education, and prison-related costs associated with illegal immigrants.

We must redouble our efforts to protect the environment. My Administration has sought more innovative, effective approaches to do so, and this budget would build upon them. In particular, I am proposing to work more with State and local governments, businesses, and environmental groups on collaborative efforts, while seeking more funds for high-priority programs.

Because investments in science and technology pay off in higher productivity and living standards down the road, I am seeking significant new funding for the Advanced Technology Program at the Commerce Department's National Institute of Standards and Technology, NASA's New Technology Investments, the Defense Department's Technology Reinvestment Project, biomedical research at the National Institutes of Health, and research and development at the National Science Foundation. I am also seeking to strengthen our coordinated efforts through the Administration's National Science and Technology Council and to improve the payment system for federally-sponsored research at colleges and universities.

I remain committed to comprehensive health care reform. The problems that prompted me to send Congress the Health Security Act in November 1993 have not gone away. Health care costs have continued to soar for individuals, businesses, and all levels of government. More Americans are losing their health coverage each year, and many others are staying in jobs only out of fear of losing their own coverage. I am asking Congress to work with me on a bipartisan basis, to take the first steps toward guaranteeing health care coverage to every American while containing costs.

PROJECTING AMERICAN LEADERSHIP AROUND THE WORLD

We have begun the post-Cold War era and welcome one of its most significant fruits—the continuing efforts of Russia and the newly-independent states to move toward democracy and economic freedom. We propose to continue our support for this fundamental change that clearly serves the Nation's long-term interests.

My proposals for international affairs also promote and defend this Nation's vital interests in Central Europe, the Middle East, and Asia. The budget supports the important role we play in fostering our historic peace process in the Middle East.

With the global economy offering the prospect of new markets for American goods, we are redoubling our efforts to promote an open trading system in Asia, as well as in Latin America and the rest of the globe. I am, for instance, proposing increased funding for our trade promotion agencies, such as the Export-Import Bank, which strengthen our trade position. I am also asking for continued support for the bilateral and multilateral assistance to less-developed nations that can prevent humanitarian crises, as well as support for a strong American response to these crises.

Our military strength works in synergy with our foreign policy. Our forces defend our interests, deterring potential adversaries and reassuring our friends. My Defense Funding Initiative, a $25 billion increase in defense spending over the next 6 years, marks the third time that I have raised defense spending above my initial funding plan in order to support and maintain the most capable military force in the world. I am determined to ensure a high level of readiness of U.S. military forces, to continue to improve the pay and quality of life for the men and women who serve, and to ensure that our forces are modernized with new systems that will be available near the end of the century.

MAKING GOVERNMENT WORK

None of our efforts can fully succeed unless we make Government work for all Americans. We have made great progress with the National Performance Review (NPR), which I established early in the Administration and which Vice President Gore has so ably run at my direction.

Specifically, departments and agencies across the Government have made substantial progress on each of the NPR's four themes: putting customers first, empowering employees to get results, cutting red tape, and cutting back to basics. The departments and agencies have established customer service standards and streamlined their operations. They also are working with my Office of Management and Budget to focus more on ''performance''—what Federal programs actually accomplish. And they are doing all this while we are cutting the Federal workforce by 272,900 positions, bringing it to its smallest size since John Kennedy was President.

We also greatly improved the Federal regulatory system, opening it up more to public scrutiny. We plan to build upon our efforts, to make sure that we are protecting the public while not unduly burdening any one industry or group. We also overhauled the Federal procurement system, cutting mountains of red tape and enabling the Government to buy high-quality goods and services at lower cost.

Despite such progress, however, we are only beginning our efforts. I recently announced a major restructuring of the Departments of Housing and Urban Development, Energy, and Transportation, the General Services Administration, and the Office of Personnel Management. The budget contains details of these restructurings and our related proposals that affect hundreds of other programs.

In the coming months, the Vice President will lead Phase II of our crusade to reinvent Government—an effort to identify other agencies and programs to restructure or terminate, to sort out responsibilities among the Federal, State, and local levels of government, and to choose functions better performed by the private sector.

CONCLUSION

Our agenda is working. By cutting the budget deficit, investing in our people, and opening world markets, we have begun to lay the foundation for a strong economy for years to come. And by reinventing the Federal Government, cutting red tape and layers of management, we have begun to make Government more responsive to the American people.

This budget seeks to build upon those efforts. It seeks to spread the benefits of our economic recovery to more Americans and give them the tools to build a brighter future for themselves. It also seeks to continue our reinvention efforts—to eliminate or restructure agencies and programs, and to better sort out responsibilities

among the Federal, State, and local levels of government.

These proposals will help us to create a stronger economy and more effective Government. I will ask for Congress's help in these efforts.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 6, 1995.*

VOTE FOR THE LINE-ITEM VETO

(Mr. SANFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANFORD. Mr. Speaker, I stand before you and the rest of this body to encourage the adoption of the line-item veto. In fact, I have a scary couple of numbers here in front of me.

What do $1.75 million for national pig research have in common with $1.7 million for plant stress have in common with $600,000 to ease fish migration up a western river? The thing they all have in common is I cannot do anything about them.

I came here to affect the way Government is spending money, and yet the way Congress works is that I cannot get my hands on them.

The line-item veto would allow the President to do what 43 Governors can do, and that is to reach in, say this is a piece of fat, it does not make sense and it needs to go.

Please vote with me for the line-item veto.

LINE-ITEM VETO ACT

The SPEAKER pro tempore. Pursuant to House Resolution 55 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

□ 1445

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2), to give the President line-item veto authority over appropriation Acts and targeted tax benefits in revenue Acts, with Mr. HOBSON (chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Friday, February 3, 1995, the amendment offered by the gentleman from Wisconsin [Mr. OBEY] had been disposed of and the bill was open for amendment at any point.

Pursuant to the order of the House of Friday, February 3, 1995, only the following further amendments, if offered, will be considered:

An amendment by the gentleman from Utah [Mr. ORTON] debatable for 1 hour;

An amendment by the gentlewoman from California [Ms. WATERS] debatable for 30 minutes;

An amendment by the gentleman from Louisiana [Mr. TAUZIN] debatable for 30 minutes;

An amendment by the gentleman from Ohio [Mr. TRAFICANT] debatable for 30 minutes;

An amendment in the nature of a substitute by the gentlewoman from New York [Ms. SLAUGHTER] debatable for 1 hour; and

An amendment in the nature of a substitute by the gentleman from Texas [Mr. STENHOLM] debatable for 1 hour.

No amendment to the specified amendments are in order. Debate on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment.

The chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

For what purpose does the gentleman from Utah [Mr. ORTON] rise?

AMENDMENT OFFERED BY MR. ORTON

Mr. ORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ORTON: At the end of section 4, add the following new paragraph:

(5) The term ''discretionary budget authority'' includes authority to enter into contracts under which the United States is obligated to make outlays, the budget authority for which is not provided in advance by appropriations Acts.

The CHAIRMAN pro tempore. Pursuant to the unanimous consent request, the gentleman from Utah [Mr. ORTON] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Utah [Mr. ORTON].

PARLIAMENTARY INQUIRY

Mr. GOSS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. Will the gentleman please state his parliamentary inquiry.

Mr. GOSS. Mr. Chairman, I just wanted to make sure that we understood the rule the Chair read in its entirety. It was also our understanding, I believe the gentleman would agree, there would be no secondary amendments offered on votes that were going to be held and amendments that were going to be held for rolling; is that a correct assumption?

The CHAIRMAN pro tempore. Under the rule, no secondary amendments are in order.

Mr. GOSS. I thank the Chair.

Mr. ORTON. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, I am a Member who has supported the line-item veto since before being elected to Congress. This is not a partisan issue, and the line-item veto did not begin with the Contract With America. Many Members on both sides of the aisle support the line-item veto and many new Members have come to the floor of the House today to support the line-item veto.

I would ask those new Members especially to carefully consider the amendment which I now offer. It will be very difficult to explain a ''no'' vote against this amendment which does not weaken but strengthens the President's line-item veto.

The purpose of H.R. 2, the line-item veto, is to single out specific projects of pork barrel spending which are tacked on to larger billions. In fact, last Friday Chairman CLINGER, in accepting the Obey amendment said that the purpose of the bill was to ''get at pork wherever and whenever it may occur.'' My amendment does that in a very simple and straightforward manner. It states, ''the term discretionary budget authority includes authority to enter into contracts under which the United States is obligated to make outlays, the budget authority for which is not provided in advance by appropriations Acts.''

□ 1450

The most visible type of pork-barrel spending are the earmarked projects tucked neatly into large appropriation bills. H.R. 2 will subject this type of pork to line-item veto.

We are also aware of targeted tax expenditures wherein a limited group of taxpayers get a special deduction or credit. H.R. 2 will subject some of this pork to line-item veto.

However, there is a third type of pork which H.R. 2 does not reach without my amendment. It is direct spending which is not appropriated in advance but, rather, is obligated under contract authority. The most common types of contract authority spending are transportation projects authorized by the Transportation and Infrastructure Committee which are not appropriated but, rather, spent directly from the trust funds.

Most funding under the Federal Aid Highways Program goes out to the States by formula based upon total highway miles, transportation tax revenues, et cetera. This spending is included in the annual 602(b) caps, and the Appropriation Committee limits the total amount which can be expended under such contract authority.

However, the Transportation Committee also earmarks certain demonstration projects. Demonstration projects are not subject to appropriations limitations but are subject to the

spending caps. Therefore, and this is critical, any dollar spent on a demonstration project is a dollar which cannot be given to the States under the general formula law. Demonstration projects are priorities set by Washington, DC, while projects funded under the general formula are priorities set by State and local governments.

In a ''Dear Colleague'' letter opposing my amendment, last Friday it was suggested that contract authority is spent from trust funds and does not contribute to the deficit. Therefore, it should not be subject to the line-item veto. I would suggest this is ridiculous.

Should we be any less concerned over wasteful spending from the trust funds than we are wasteful spending from the general Treasury? Cutting wasteful spending could result in better spending or reducing taxes.

H.R. 2 was designed for precisely this sort of spending. There were hundreds of demonstration projects in the 1991 ISTEA bill which totaled over $6 billion. Here is what President Bush said about it:

> The authorization levels in the bill are excessive. H.R. 3566 earmarks $1.2 billion for 27 projects on 20 priority corridors and $3.8 billion for 460 other highway demonstration projects which could ultimately cost over $23 billion. Many of them are not the highest State priorities and would not survive the normal process of selection on their merits. More than three-quarters of the mass transit new start projects earmarked by the bill either failed to meet basic cost-effectiveness criteria or lack sufficient information for meaningful evaluation.

The gentleman from Illinois [Mr. FAWELL], known for his work on the pork busters coalition, said,

> I cannot support this version of reauthorization, because it contains 455 highway demonstration projects totaling $5 billion. These projects are given contractual authority for the next six years creating what amounts to a pork entitlement program. Secretary of Transportation Samuel Skinner has recommended a veto of the bill because of these demonstration projects.

The majority leader, the gentleman from Texas [Mr. ARMEY], said that this bill again spends, first, on where it is needed in the parochial interest, special interests, in the local interest, what they call pork-barrel spending.

The chairman of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH], filed an amendment to H.R. 2 in the RECORD which would do the same thing as my amendment, extend line-item veto to contract authority. I am not aware whether or not he will offer his amendment. I hope he will. I would support it.

Of the 1991 ISTEA bill, the gentleman from Ohio [Mr. KASICH] said, ''This bill includes $4.9 billion in demonstration projects that I feel should not be included in this bill.''

Mr. Chairman, the American people are sick and tired of this place. They are sick and tired of perks. They are sick and tired of demonstration projects. They are tired of pork, and we have got to clean it up.

The other people that are getting the shaft in this bill are the American taxpayers who are sick and tired of pork.

The gentlemen from Indiana [Mr. BURTON] listed project after project which he suggested were ridiculous saying, ''The fact of the matter is there are 455 pet projects in this bill. Now, not all of them could be considered pork-barrel projects, but much of it, much of it is.''

Mr. Chairman I wish to speak just for a moment about a matter of great concern. It is very sensitive and I raise it for only one purpose, to demonstrate why this amendment should be adopted.

I want to share with my colleagues a telephone call which I received from a mayor in my district last Friday. The mayor called to question my amendment and expressed concern over funding for a highway project in the city. The mayor states that the staff of the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], had let it be known that they are looking at transportation projects in my district, and if I offered this amendment, there will be retaliation. It was suggested that we would neither get any further contract authority nor authorization for appropriations for future funding of projects in my district.

The only difference between appropriated spending, which H.R. 2 covers, and contract authority, which H.R. 2 does not cover, is the committee which hands our the pork.

I understand why members of the Committee on Appropriations would oppose line-item veto, and I understand why members of the Committee on Transportation would oppose my amendment.

Contract authority for direct spending which can be given to Members to reward proper voting or taken away to punish Members is exactly the kind of spending the line-item veto is designed to cover, and I urge adoption of my amendment.

The Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Chairman, I thank my good friend for yielding this time to me.

Mr. Chairman, I believe that this amendment should be overwhelmingly defeated for four reasons. First of all, it is very poorly drafted. There are unintended consequences which could flow from this if it were to be adopted. This amendment does not simply reach to projects. Rather, entire highway programs could be canceled by any President. A President could decide to wipe out a rural highway program, not a particular project, but an entire program. He could decide to wipe out an entire urban funding program, not a specific urban project, but a whole urban program. So it is poorly drafted and it should be defeated for that reason alone.

Further, it should be defeated, second, because highway and aviation programs already have spending controls. They are among the few programs around this place which are deficit proof. In fact, the Secretary of the Treasury must certify every year that the money is going to be there to pay for the programs or the money cannot be spent. That is the second reason why this should be defeated.

And, third, this amendment should be defeated because it saves no money. The law clearly says that the money from those trust funds not spent will remain in the trust funds. So the only thing that can be done is it can be reallocated by some faceless, nameless bureaucrats or it can be left in the trust fund to build up a surplus, and then the American people, who paid their gas tax and paid in their airline ticket tax, will not get the benefit of those trust funds.

And, fourth, rather than targeting this kind of a spending program which is a pay-as-you-go program, we should be working to have more programs like this in the House.

My good friend mentions projects in his own district and a mayor calling him. Well, I am a little surprised. I am told the gentleman has five projects which were in ISTEA, and if he is so opposed to projects, then I would think that he would not want his community to benefit from these projects. If these projects are terrible pork-barrel projects, then I think he would step forward and say, ''They should not be in my district.''

So for all of these reasons, we should overwhelmingly defeat this amendment.

And, finally, let me point out that this amendment does not touch any of the projects to which the gentleman referred to. It only will touch the future, and as I have said before, and I will emphasize again, any Member of Congress who comes before our committee with a project, a high-priority project for his State or his district, must have a letter from the Secretary of Transportation of his State endorsing the project.

These projects must be worthwhile projects, and if they are not, we will not permit them to go forward.

So for all of those reasons, for the protection we have provided and for the overwhelming reason that this amendment goes far beyond individual projects, for all of those reasons, this amendment should be overwhelmingly defeated.

□ 1500

Mr. ORTON. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. SHUSTER] has expired.

Mr. ORTON. Mr. Chairman, I yield myself 1 minute to ask the gentleman a question.

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, I would be happy to respond.

Mr. ORTON. Mr. Chairman, could the gentleman tell me from which funding the Bud Shuster Highway in Pennsylvania, which runs parallel to——

Mr. SHUSTER. I am delighted; yes, I will be happy to answer.

Mr. ORTON. It is my time—which runs parallel to the Pennsylvania Turnpike, and runs a four-lane highway through a town of 1,700 people; is that from contract authority? Was that from the general formula funding that the State determined? Or where did that funding come from?

Mr. SHUSTER. Mr. Chairman, will the gentleman yield for an answer?

Mr. ORTON. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I presume he is referring to Route 220. That came from contract authority as a high-priority project. It has been in operation for 5 years, and in the past the old highway experienced six fatalities a year, and since that new highway has been built, there have been zero fatalities.

On top of that, 53 businesses have been located, and 4,000 jobs have been created. These are the kinds of projects we need in this country; more of them, not less of them.

The CHAIRMAN. The time of the gentleman from Utah [Mr. ORTON] has expired.

Mr. ORTON. Mr. Chairman, I yield myself an additional 30 seconds.

Mr. ORTON. Mr. Chairman, I suggest that this Member, nor other Members I know supporting this amendment, do not question whether the projects which are funded are valid projects, good safety projects, or et cetera. The question is:

This is authority which a chairman, or a ranking member or members of one committee, can choose where to spend this money in their own districts or in other districts, and it is not being selected by the States. It is not subjects to the same criteria——

The CHAIRMAN. The time of the gentleman from Utah [Mr. ORTON] has expired.

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. PETRI].

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

Mr. PETRI. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Utah for a variety of reasons.

First, the amendment includes contract authority within the definition of ''discretionary budget authority.'' In a letter to Members of the House, Mr. Orton has cited only spending from the aviation and highway trust funds as examples of programs his amendment would cover. But what other programs might be affected? We really do not know what the effect of this amendment might be.

Second, it is important to note that rescinding aviation or highway trust fund dollars does not result in any real savings. Instead, these funds would simply languish in the trust funds since, by law, these funds which have been collected from the users of our highway and aviation systems may not be used for any purpose other than transportation. In addition, these programs are deficit-proof since outlays are restricted to the amount of receipts taken in. Those interested in deficit reduction should look elsewhere in our budget.

Third, Members should be aware that this amendment does not simply affect highway projects—in fact, entire highway programs where funds are provided in multi-billion-dollar lump sums and distributed to States by formula would be subject to rescission. One of the major purposes in establishing the highway trust fund almost 40 years ago, was to provided to the States assurances that they could rely with some certainty on the level of Federal highway funding which would be received over the years. This is essential for administering an efficient highway program where each project involves literally years of study, planning, design, engineering and construction. If States could never be certain which programs might be rescinded at any given time in the future—perhaps interstate maintenance or the National Highway System Program or others—the effect on State programs would be devastating.

Mr. Chairman, it is my understanding that the chairman and ranking Democrat of the Government Reform and Oversight Committee as well the chairman of the Rules Committee are all opposed to this amendment. The rest of the membership should be as well, and I urge a ''no'' vote on the Orton amendment.

Mr. CLINGER. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, the gentleman from Utah [Mr. ORTON], my friend, would not want to misstate the facts. The facts are, when he says that a chairman and a ranking member can do this, that is baloney. A ranking member and a chairman first must get it through the subcommittee, must get it through the full committee; our committee, 61 members, the largest committee in the House; and then must come to the floor, and this Congress must vote in favor of that legislation, or it will not pass.

So, it is very misleading, and I am sure my good friend does not intentionally mean to do that, to suggest that two Members can make this happen.

Mr. ORTON. They, however, cannot vote item by item.

Mr. ORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I am amazed. Just 4 days ago, the House Republican leadership effectively killed the Skelton amendment which would have exempted major national defense programs from the line-item veto. By opposing the Skelton amendment just last Thursday and opposing the Orton amendment today, Mr. Chairman, the Republican leadership of this House and everyone who follows it is saying this: ''It's OK for a President to be able to veto strategic missile defense, and the B–2 bomber, and the F–22, the C–17, the V–22 helicopter. It's OK to veto military pay increases. But it's not OK to be able to veto a bridge, or a road, or pork-barrel highway projects if you call them demonstration projects.''

The Republican leadership is saying, ''We won't fight to protect major defense programs, but we will go the wall to protect pork-barrel projects and highways if you just call them demonstration programs.''

Mr. Chairman, any Member who voted against the Skelton amendment on Thursday, an amendment that would have protected national defense, should think twice before opposing this amendment today.

I say to my colleagues, ''If you believe in a strong national defense, if you have a military base in your district or defense jobs in your district, I wish you good luck in trying to explain to your constituents why you voted today to protect bridges and roads but voted just last Thursday, 4 days ago, not to protect national defense from the line-item veto.''

Mr. Chairman, I think most Americans will be shocked to find out that the Contract of America now says that highway pork is more important than national defense. Our motto ''Don't Tread on Me'' has taken on a new meaning. It means now a President can veto defense, but cannot veto highway pork. For years, for years, my Republican colleagues have attacked Democratic pork. Now, less than 30 days into this new session, are we seeing the beginning of new Republican pork? It might have a different label on it, but it has got the same fat level as the old pork, and it surely is just as well going to clog the arteries of our taxpayers' pockets.

When new Republican Members of Congress were elected by saying there would be no sacred cows in the Federal budget, surely the American people did not think sacred cows would be replaced by sacred pork. As one retired Republican Member said not too long ago, to paraphrase, ''Members, you can't hate pork but keep protecting the bacon.''

Vote no on pork. Vote ''yes'' on the Orton amendment.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the distinguished minority leader, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I rise to speak against this amendment which would threaten our Nation's vital infrastructure programs. Our Nation's budget problems are not caused by excessive spending on highways, transportation, and airports. These programs, as has been stated, are financed through self-supporting trust funds and, by law, cannot spend more than they take in. If anything, we should spend more on our Nation's infrastructure needs, not less.

The American people know the dismal state of our highways, subways, and bridges. They drive on them every day. Many of our bridges are more than

50 years old, and of course some have actually collapsed while motorists were driving on them.

The greatest expansion on our Nation's road network was begun more than 40 years ago in one of the greatest demonstrations of Government working on behalf of the people and promoting the market and private sector through the Interstate Highway System in the 1950's, and delays due to our Nation's infrastructure problems cost American businesses more than $100 billion a year. We could help the working men and women of this country, and we can help our commerce by spending what is needed to make sure that our roads, our bridges, our highways, our transportation systems, our airports, meet the standards that are necessary to make this economy, a free market economy, grow.

So, Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. SABO], the ranking minority member of the Committee on the Budget.

Mr. SABO. Mr. Chairman, Members, I rise in support of this amendment, maybe for reasons different than others. I do it for the sake of consistency, not for the sake of pork versus goodness, or whatever else may be talked about today. But the reality is the base bill today transfers incredible power to the President to modify spending decisions by the Congress, and the President, with the support of one-third of the Congress, can maintain those decisions. When the gentleman from Pennsylvania [Mr. SHUSTER] says that a President might be able to wipe out a highway program, he is right, but that also applies to a whole host of other worthwhile expenditures.

Why have one covered and the other exempt? I know of no good reasons.

Mr. Chairman, I am not one——

Mr. SHUSTER. Mr. Chairman, will the gentleman yield on that point?

Mr. SABO. Let me finish a minute. I am not one who talks about pork. I think there is good cause at times for demo projects. I do not condemn them. I have been involved with them. Sometimes they are contract authority, sometimes they are authorized and appropriated money. I have got a couple right now that are partially one, partially the other. The authorized part would be subject to line-item veto; the contract authority would not. There is absolutely no reason for the distinction.

Mr. SHUSTER. Mr. Chairman, would the gentleman yield on that point since he mentioned my name?

Mr. SABO. I yield to the gentleman because the gentleman is right in what he says in terms of the ability of the President with the support of one-third of the Congress to wipe out a whole program, but that would also include education programs, legal aid, a variety of other things.

Mr. SHUSTER. Mr. Chairman, the gentleman used my name.

The difference is this is out of a trust fund. This is contract authority. There can be no deficit spending. That is the distinction here, and that is why this amendment should be overwhelmingly defeated.

Mr. SABO. Reclaiming my time, Mr. Chairman, all expenditures by the Federal Government go into making up what our outlays are each year.

□ 1510

We have hundreds of trust funds in the Federal budget. If we said every one of them was exempt, we would be talking about tiny portions of the budget. The reality is that if our judgment is to pass this base bill, it should apply to appropriated dollars, it should apply to contract authority, frankly it should apply to new or expanded entitlement authority, and it should also apply to tax expenditures and tax cuts.

If we really wanted to have a fair bill, it would be in toto. There is no reason for the sake of consistency to say that it should apply to appropriated dollars which would be going to good programs, maybe bad programs, maybe some in between, and the same with the contract authority—lots of good programs, some maybe not so good—but what we are saying in this bill is we want to subject those kinds of expenditures to the scrutiny of the President, who can prevail if one-third of the House or the Senate will stay with him.

Mr. Chairman, for consistency's sake, let us have it apply uniformly.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Iowa [Mr. LATHAM], a member of the Committee on Transportation and Infrastructure.

Mr. LATHAM. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise to oppose the Orton amendment to the Line-Item Veto Act.

The line-item veto is, as many Members of this House have stated, an idea whose time has come. The American people have reached their boiling point over unnecessary and wasteful Federal spending; $10 million here, $20 million there of special interest spending have added billions to our national debt over the years. No part of discretionary spending should be off-limits to the line-item veto.

The Orton amendment, however, shoots at the wrong target. Discretionary transportation spending is already on the table and will be scrutinized under the line-item veto. The President will be able to wield his veto knife against special interest transportation spending that comes at the expense of veterans, children, the elderly, or other important highway projects.

However, no money would be saved under the Orton proposal. Program transportation funding is allocated from money in the highway or aviation trust funds, and spending for these purposes is the only allowable purpose for these funds. Thus, a Presidential veto of contract authority spending would merely send money back to the trust funds.

Rather than sending money back to the Treasury, these contract authority funds would continue to collect in the trust fund. Adding the Orton amendment to the line-item veto bill would be giving the President a deficit-masking tool, not a budget cutting tool.

This amendment would move us in exactly the wrong direction. I know that my colleague from Utah has been an advocate for fiscal responsibility in this House, but this amendment is simply off-the-mark. I urge my colleagues to vote ''no'' on the Orton amendment and yield back the balance of my time.

Mr. ORTON. Mr. Chairman, I yield myself 1 minute to speak in response to the gentleman's statement.

Mr. Chairman, I am sure my friend and colleague would not want to misspeak or misrepresent the facts. In fact, discretionary spending for transportation programs includes the contract authority spending. It does come under the 602(b) allocations. It is all part of discretionary spending, only this part would not be subject to the veto. That is the difference.

I would also suggest to the gentleman that under the current language of the line-item veto, H.R. 2, any amount which is vetoed by the President goes back into the appropriation cycle to be reallocated among other programs. Without a deficit reduction trust fund, it does not lower the deficit either.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, I rise in support of the Orton amendment for the same reason that the gentleman from Minnesota [Mr. SABO] a moment ago did, and that is for the sake of consistency.

Having been involved in the line-item veto and being opposed to giving any President one-third plus one minority override on any of the issues, and then working gradually to this point, I come to the expedited rescission process in which I am perfectly willing to give any President 50 percent plus one line-item veto over any project in the 17th District of Texas.

Having listened to the arguments of the appropriators for years opposing either line-item veto or modified rescission for getting into the decisions that the appropriators make and then listening to the members of the Committee on Ways and Means make the various all-substantial and very good arguments as to why the President should not get involved in tax matters, and now listening to the Public Works Committee giving all the very valid reasons why this should not be applied

to public works, I come to the same basic conclusion, and that is why we will be offering our amendments later this afternoon to strengthen H.R. 2 to allow the President to go into any bill at any time, whether it is contract authority, tax authority, or spending authority, and to make an independent judgment as to whether or not that project is as good as we might have believed it to be when we came to the Public Works Committee and asked in this case for contract authority. I am perfectly willing to do that, and if we are going to do it for one, I think we should do it for all.

We have heard the statement made that the trust funds are somehow different. They are not different, Mr. Chairman. Trust funds come from taxes that are in fact paid by the American people for the purposes for which we pay them into the trust fund.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I am happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I say to my friend they are user fees. It is not a general tax paid by all Americans, but rather by the traveling public who buys a gallon of gasoline or pays a ticket tax. They are user fees, and, therefore, they are fundamentally different from other taxes.

Mr. STENHOLM. Mr. Chairman, I reclaim my time and say they are not fundamentally different because they are user fees, because the users have the right to believe those funds are being expended in the most efficient way possible. Therefore, the argument we make, I think, is extremely valid.

What we are saying today in H.R. 2, and hopefully as amended, with all the amendments added, is that we all agree the basic thrust we want to see is that the President of the United States have the right to go into appropriation bills, Ways and Means tax bills, and now Public Works bills, and if he has a different opinion, then we shall have to vote up or down on the floor on those individual projects.

This is what the argument is about. As I say, in my particular feeling, I get nervous about one-third plus one, but I do not get nervous about a 50 percent plus one independent judgment.

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 4 minutes to the gentleman from California [Mr. MINETA], the former chairman and now ranking member of the Committee on Transportation and Infrastructure.

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

Mr. MINETA. Mr. Chairman, I really appreciate our colleague, the gentleman from Pennsylvania [Mr. CLINGER] leading the committee on this issue, as well as my very fine colleague, the gentleman from Pennsylvania [Mr. SHUSTER], and I rise in very, very strong opposition to the Orton amendment.

I think there are two things that bother me about the discussion that is going on. One is that there is no recognition whatsoever about the user taxes that are being generated right now through a gasoline or a ticket tax, and they are treating those dollars the same as general tax revenues.

There is no tax for a V–22, a C–17, or for defense in general, but there is a dedicated fund, a highway trust fund or an aviation fund that has revenue coming either from a ticket tax on passengers on airlines or on the gasoline and diesel tax from the users of the highway system.

There is another thing that is starting to bother me, and that is that there is no distinction between a dollar spent for operations and a dollar spent on capital items. A dollar spent on capital items is an investment that brings back or generates economic growth and other kinds of activities.

Those who have advocated a line-item veto have argued that if we are going to get serious about deficit spending, we have to have this tool—the line-item veto—to bring spending down.

This amendment would extend the line-item veto to contract authority programs, which is to say the trust fund supported aspects of the highway, transit, and airport programs.

But all this contract authority spending is fully supported by dedicated revenues into the trust funds. This is all spending which does not contribute one dime to the deficit. These are the ultimate in pay-as-you-go programs. This is what we want more of the Federal budget to look like.

Whether you think the line-item veto is a good idea or not with respect to most Federal spending, it just makes no sense with regard to contract authority. Our contract authority programs already are prohibited by law from contributing to the deficit. That's iron-clad protection against deficit spending. You might say that with regard to the contract authority programs, we already have the balanced budget amendment in pace. A line-item veto on contract authority is not needed and makes no sense.

If this amendment were adopted, entire programs could be reduce or eliminated, even though they are now entirely pay-as-you-to. The programs we are talking about are key to our States, our communities, and our businesses. I'm talking about programs like the interstate construction program, the interstate maintenance program, the National Highway System, the minimum allocation, the congestion mitigation program, and a variety of other highway, transit, airport, and safety programs, all of which are 100 percent fund supported. Any of these programs could be reduced or eliminated in their entirety by the line-item veto, even though we were already taxing our constituents more than enough to fully fund these programs through the trust funds.

This is ultimately an issue of truth in taxing. When we approved these trust fund taxes, and when most of our constituents agreed to support these trust fund taxes, it was the promise that these monies could and would be spent on needed transportation improvements. That's what the trust in trust funds is all about. If we now create a situation where the taxes will go on being collected, but the line-item veto can be used to block spending those taxes back out as promised, we will have fundamentally broken trust with our constituents, and that would be profoundly wrong.

I strongly urge my colleagues to oppose this amendment.

☐ 1520

Mr. ORTON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CONDIT].

(Mr. CONDIT asked and was given permission to revised and extend his remarks.)

Mr. CONDIT. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Utah [Mr. ORTON]. The measure we are debating today, the line-item veto, attempts to put some control over Federal spending. The line-item veto as drafted in H.R. 2 controls appropriation spending. The line-item veto as drafted in H.R. 2 applies to targeted tax benefits. The line-item veto as drafted in H.R. 2 does not apply to contract authority, that is, Federal trust funds such as the Federal highway and airport trust funds.

Why should the line-item veto apply to appropriations funding and funding from the tax fund, but not apply to spending from the Federal trust fund? As the gentleman from Utah [Mr. ORTON], has already pointed out, the highway reauthorization bill, what we call ISTEA, contains numerous highway demonstration projects that were nothing but pork-barrel projects in the districts of powerful Members.

Mr. Chairman, if we are to have an effective line-item veto, it must apply to all forms of Federal spending. Without the Orton amendment, a good portion of Federal pork-barrel spending will be off limits. That is unfair and unwise and unworkable.

We need to have this be applicable to all spending here. We need to make sure that we are able to scrutinize every bit of Federal spending, and the Orton amendment will ensure us we have the opportunity to do that.

We have an obligation, if we are going to pass this line-item veto, to make sure it works and works in a fair fashion. I would urge all my colleagues, my colleagues on the Democratic side, my colleagues on the Republican side, who absolutely know that this is fair and right, You have been here before, even your own colleagues have proposed this, and it is a fair amendment, and we ought to pass it.

Mr. Chairman, as an original cosponsor of H.R. 2, I rise in strong support of the line-item veto.

Since the early 1980's, our national debt has soared. The national debt expands by $1 trillion every 4 years. The debt has skyrocketed to such an extent that interest payments on the debt are one of the largest items in the Federal budget. Something must be done to change course.

Before coming to the floor, I was up in my office watching the debate and I have to tell you that I have a hard time understanding what some have said about H.R. 2. Many of the opponents of the line-item veto have criticized this bill because they believe that it gives too much power to the President. Even though I disagree, I can understand this argument. But others have said that our Nation has survived tougher times than we find ourselves in today without having to upset the constitutional balance between the executive and the legislative branches. It is this argument that I do not understand. Do the Members of this body realize that we have a $4.6 trillion debt? Do the Members of the body realize that we are getting closer and closer to financial insolvency every day? Do the Members of this body realize that future generations will have to pay 82 percent of their income in taxes because we have left them with this terrible debt? From the comments on the floor today I am not sure.

I firmly believe that if we do not take decisive and dramatic action to reduce and eliminate our wasteful spending habits, we will condemn our children and grandchildren to pay for our excesses. As a father and a grandfather, I can tell you that this would be wrong and unfair.

For these reasons, I am a strong supporter of a pure line-item veto. The current budget process is woefully inadequate in this regard. It is true that the President can propose budget rescissions. However, we in Congress can thwart the will of the President and allow pork barrel spending to be spent by simply ignoring the President's rescission requests.

H.R. 2 will fundamentally change this process by requiring us to consider the President's rescissions. But most importantly, H.R. 2 will require us to muster a two-thirds vote to restore a spending program that the President has targeted for elimination. It is this two-thirds requirement that distinguishes H.R. 2 as the true line-item veto.

Finally, Mr. Chairman, the line-item veto is a commonsense issue. President Clinton supports it. Forty-three State Governors have this authority. And most importantly, the American people believe that we should give it to the President.

Mr. CLINGER. Mr. Chairman, might I inquire how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 18 minutes remaining, and the gentleman from Utah [Mr. ORTON] has 8½ minutes remaining.

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Pennsylvania [Mr. MASCARA].

Mr. MASCARA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the Orton amendment. While I do not doubt the sincerity of the motives of the gentleman from Utah [Mr. ORTON], I know firsthand how harmful enactment of this amendment could be to a section of the country, southwestern Pennsylvania, struggling to overcome the economic upheavals of the 1980's and the early 1990's.

For the past 25 years, citizens of my southwestern Pennsylvania district have struggled to win approval and funding for a road called the Mon-Fayette Expressway. Like the playing field in the movie ''Field of Dreams,'' they hope if this highway is built, businesses and jobs will follow.udies all around the world have indicated a strong correlation between highway and infrastructure development and economic development. I served for 15 years as a member of the southwestern Pennsylvania Regional Planning Commission, where I served as chairman of the planned policy committee which had the responsibility of fulfilling the obligations under the 1990 Clean Air Act amendments and the 1991 Intermodal Surface Transportation Efficiency Act.

Passage of the Orton amendment would allow this President or some other President to reach into a bill, and, with the stroke of a pen, wipe out this highway. I do not think that is right.

While I support the concept of the line-item veto, I must say that the trust fund programs targeted by the Orton amendment are not part of the problem this legislation is trying to solve.

The highway trust fund that will hopefully be used one day to fund the Mon-Fayette Expressway is totally financed, as some of my colleagues said earlier, by gasoline taxes, paid by motorists and truckers across this country. For every 1 penny, there is $1 billion going into that plan. So I ask Members on the Republican side and the Democratic side to oppose this amendment.

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 4 minutes to the gentleman from West Virginia [Mr. RAHALL], a member of the Committee on Transportation and Infrastructure and ranking member on the Subcommittee on Surface Transportation.

Mr. RAHALL. I thank the distinguished chairman for yielding and appreciate his leadership, as well as the leadership of our Committee on Transportation and Infrastructure Chairman, the gentleman from Pennsylvania [Mr. SHUSTER] and our ranking member, the gentleman from California [Mr. MINETA].

Mr. Chairman, I, of course, rise in opposition to the spending amendment. I could perhaps understand the rationale for its introduction if its author were a new Member of the majority party. But I am rather dumbfounded by the rationale of its current author, considering his background and his work in the past with our Committee on Transportation and Infrastructure. The gentleman certainly comes to this debate with no clean hands, protest notwithstanding.

As most of us know, the airport, highway, and transit projects are financed through the trust funds supported by users fees, as has been repeated during this debate. This is entirely different from last week's debate on exempting defense from the line-item veto. Defense has no dedicated user financed trust fund.

Expenditures from these highway trust funds are achieved through contract authority contained in authorizing bills under our jurisdiction on the Committee on Transportation and Infrastructure. Our highway and aviation programs are already covered by spending controls. I repeat, they are already covered by spending controls. Annually our appropriators impose obligation limitations on transportation contract authority which in turn controls outlays for these programs.

Second, rescissions of highway and aviation contract authority will not save any money. By law the funds not expended from these trust funds remain in the trust fund and may not be used for any other purposes. These are dedicated funds, derived from user fees.

□ 1530

We ought to be putting more trust into these highway trust funds, not detracting from the trust in these highway trust funds

This is about truth in taxing, Mr. Chairman, using the people's money for what they believe the money is going toward when they pay that fee at the gas pump or buy that airline ticket. It is what they truly believe their money is going for, improved airports and security at our airports, improved highways.

This is about truth in taxing, putting trust back into these highway trust funds, being honest with the American taxpayer about where his or her money is going, not into some black hole in Washington known as deficit reduction, for which they may never see any positive results.

These trust funds are deficit proof. By law, by the Byrd amendment, they cannot spend more money than they take in. They should not, therefore, be target for deficit reduction.

Road building in our respective States is a jobs issue as well. When we build roads, we provide jobs in both the short term and in the long term.

And finally, enactment of this amendment would cause havoc in our transportation programs. State and transportation contractors have no assurance that once a project is initiated, the funds necessary for its completion would be there. There would be no smooth flow of funds to our States to conduct transportation policy and build projects with any amount of certitude.

Who can conduct a transportation and road building project like that? And talk about unfunded mandates. If

the President vetoes an entire highway safety program or the national highway system program, who is going to build these projects in the States, these lifelines to many a community? Obviously States are going to have to pick up the tab themselves. Talk about unfunded mandates.

This is not the type of way, this is not the manner in which we should be conducting transportation policy in this country, especially as we look into the 21st century and try to adopt a new and sound policy of intermodalism.

I tell my colleagues that this vote will send an important message, not individually, I might add, but collectively, to this body and to the world as we begin writing a transportation policy this year.

Mr. CLINGER. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. OBERSTAR], a very prominent member of the Committee on Transportation and Infrastructure and ranking member of the Subcommittee on Aviation.

Mr. OBERSTAR. I thank the gentleman for yielding and congratulate him on the dignified manner in which he has conducted the debate from his position as chairman.

The Orton amendment strikes at two of the Federal programs that have been the most successful, the most universally accepted and which are deficit free and do not contribute to deficit and by their very constitution and establishment cannot run a deficit and never have and never will.

Contract authority, which is the underlying principle of the aviation trust fund, and the highway trust fund were invented in 1956, with the establishment of the highway user tax because the founders of the interstate highway program realized that we needed a dedicated revenue stream, one that States could count upon year after year to build these projects that took years to design and engineer and years more to construct and to complete. We cannot complete a bridge or a highway from one day to the next, from one fiscal year to the next. It takes several, years and that is why they established the principle of contract authority to make sure that there would be this dedicated revenue stream to complete these projects after their initiation. And then the same concept was adopted in the 1970's with establishment of the aviation trust fund and the airline ticket tax which finances our airport improvement program.

We specifically, in the airport improvement program, the gentleman from Pennsylvania and I worked together on this for years, kept individually designated projects out. But that did not stop States from designating one project having more significance than another. And the same with the highway program. States made choices as to where those dedicated revenues are going to go. They make choices of one project over another. State legislatures make those decisions. Governors make those decisions. We, too, are the people's elected representatives. And we have a responsibility to the people that elect us and who pay their taxes into the highway trust fund and who expect that dedicated revenue stream to operate.

Now, under this amendment, the president would have the authority to abolish the contract authority itself. The money then could not be spent on any other purpose. It would not be spent on highways or airports. It would just sit there and build up surplus to offset the deficit and make the President's program, whichever President that happened to be, look better.

I do not think we want that. I do not think our people sent us here to just be a rubber stamp for a President. We are not a rubber stamp Congress. We have the responsibility to represent, and that is to represent the people who sent us here, to stand for something, and that something is a highway trust fund that has built the finest system of highways that is the envy of other countries in the world and the finest network of airports that is the envy of other countries in the world. And we should not undermine it by adopting this provision, I hate to dignify it with that term, that would undermine the very purpose of building infrastructure, serving the economy of this country, serving the needs of transportation and movement of people and goods throughout America.

Defeat the Orton amendment.

Mr. ORTON. Mr. Chairman, I yield myself 10 seconds to suggest that the President, under H.R. 2, could also veto the entire funding for the Central Intelligence Agency. I do not know why he would do that, or the transportation funding.

Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Utah for yielding time to me.

There is an old country song that goes, ''I was country when country wasn't cool.''

I was for the line-item veto long before being for the line-item veto was cool, and those who support the line-item veto, who believe that it really ought to work in this country to enforce congressional will power, to stop deficit spending, and stop pork-barrel projects, ought to be for the line-item veto in its purest form, ought to make sure we exempt no discretionary spending that is deficit spending from this bill.

I joined many of my colleagues in voting to make sure we did not exempt military spending, defense spending from this bill, and I am amazed today that we are debating whether to leave an exemption for highway funding in this bill. How can we be consistently for the line-item veto and all it means for us to enforce the balanced budget and to end deficit spending, to stand up, as I did and others did, against exempting defense spending from this bill, and then be for exempting highways and bridges?

Well, my colleagues know there is a little log-rolling goes on once in a while. I am not saying highways and bridges are not important, any more than I thought defense was not pretty important for our country. But when we start exempting things that are discretionary spending from the line-item veto, designed to stop deficit spending in our country, we are on a slippery slope, rather, that I think destroys the whole purpose of the line-item veto.

Those in America who believed in that contract provision are going to be sadly surprised when they wake up tomorrow morning and find out we adopted a bill that leaves out highway funding as an item for the line-item veto when we would not leave out defense spending. They are going to be sadly surprised that some Members who support the line-item veto do not really support it in all its purposes.

Mr. CLINGER. Mr. Chairman, may I again inquire as to the amount of time remaining on both sides?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 8 minutes remaining, and the gentleman from Utah [Mr. ORTON] has 6½ minutes remaining.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE], a principal, prime cosponsor of this legislation and a member of the Committee on Government Reform and Oversight.

□ 1540

Mr. BLUTE. Mr. Chairman, I rise in strong opposition to the amendment offered by the distinguished gentleman from Utah [Mr. ORTON]. While I am sure that gentleman's intentions are of the highest order in offering his amendment, this is simply a bad idea which will have dire unintended consequences.

The line-item veto is a tool that allows for the surgical removal of wasteful spending items from large spending and tax bills. The whole idea behind this device is to save money. However, the gentleman's amendment has zero potential to save even one dime.

Contract authority allows for money to be spent from trust funds. If a contract authority item is vetoed out of an authorizing bill, the money would go back into the trust fund, where it would simply continue to sit. There would be no saving associated with such a move.

The whole matter of trust funds has become the focus of much discussion and debate in the Congress. There is certainly no clear consensus on whether and how these funds should be spent down.

There are two schools of thought. Some would like to see the trust funds stockpiled to match the size of our Federal deficit. Others feel these funds should be spent on the types of things for which they are intended.

Mr. Chairman, this is neither the time nor the place to conduct the next round in this debate. As we work to reduce our debt, we also have to make sure our transportation infrastructure is modernized through prudent investments.

Thus, these expenditures are key to future economic growth, and thus key to future Government revenues. If Members want to see our debt explode, watch as our economy declines, as our transportation infrastructure declines, and we are unable to move goods and consumers in an effective way.

Our goal with this legislation, Mr. Chairman, is to save money and to reduce the amount of waste that taxpayers have to pay for each year. This amendment does absolutely nothing toward that goal, Mr. Chairman. I urge my colleagues to defeat this misguided amendment.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BAKER], a very valued member of the Committee on Transportation and Infrastructure.

Mr. BAKER of California. Mr. Speaker, this is not a question of protecting pork in highway infrastructure bills. This is a question of protecting the highway fund, paid for by motorists into a trust fund which cannot be overspent and which is earmarked for highway and rail projects. At last accounting, the highway trust fund had involuntarily loaned to the general fund $13 billion for cash flow for that $210 billion deficit this year.

Therefore, Mr. Chairman, the purpose of the line-item veto, bringing deficit spending in line, does not exist in the highway trust funds which are already in line. Indeed, both the Bush budget debacle of 1990 and the Clinton tax increase of 1993 robbed the gas taxpayers of over an additional $6.5 billion a year, which will not build rail or road projects, which was, rather, sent to the Bermuda Triangle known as the general fund budget balancing act.

No more transportation funds to the general fund. Vote no on this amendment.

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. LIPINSKI].

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

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strongest possible opposition to the Orton amendment to H.R. 2. Although I support efforts to cut excessive Federal spending, the amendment offered by the gentleman from Utah could have a devastating effect on our Nation's transportation system.

The Federal Government supports investment in our Nation's infrastructure because it is a critical need beyond the scope of any individual State. The aviation and highway trust funds are designed to ensure that transportation needs are consistently met throughout the country. The trust funds are simply the wrong target for this effort.

Mr. Chairman, highway and aviation programs are already covered by spending controls. Each year, the Appropriations Committee sets obligation limitations on transportation contract authority. These limitations in turn control outlays from the programs. Contract authority, like any funding appropriated by Congress, is simply a piece of the pie—not a lifetime supply of pie.

In addition, rescissions of highway and aviation contract authority will not actually save any money. Because of the importance of transportation funding, the law clearly establishes that funds from the transportation trust funds cannot be used for any other purpose—even deficit reduction.

The transportation trust funds are the wrong target for deficit reduction. By law, they cannot spend more than they take in. Rather than trying to slash them, we should be looking to the aviation and highway trust funds as a model for other programs. Every Federal program should pay for itself as these trust funds do and not contribute to the deficit.

Under this amendment, all the aviation and highway grant programs could be in jeopardy of rescission by the President. Nearly all highway and aviation funds are statutorily provided in multibillion dollar blocks of formula distributed funds. The President might only have the option of eliminating an entire program in order to reach a particular project. Surely we do not wish to advocate that. That would be cutting off your nose to spite your face.

The bottom line is that this amendment is a really bad idea. Its impact would be devastating for transportation programs—as well as any nontransportation programs which use contract authority. We can cut spending and given the President a line-item veto today, but we cannot pass this amendment. Although it may be well-intentioned, the impact on the Nation's transportation system is intolerable. Vote "no" on the Orton amendment.

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Chairman, I rise in opposition to the Orton amendment.

Mr. Chairman, this amendment would include under the definition of "discretionary budget authority" in the bill the concept of "contract authority."

This runs contrary to all existing definitions under the Budget Act which clearly distinguishes between discretionary budget authority and contract authority.

This exercise reminds me of a riddle Abraham Lincoln used to pose: If you call a tail a leg, how many legs does a horse have?

While many would answer, five, Lincoln responded that the answer is still four because calling a tail a leg doesn't make it a leg.

By the same token, calling contract authority "discretionary budget authority" doesn't make it so. Contract authority is the authority given to agencies to enter into contracts. It does not obligate the money to be spent and therefore does not involve discretionary appropriations.

If we begin to give the President the authority to selectively item veto what is in effect enacted, authorization language, we are raising serious constitutional questions, and we are going against the grain of this bill as it is currently drafted.

We have already agreed by way of language in the bill and the report that we are talking about allowing the President to reduce or eliminate dollar amounts in appropriations bills. And we have explicitly adopted language to ensure that the President cannot eliminate legislative language.

According to testimony last month of Walter Dellinger, Assistant Attorney General for the Office of Legal Counsel in the Department of Justice, the pending line-item veto bill does not raise constitutional questions because, in his words, "The President would merely be authorized to decline to expend certain appropriated funds, not alter or repeal an enacted law."

To permit the President to sign a law containing contractual authority, then turn around and propose to cancel it by way of the line-item veto process, goes contrary to the lawmaking process of the Constitution.

In the words of the Department of Justice testimony, it violates the "specific textual requirement of Article I, section 7 of the Constitution governing the manner in which laws are made" because it "amends a duly enacted law which is inconsistent with Article I, section 7."

Mr. Chairman, we have already adopted an amendment that provides for an expedited judicial review of the constitutionality of this act.

I would hate to see us jeopardize the constitutionality of the bill as it now stands by inserting a clear red flag in the form of permitting the President to cancel duly enacted contractual, legislative language in a manner other than through the normal lawmaking-veto process established by the Constitution.

I therefore urge rejection of this amendment.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New York [Mr. QUINN], a long time sponsor of this legislation.

Mr. QUINN. Mr. Chairman, as a member of the House Committee on Transportation and Infrastructure, I, too, rise in strong opposition to the Orton amendment.

The amendment blurs the Budget Act's clear distinction between mandatory and discretionary funding. Proponents of the measure today have said we must be consistent, that we must vote for the line-item veto and not have any exceptions. The exceptions that we talk about this afternoon, however, make a clear distinction how that money is raised.

This is a trust fund, a dedicated trust fund where residents and constituents that I represent do not want to see their money and their tax dollars go to Washington and be put in the rest of the black hole where their money goes, and never see a return. A dedicated trust fund like this gets a bang for their buck. They know it is going to be used for highway or aviation programs. That is certain. They know it will not be put in with all the rest of the money where those Washington tricks are played.

I urge all my colleagues to vote no on the Orton amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 4

minutes remaining, and the gentleman from Utah [Mr. ORTON] has 6½ minutes remaining.

Mr. ORTON. Mr. Chairman, I yield myself 10 seconds to point out that these user fees, as they are being called, just a couple of years ago in the President's budget when they raised gas taxes, were ranted and railed against as gasoline taxes against the people. Now they are user fees.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I rise to support the Orton amendment.

Mr. Chairman, I want to make clear from the start that the issue is not whether or not projects being built with contract authority are good ones or bad ones. That is beside the point. Some of them are good and some of them are bad, no doubt.

The question simply, to me, Mr. Chairman, is whether or not we are going to treat all spending the same when it comes to making spending vulnerable to the President's ability to review it. Mr. Chairman, the issue is simply why should contract authority be exempt when money spent through direct appropriations is not exempt from the President's review?

As the ranking Democrat on the Committee on Appropriations, I stood on this floor last week and offered an amendment which was accepted by this committee which enabled the President to review every single project approved for fiscal 1995 in the appropriations process.

I happen to think most of those projects are perfectly defensible. I happen to think that most of the projects that are financed by the Committee on Transportation and Infrastructure under contract authority are perfectly defensible. However, that is not the question.

I also think that we can make the same argument with respect to deficit reduction on appropriated earmarks that the gentleman has made with respect to contract authority. It is alleged that because we do not add to the deficit, because this represents trust fund spending, therefore, these projects ought to be exempt.

Mr. Chairman, I would point out not a single appropriation earmark adds to the deficit, either, because each of the appropriation subcommittees comes to the floor within a budget ceiling. They cannot exceed it. That means if we provide an earmark, those dollars come from other projects that would otherwise be funded.

It seems to me, Mr. Chairman, in both cases the issue is not whether the spending adds to the deficit. The issue is whether or not, if an occasional project is acutely embarrassing, whether the President ought to have the right to reach that project or not.

Mr. Chairman, I say if we are going to require each and every project in the appropriations process to be subject to presidential review, then we ought to do the same thing for contract authority.

To me the issue is not whether these projects add to the economy or not. I suspect most of them do, just as most of the appropriated earmarks do. The issue is not whether or not these projects are useful. Most of them probably are.

The issue is whether or not we are going to exempt one kind of spending from presidential review when we are subjecting all other kinds to that review. And it seems to me, especially when we recognize that in any fiscal year the amount of money being provided under contract authority is at least four to five times as large as that being provided under appropriations, that we ought not to exempt the kind of spending which is four and five times as large as the appropriated direct spending which was made subject to this review just last week. I would urge a vote for the Orton amendment.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Florida [Mr. MICA] a member of the Committee on Government Reform and Oversight.

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

Mr. MICA. Mr. Chairman, I am probably one of the most fiscally conservative Members of this body. I am a strong supporter of the legislation before us to provide the President with a line-item veto authority. However, quite frankly, I do not think that this particular amendment proposed by the gentleman from Utah [Mr. ORTON] really deserves our support at this point.

The reason is, first of all, while his intent may be good and sound good, the policy, in fact, is bad policy. We could have some serious unintended consequences by instituting this legislation.

Most importantly, Mr. Chairman, the rescission of highway and aviation contract authority will not save any money. By law, funds that are not expended from these trust funds remain in the trust fund, and may not be used for any other purpose, so we are not saving any money with adoption of this amendment.

Therefore, I oppose this amendment, and I urge my colleagues to also oppose it when it come before the House.

□ 1550

Mr. ORTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the gentleman from Minnesota [Mr. SABO] and the gentleman from Wisconsin [Mr. OBEY] have said it better than I could. This is not a question of pork. Any qualified projects will stand the scrutiny of the line-item veto and, in fact, will survive. The question is, why should we be treating spending under an appropriations bill any different than treating spending under a transportation bill? Should we be any less concerned about earmarked spending from gas tax trust funds than we are from general revenues?

I would just suggest some quotes from some of my colleagues during this debate on H.R. 2. The gentleman from Pennsylvania [Mr. CLINGER] said that we have rejected the argument about whether to exempt spending from the judiciary and said that ''no program rose to this level where it should be exempted from consideration.''

The gentleman from New York [Mr. SOLOMON] said, ''And we should not exempt anybody.''

The gentleman from Florida [Mr. GOSS] said, ''If there is belt tightening, it is everywhere.''

The gentleman from Massachusetts [Mr. BLUTE] said, ''If we start exempting all of these areas, we are going to run into real problems.''

The gentleman from Texas [Mr. DELAY] said, ''If we are going to exempt defense, then it is hypocritical not to exempt child issues. We do not need to be exempting any one program from another.''

Mr. Chairman, the critical point: Money that is vetoed under appropriation bills does not reduce the deficit. It goes back and is subject to the same 602(b) allocations and is reallocated among other appropriated spending. Spending under contract authority which would be vetoed would not reduce the deficit. It would go back into the trust fund and would therefore be eligible to be spent through the general formula funding.

In ISTEA we funded a little over $100 billion of spending from the trust funds under the general formula. We funded about $6 billion in demonstration programs. Those demonstration programs, some of them are very, very good. Some of them may not be so good.

If we want to give the President the authority to look into appropriation bills, to circle out those items that are embarrassing, that are wasteful, that should not be spent, why on Earth should we not allow the President to look into contract authority authorized by the Committee on Transportation and Infrastructure to do the same thing? To look at those projects, demonstration projects, most of which are good and valid projects, but to circle out those items which are embarrassing, which should not be spent, which cannot be justified.

How can we say simply because this money is raised from a gasoline tax and is in a trust fund to be spent only for transportation projects that we do not have to be concerned about how wisely those transportation funds are spent?

We are not trying to attack the transportation trust fund program or to stop funding for transportation programs. What we are saying is the President ought to be able to look at how wisely we are spending those transportation trust funds, and it is not any

less responsible of us to look at appropriations versus transportation contract authority.

I would urge adoption of my amendment.

Mr. CLINGER. Mr. Chairman, I yield 10 seconds to the gentleman from Florida [Mr. GOSS] to respond.

Mr. GOSS. I thank the gentleman for yielding me the time.

Mr. Chairman, I just wanted to point out, it is true I did say that if there is belt tightening, it should be shared by all. But I would like to point out, H.R. 2 talks about discretionary budget and talks about numbers. It does not talk about policy because as so many have articulately expressed, we are concerned about shifting the balance of power.

Mr. CLINGER. Mr. Chairman, I yield briefly to the gentleman from Pennsylvania [Mr. SHUSTER] to respond to another matter that was raised.

Mr. SHUSTER. Mr. Chairman, I thank my good friend for yielding me the time.

My friend from Utah made the allegation that a member of my staff called the mayor of Provo, UT, to pressure him to get him to withdraw this amendment.

I have not only talked to my staff, I have just gotten off the phone from talking to the office of the mayor of Provo, UT. No one from my staff spoke to the mayor of Provo, UT.

I am sure my good friend in the heat of the moment made an honest mistake, but I would simply like the record to reflect that.

Mr. ORTON. Mr. Chairman, will the gentleman yield to me so that I can at least answer or respond?

Mr. CLINGER. I yield 10 seconds to the gentleman from Utah.

Mr. ORTON. I thank the gentleman for yielding me the time.

Mr. Chairman, I did not make an allegation that they called the mayor of Provo, UT. If you will read the RECORD, it is clear what I said, and the information came from various lobbying sources who lobbied this city in behalf of a mayor in my district, and the comments were made to the lobbyist.

Mr. CLINGER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise in opposition to this amendment. I believe I am also speaking on behalf of the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, in opposing this amendment.

I think one of the things that has been sort of part of this whole debate is the suggestion at least that there are many, many projects out there that may not be worthy and that the President should be given an opportunity to look into those and deal with them in this veto. But I think it needs to be pointed out that when we are talking about trust funds here, 96 percent of those funds go to the States, directly to the States. They are distributed by formula, they are not earmarked, and that is the overwhelming amount of the money that is involved in these trust funds, come from us to the States. Only about 3 to 4 percent for very high-priority projects and ones that have been carefully vetted, all of which have been approved by the State departments of transportation, are approved by the State DOT's before they are approved, before they are funded. I think it is distorting the debate a bit to suggest that there are massive numbers of projects the President might want to reach.

The other item I would just respond to is the transportation trust funds presently have or have had a cash surplus of $33 billion. One of the suggestions the Committee on Transportation and Infrastructure has had over the years is that that has been used to mask, to hide the deficit, to make the deficit look better, and to make the general fund look better. It has been a smoke-and-mirrors device that has been used over the years because the trust funds cannot spend more than they take in. I think we do not need to contribute to this problem by providing a veto of contract authority.

Mr. Chairman, rescissions of highway and aviation trust authority are not going to save any money. I think that is the bottom line. This is a deficit reduction provision. The Orton amendment will do nothing to reduce the deficit. I urge opposition to this amendment.

Mr. GILCHREST. Mr. Chairman, I rise in opposition to the Orton amendment.

Mr. Chairman, there is only one good reason to provide line-item veto authority to the President—to reduce the deficit. Providing a line-item veto just for the sake or doing so would be an example of Congress cutting off our nose to spite our face. The amendment before us, while well-intentioned does exactly that.

Contract authority comes out of trust funds which are fenced off for explicit transportation purposes. If the President were to line-item veto a highway project or an airport grant, it would have no impact on the deficit. It would merely require that a given amount of money sit unused in the trust fund until the next fiscal year.

Our transportation trust funds represent a user fee to our highway and airway travelers. They pay for improvements to the Federal transportation infrastructure through taxes levied on fuel and airline tickets. The expenditure of this money is the Government fulfilling a contract with these travelers. If we instead use this money for deficit reduction, we will have turned an ostensible user fee into a tax, changing the rules in the middle of the game.

As an aside, Mr. Chairman, I might point out that the language of the bill requires a Presidential finding that his veto of the line item would reduce the deficit. Although I am not an expert on this, I would wonder how the President could make such a finding when the line-item in question was contract authority.

Mr. Chairman, a line-item veto for contract authority makes no sense. It doesn't save any money and it doesn't reduce the deficit. Let's defeat the Orton amendment and preserve the integrity of the transportation trust funds.

Mr. DUNCAN. Mr. Chairman, I rise in opposition to the Orton amendment but in strong support of the underlying bill, H.R. 2.

As I mentioned on the floor yesterday, I have introduced line-item veto legislation almost identical to H.R. 2 on the first day of every Congress since I was elected in 1988.

I think it is fair to say that there are not many Members of this House who support giving the President true line-item veto authority more strongly than I do.

But Mr. Chairman, this amendment is aimed very specifically at the aviation trust fund and the highway trust fund, which were created with the understanding that the money they contained would be used exclusively for aviation and highway projects.

The ultimate goal of this amendment appears to be to get at the money in these trust funds so that it can be used for nontransportation purposes, which violates the very concept of a trust fund.

I strongly believe that these funds should be off-budget and should be used for the purpose for which they were created, namely to fund various airport and highway improvement projects and to strengthen our overall transportation system.

When these trust funds were originally established, it was made clear that the money they contained would be set aside for such projects.

If we are going to turn around and violate that pledge, then we should just be honest and stop referring to them as trust funds at all.

Mr. Chairman, the money that is in these trust funds comes from fees that are paid by the users of our Nation's airlines and highways.

I believe that this money should continue to be used for the types of improvement projects that we have promised these users it will be used for.

At a time when use of our airlines is increasing rapidly each year and use of our highways is at an all time high and still climbing, it does not make sense to make an end run around these funds.

If this amendment is approved, we will end up hurting our transportation system at the very time that we should be doing everything we can to make it stronger.

Mr. Chairman, there is almost no one in this House who is more fiscally conservative than I am or who has voted to cut spending more often than I have.

But I must oppose this targeted attack on our aviation and highway trust funds and I urge my colleagues to join me in opposing the Orton amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. ORTON].

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

Mr. ORTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Friday, February 3, 1995, further proceedings on the amendment offered by the gentleman from Utah [Mr. ORTON] will be postponed.

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. WATERS: The first sentence of paragraph (3) of section 4 is amended by inserting ''or which the President determines would yield at least 20 percent of its benefit to the top 1 percent of income earners'' before the period.

The CHAIRMAN. Pursuant to the order of the House, the gentlewoman from California [Ms. WATERS] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I am offering today is about fairness. I am trying to bring a measure of accountability to this process.

Mr. Chairman, we all know the impression of how law is made in Congress. Many people believe special interests have too much influence and that the rich are getting their way with too many politicians.

□ 1600

Unfortunately, this impression is often too close to reality. My amendment would give the President the authority to veto any provision which gives the lion's share of benefits to the rich.

Make no mistake about it, my amendment makes this bill stronger. My amendment would increase the chance that H.R. 2 would reduce the deficit.

Specifically, my amendment would change the definition of targeted tax benefit in the bill to include any tax benefit which would accrue more than 50 percent of its benefit to the top 10 percent of income earners. As I said, this is only fair and this is common sense.

Anyone looking at this legislation, or listening to us debate it, may concede that a targeted tax benefit should include one that goes mainly to the wealthy. This amendment goes to the heart of the legislation. We know from the pollsters who have brought us all of this information about the Contract With America that a majority of Americans support the line-item veto, but the important question is why? The answer is because the American people believe that special interests and corporate America exert too much influence on our spending and revenue decisions.

My amendment would merely bring any tax break which disproportionately benefits the rich under the provisions of the line-item veto. It would not prohibit Congress from passing such a tax break, it would not require the President to veto such a tax break, it would simply give the President, Democrat or Republican, the option of striking such a regressive, narrow tax break from a bill.

My amendment would not change the procedure of the bill in any way. The President, through the Office of Management and Budget, would make a determination of the beneficiaries of the tax legislation we send him. Under my amendment, if it is determined that any tax change would severely disproportionately benefit the rich, the President would be given the option of vetoing that portion of it.

The majority of Americans are tired of struggling to make ends meet while they see the economic elite get more and more from Government. While economic factors in the past 20 years have exacerbated the trend toward inequality, tax policy has made matters worse.

Since 1977, the effective tax rate for the top one-fifth of wage earners went from 27.2 to 26.8 percent, a net reduction of $450 in tax liability. For the top 5 percent, the effective tax rate has dropped from 30.6 to 28.3 percent, which translates into a $5,311 tax cut. Finally, the top 1 percent, those earning over $675,000 per year, have seen a reduction in their tax rate from 35.5 percent down to 29.3 percent, the equivalent of nearly $42,000 in net tax reduction.

Amazingly, in the same time period the after-tax income of the families in the top 1 percent of income has increased from 7.3 percent of all U.S. earnings to 12.3 percent. This has taken place at the same time as the income of the bottom four-fifths has declined. It is no wonder that despite the economic recovery, most Americans still feel quite insecure and they think the Government is not on their side. These trends have caused Americans to distrust Washington. The tax policies enacted here in the past 15 years are a direct contributor to this mistrust.

The bill before us, as currently drafted, is just too narrow. The targeted tax benefit only includes those tax breaks which affect 100 or fewer entities. While I agree that any tax benefit which benefits asfew entities as this certainly qualifies as a targeted tax benefit, a broader definition better serves Congress, the President, and most importantly, the American people.

Words, symbols, and definitions are important when public officials communicate to the people. Any tax break in which half the revenue would go to the top 10 percent of income earners in this country is a targeted tax benefit. It only makes common sense.

I do not know how many tax breaks would fall into the category I am proposing today, but that is not important. What is important is that we set a standard. It is important that American taxpayers know that any tax provision which benefits the rich, excessively, will be carefully—not carelessly—considered by the President and Congress. Without my amendment I am afraid we are not doing all that we can to protect American taxpayers from special breaks for the wealthy and well-connected.

Let us send a powerful message to the American people today. Let us show them that the days of corporate influence, the days where rich people can pick the pockets of the Federal Treasury are over. Let us make it a little more difficult for the wealthy to get more than their fair share.

In conclusion, I appeal to my colleagues who support the bill before us to adopt this amendment. It strengthens the underlying legislation. This amendment would help reduce the budget deficit. My amendment could save billions in taxpayer money.

So please, before Members vote, think about the budgetary consequences of what I am proposing, and at the time that we do vote I am asking my colleagues for an ''aye'' vote.

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

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 15 minutes.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend the gentlewoman from California because she is well known for the efforts that she has exerted over the years to bring greater equity, I think, to the Federal Government and deserves commendation for that. But I think I was a little surprised by this amendment which, in my view, would create some unexpected perhaps, and unnecessary tensions where none existed before. I think we have to focus on what the very limited provisions in this bill, in H.R. 2, is designed to get at.

We have had in the past, we are all familiar with where there have been egregious examples of abuse in allowing certain tax advantages to be written into the legislation which benefit a very few, very few fat cats, if you will, or others, and this provision is designed to attack that very narrow problem. There should not be an effort, I think, in this bill to basically determine tax policy, and I think that is what the gentlewoman's amendment would do. It would really broaden very dramatically the scope of what we are proposing in this bill which is very narrowly to focus it, rifle shot it, I guess, instead of a shotgun approach to this issue saying yes, the President should be able to identify those outrageous examples of tax preferences that are given. Whether it is wine makers in California or whoever it might be, this is an effort to say the President should have an opportunity to deal with those kinds of examples, and eliminate them.

But to broaden it to the extent that the gentlewoman has, and I understand what she is trying to do, but I think she is basically giving the President an ability to second-guess Congress on policy matters by vetoing out entire

tax provisions out of the code. I think that goes beyond.

So I think because the gentlewoman's amendment creates a previously unforeseen differential, and that is what is really involved, and because it obscures the purpose of H.R. 2, which is to ensure the ability to assure everyone pays his fair share, this amendment, Mr. Chairman, should be defeated.

Mr. Chairman. I reserve the balance of my time.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message from the President.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. QUINN) assumed the chair.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1610

LINE-ITEM VETO ACT

The Committee resumed its sitting.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Pennsylvania is to be commended for his attempt to protect that part of the bill that speaks to the 100 entities, and I understand that that is a very small attempt to talk about fairness in a certain way. Certainly we need to do that.

We need to say that if there is any tax legislation that will benefit as few as 100 entities, then something is wrong with that, because both you and I and others know far too well that we have had legislation in this Congress that benefited one or two persons, and certainly it is usually those who are well connected, the rich and the powerful who have influence with a particular elected official who are able to do that.

And I am saying, yes, let us have that measure of protection, but let us go a little bit further. I think it is important for us to go a little bit further, because it has been documented time and time again that the top 1 percent in this society have a disproportionate share of the wealth. And as I cited in my opening remarks, the tax income of the families in the top 1 percent of income has increased from 7.3 percent of all U.S. earnings to 12.3 percent.

I think we can in this legislation put a stop to that. We are simply saying if there is anything that is put together that allows that top 1 percent to further benefit, if there is anything that is done that allows the top 10 percent to have over 50 percent of the tax breaks, then we need to give the President the opportunity to veto it, and this is no small matter.

The gentleman from Pennsylvania identifies that this would in some way have too great an influence on tax policy. That is precisely what I wish it to do. I wish it to do that, because at some point in time we must send a signal to the American people that somebody is doing the business of the average working person in this Congress. The average working man or woman does not have a lobbyist here. They cannot be represented but by the people they elect to represent them.

Sometimes we get a little bit too insulated, and oftentimes when we produce tax policy, as we did in 1981 during the Reagan years where we allowed the selling of tax credits and major corporations in America ended up paying no taxes, if I recall during that time, many of the top corporations, Fortune 500 corporations in America, ended up paying no taxes. General Motors ended up paying no taxes. They even got a tax rebate.

At the same time, the taxes of the average working person have increased, and so I am saying we can take a big step as we give the line-item veto to the President of the United States and say:

> Mr. President, it looks fishy if what we have done allows the top 10 percent to get over 50 percent of the tax breaks in anything that we have done. So we want to make sure that we protect against that.

And we are going to allow this line-item veto to operate under those circumstances. I do not think it is too much to ask. I know we do not oftentimes think like that. We do not oftentimes think that we can take the broad strokes on behalf of just average working Americans, but I am saying with this line-item veto, which is rather novel, which is quite different, that it is big enough. It is creative enough to allow room for some more creativity.

And I am simply saying that we can broaden the measure of protection and not just do a very small thing such as protect against 100 entities, but we can protect the majority of Americans if we have the will to do so.

So, Mr. Chairman, I would ask that my amendment be adopted.

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

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I want to congratulate the gentlewoman for addressing this amendment, as well, on this subject. It is a subject we took up under the Slaughter amendment on these targeted tax credits, and how we do it.

I do not agree with the amendment. I hope the fact they have the amendment indicates that perhaps the gentlewoman will support the line-item veto legislation with or without the amendment.

Ms. WATERS. Mr. Chairman, if the gentleman will yield, all things are possible.

Mr. GOSS. That is good, We are making progress.

Mr. Chairman, I think there are a couple of things that need to be clarified.

The last time I heard about a change in the tax rate it seems to me there was a special top rate including a surtax of up to 39.6 percent for the people at the top end of the scale, and actually those cuts that I believe the gentlewoman was referring to back in 1981 for the rich were cuts for every American who were paying taxes.

But I am glad that she has brought that up on Reagan's birthday, because I think the idea of trying to get spending under control and reduce taxation is something President Reagan stood for.

With regard to the amendment itself particularly, I am a little concerned that we have a very vague definition here, ''income earners.'' Now, that would presumably excuse coupon clippers from this, or people from rents, royalties and other types of income, perhaps pensions, that are not earned income under that definition. I am not sure where stock options or other things like that would come in.

Certainly when you start talking about large corporations under the definition that is being used in H.R. 2, I would point out that large corporations pay an awful lot of wages to blue collar workers who depend on those to keep food on the table and shelter over their head. So I think maybe it has been mischaracterized a little bit for what it would do, and I would, therefore, be opposed to it. But I am glad the gentlewoman has an interest in this subject.

Ms. WATERS. Mr. Chairman, I yield myself the balance of my time. I would just simply close.

I thought it was very important that we try and strike a blow for the people. I really do believe that we are at a time in our society when people are very unhappy with the way public policy is made, with elected officials in general.

I have watched over the past 10 years or so as we have exported jobs of Americans to third world countries for cheap labor; I have watched wage earners be able to buy less with their dollars; I am watching young people with an inability to purchase their own home, to have a down payment, I am watching as the rich get richer basically, and the poor get poorer.

I really do believe that somehow we have to use this forum to begin to engage each other in a debate about what are we going to do for the average wage earner. What are we going to do to represent their interest?

I know that many people believe that we know best and that somehow whatever we do is all right. I do not think so anymore.

I think there are a lot of bright people in this body. I think there are a lot of well-meaning people in this body. But however bright and well meaning we are, we have not done a good job for the average working person who is earning less and less, and able to purchase less and less, is extremely unhappy. They are unhappy with us because we have not been able to represent their interests.

I would simply ask that we adopt this amendment. This amendment would send a signal that we in fact care about those who work every day, and that we are not here simply to do the bidding of those who were well connected, those who have already a disproportionate share of the income, and those who are very powerful.

Mr. CLINGER. Mr. Chairman, I yield myself 30 seconds just to suggest to the gentlewoman that she is a very articulate and forceful and powerful advocate for the very people she is concerned about being affected by this.

□ 1620

I am very confident that it is unlikely that any such overreaching in terms of tax policy is going to occur which would warrant the President having this veto so long as the gentlewoman from California [Ms. WATERS] is here to defend those interests, which she does so well.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, at a time when many people are decrying our Tax Code as too complicated, the amendment offered by the gentlewoman from California would increase that complexity. How would the President determine if a tax credit provided half its benefit to 10 percent of the population? In order to accelerate the process, the Committee on Government Reform and Oversight shortened the length of time the President had to submit rescissions. Trying to determine who will reap what benefits will likely take longer than the deadline allows.

Mr. Chairman, it is unclear what is meant in this amendment. Does it mean that half of the beneficiaries will be in the top 10-percent income bracket, or does it mean that half of all the revenues lost would be lost to the top 10 percent?

In addition, the committee accepted an amendment offered by a Democrat which broadened the definition of targeted tax breaks to a hundred or fewer taxpayers. This House has already resoundingly turned back an attempt to alter that and should do likewise with this amendment.

Mr. Chairman, let us give the President the strongest line-item veto possible, one that is narrowly and clearly defined and able to let the President get the job done. I ask that the House oppose the gentlewoman's amendment

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. BLUTE. I yield to the gentlewoman from California.

Ms. WATERS. Will the gentleman agree that, if we take any steps that would give 10 percent in our society 50 percent of the tax breaks, that something would be wrong with that, that that would not be fair? Would the gentleman agree?

Mr. BLUTE. I am sorry; would the gentlewoman repeat that?

Ms. WATERS. If we adopted any measures that would give 10 percent of our society 50 percent of the tax breaks, would the gentleman agree that that would be unequal and unfair?

Mr. BLUTE. Well, Mr. Chairman, I would only say, reclaiming my time from the gentlewoman, that implicit in that argument is that all income belongs to the Federal Government and that the Federal Government should decide how they will share it with each taxpayer. Tax cuts are not Government giveaways. It is simply less taking of people's earnings.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH] who has some general comments on the legislation we are considering this afternoon.

Mrs. CHENOWETH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and that my remarks appear during the general debate.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

Mrs. CHENOWETH. Mr. Chairman, I rise in opposition to the line-item veto.

Mr. Chairman, I have heard as a major argument in support of the line-item veto, as suggested by former President Ronald Reagan, that we should, quote, give the President the same authority that 43 Governors use in their States, and whereas I adore Ronald Reagan and I believe he was an impetus to believe, have the people believe in America again, we must not confuse the powers given to the States with the powers given to the Federal Government by the Constitution. There is a distinct difference between the authority allowed for State governors and authority given to the President.

The States, according to the 10th amendment, are given more leeway as they formulate their own laws. The 10th amendment says that 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 their people, and therefore individual States may give their Governors line item veto authority, but we may not give the President that authority delegated only to the Congress because article I, section 1, states all legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and a House of Representatives, and this section specifically states that it is the Congress that has the power. Since Congress was given this power by the Constitution, Congress cannot give this power to the President to formulate legislation.

This violates, this law, H.R. 2, violates the separation of powers. This bill gives to the President the ability to form and to shape legislation proffered by the Congress by allowing him to cut out parts of an appropriations or revenue bill for continued legislative consideration while allowing him to approve other parts of the passed legislation. The President has no role under article I, section 1, in legislating or shaping law.

The Founding Fathers were correct in instilling the separation of powers, and they had reflected on and examined thousands of years of world history and have established the negative effect of when the ruling powers were allowed to thread upon one another's jurisdiction. It was Montesquieu's fundamental contention that men entrusted with powers to abuse it would abuse it, and hence it was desirable to divide the powers of government first in order to keep to a minimum the powers lodged in any one single organ of the government, and, second, in order to be able to oppose organ to organ.

Federalist No. 76, which is stated in the Federalist Papers which the gentleman from Georgia [Mr. GINGRICH] our Speaker, asked us to read, and I read, does state that, without the one separation or the other, the former would be unable to defend itself against the depredations of power of the latter, and he might gradually be stripped of his authorities by successive resolutions.

I ask this body to be very cautions in this vote to make sure that we are not giving powers to the President that the Constitution specifically gives only to the Congress.

Mr. CLINGER. Mr. Chairman, just in closing I would urge a no vote on this amendment. I think that the amendment, while well intentioned, is really irrelevant to this bill. I think the question of the kind of outrageous attacks on a bill that might be passed here should clearly be thought out in subcommittee, and committee and on the floor of this House, but I think it is irrelevant to say that we should give the President this line item veto.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentlewoman from California [Ms. WATERS].

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

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Friday, February 3, 1995, further proceedings on the amendment offered by the gentlewoman from California [Ms. WATERS] will be postponed.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLINGER: In section 3(a)(1), strike ''unless'' and all that follows through the period and insert the following: ''unless, during the period described in subsection (b), there is enacted into law a rescission/receipts disapproval bill that disapproves the rescission of that amount of budget authority.''.

In section 4(l), insert '', as introduced,'' after ''which''.

Mr. CLINGER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a technical amendment which simply cleans up two minor drafting changes omitted when the House adopted the amendment offered by the gentlewoman from Florida [Mrs. THURMAN] earlier in this debate on this measure. The Thurman amendment permits 50 Members to move to strike an individual rescission or tax benefit repeal. This amendment corrects H.R. 2 to fully conform the bill to our acceptance of the amendment offered by the gentlewoman from Florida [Mrs. THURMAN]——

The CHAIRMAN. If the gentleman would suspend, the chair must inquire whether this amendment was included in the order of February 3?

Mr. CLINGER. Of the unanimous consent request of that evening?

It was not included in that. I thought I would be permitted to offer a strictly technical amendment, I believe it has been approved by both sides. There will be no debate on it. I just wanted to offer it at this time.

Mr. Chairman, I ask unanimous consent to offer the amendment.

The CHAIRMAN. An order of the House cannot be superseded by an order of the Committee of the Whole.

The Committee of the Whole may not materially vary an order of the House.

PARLIAMENTARY INQUIRY

Mr. CLINGER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CLINGER. Would it be in order to offer this amendment when we sit in the House?

The CHAIRMAN. In response to the gentleman's inquiry, only a order of the House can make this amendment in order, and once we are back in the House, the gentleman could inquire of the House whether to make it in order to be considered.

Mr. CLINGER. At that point it would be appropriate to ask unanimous consent to have the House consider it in order?

□ 1630

The CHAIRMAN. For that, the Committee of the Whole would have to rise. Then the House would have to move back to the Committee of the Whole for the consideration of the amendment.

Because the amendment offered by the gentleman from Pennsylvania [Mr. CLINGER] was not in order under the previous order of the House, the proceedings are vacated on that amendment.

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment that is in order.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TAUZIN: Section 2 is amended by adding at the end the following new subsection:

(d) SPECIAL RULE.—Notwithstanding subsection (a), in the case of fiscal years 1996 through 2002, the President may only rescind any budget authority or veto any targeted tax benefit under that subsection necessary to reduce the projected deficit for the fiscal year to which that rescission or veto pertains to the level set forth below:

Maximum deficit level

Fiscal year:	*In billions of dollars*
1996	$174
1997	155
1998	116
1999	71
2000	59
2001	26
2002 and thereafter	0

The CHAIRMAN. Pursuant to the order of the House, the gentleman from Louisiana [Mr. TAUZIN] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the other day as we debated the issue of the line-item veto itself, I noticed to the Members of the House the likelihood of my offering this amendment in the Committee of the Whole. This amendment is called the glide path amendment and is offered in an attempt to make the line-item veto a more practicable, workable solution to a problem that plagues this Congress and has plagued Congresses in years past.

The graph on my right, as I indicated earlier, is a confusion of metaphors, but nevertheless accomplishes the purposes intended. The graph at the right indicates the CBO estimates of where this Congress needs to be every time we have an appropriation for the next budget year if we are in fact to accomplish the purposes of the balanced budget amendment recently sent to the Senate, and if we are in fact to balance the budget by the year 2002.

For example, in the next fiscal year, 1996, we are expected to have no more than about $174 billion in deficit if we are to be on the path that takes us to this balanced budget, as we have dedicated ourselves to when we adopted the balanced budget amendment.

Each year thereafter, the deficit must be reduced pursuant to this graph if we are to reach that point by the year 2002.

Now, if you saw recently in the news the President's announcement of his budget plans for the next 5 years, you will be astounded to find out that the President is proposing that we stay at $200 billion deficit for the next 5 years. His budget plans as outlined just yesterday indicate that for the the next fiscal year, 1996, he is proposing a $200 billion deficit. For the year 1997, he is proposing a $200 billion deficit. For the year 1998, approximately a $200 billion deficit. In fact, to use the analogy of this football field, he would have us stepping out of bounds a few of those years, running over cheerleaders and the bands and everything else on the sideline. We would simply never begin to get on this glide path to the line-item veto, and that is unfortunate.

That means, of course, we here in Congress are going to have to do a better job than the President yesterday proposed if we are going to carry out the promise we made to the American people in a contract signed by many Members here to carry out the promiseof a balanced budget amendment by the year 2002.

Now, what the glidepath amendment to this bill does is it attempts to make the line-item veto a very practicable tool to be used by this Congress, the Presidency, and the American people, in achieving these numbers.

Now, why do I suggest it? I suggest it because in three out of the four States that have a line-item veto, those States provide that the line-item veto is used by the Governor to delete from the budget bill approved by the legislature any appropriations he deems necessary to reduce their budgets down to a balanced budget.

The bill as it comes before us today is written very similarly. It says in effect that the President of the United States, when we adopt the line-item veto later today, would have the authority to strike from our budgets each year any appropriation he deems necessary in order to reduce the deficit.

Now, here is the problem. Unlike the States that have that a line-item veto, we cannot pass a balanced budget for next year. If you believe we can, please raise your hand. I do not see any hands. And if all the Members were here, I would probably not see many hands.

The bottom line is we cannot find $200 billion of spending cuts in the next years's budget, and everybody knows it. The best we can do is get on this glidepath that takes us to a balanced budget by the year 2002.

So what authority ought we give the President during this 7 year period when Congress should be responsible enough to stay on this glidepath not to adopt budgets that give us $200 billion deficits each year. It seems to me the practicable way in which to use a line-

item veto and to enforce responsibility in this Congress is to say that the Presidents should use that line-item veto authority to excise from the budget every expenditure that rises above this line in order to enforce responsibility in this Congress, to ensure that we stay on this glidepath, that we land safely in the year 2002 with a balanced budget.

Now, I understand that my friends on the Republican side are not going to accept this amendment, and I understand why. They want to think about it some more. They want to think whether or not this derogates from the contract provisions of a line-item veto, and I appreciate that, and for that reason I will not even ask for a recorded vote today.

But I did want to bring it up. I think it is the most practicable way to make this thing work, to enforce responsibility in the House, to ensure that this House and the other body lives up to the promise of the balanced budget amendment and delivers each year a budget that meets the CBO estimates, that gets us to the balanced budget by the year 2002.

The amendment also provides once we hit that balanced budget in the year 2002, that every year thereafter the President would have a line-item veto, every year, to excise from the budget any expenditure that went above the balanced budget from the year 2002 thereafter. So unlike the sunset amendment that came earlier, that I think was an amendment to weaken this bill, this amendment actually strengthens it, and makes it in fact more workable.

Now, I want to caution my friends in the Republican Party who have signed what I consider to be a pretty dog-gone good Contract With America, many of its provisions will find a great deal of support, as you did in the last few weeks, from Democrats in this body who have long fought for things like unfunded mandates, have long fought for a balanced budget amendment, long fought for property rights amendments and reform of some of the regulatory processes, long fought for lowering the taxes on businesses and workers in America, particularly the taxes that act as a disincentive to investment and job creation in our society. That is why so many of us have cosponsored so many of the features of the contract. We have in fact pursued those bills ourselves for many years.

But I want to caution you. If we are going to pass into law, into a law that really works for the American people, the provisions of that contract, not just to vote on them today, pass them in the House and see them die in the Senate, not to just pass them even in the Senate and see them vetoed by the President, not even just to pass them and see them become law and then fail because we have not written them properly, my caution is let us do it right the first time. Make sure when we pass a line-item veto it really works for the purposes intended, that it works to discipline the Congress, to ensure that we follow the promises we made when we adopted the balanced budget amendment just a week or so ago, and that we do in fact get on a glide path that gets us down safely to a balanced budget by the year 2002.

This amendment is an attempt to do that. It is offered in a very friendly fashion. I will vote for the line-item veto without this amendment.

□ 1640

I only hope that my friends on the other side who believe as I do, as strongly as I do, in the line-item veto, in fact, as they saw just recently, I even voted against exempting highway funding from the line-item veto. If they believe as strongly as I do in it, then work to see possibly in the process that an amendment like this gets considered, perhaps in the conference between the House and the Senate, perhaps somewhere along the way, that when we get through we have an amendment, a line-item veto probably that really works for the good that we intended it for, that it works to discipline this body toward a balanced budget by the year 2002 and does not unnecessarily, unnecessarily reshape the balance of powers so critical in our Constitution.

Let me make that final point. This grant of a line-item veto authority, as the States have given their Governors, as we are about to give it to the Presidency, is an extraordinary grant. It says to the President, you have more authority, rather than just veto an entire bill to take on the entire Congress on a bill, it gives the authority to the President to take on every single Member of the House and Senate and every line they write in every bill that appropriates money in this Nation. And it requires two-thirds of the body to overrule him. That is a pretty strong grant of authority, pretty extraordinary.

I think we can constitutionally do that. But I think we ought to limit it to the cases where the Congress has failed to meet its responsibility, failed to live up to its obligation to balance our accounts, failed to stay, if Members will, on this glide path that gets us to a balanced budget and eventually stays in a balanced budget posture after the year 2002.

If we grant this extraordinary authority for that purpose and that purpose alone, I think we will have written a good bill today. If we create a new authority in the President that has nothing to do with congressional responsibility, which allows the President to take on any Member of this House and Senate regardless of whether this body has been responsible, then perhaps we are going too far and we ought to think about that before we finally adopt this bill. Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 15 minutes.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I thank the distinguished chairman for yielding time to me.

I, too, rise in opposition, but very reluctantly. My good friend, the gentleman from Louisiana [Mr. TAUZIN] I think has explained his glidepath on a football field very well. First, that glidepath is so steep it pops my ears every time I think of going down it. Then when I get to the bottom of it, I see there is not a landing field. I think there is probably a brick wall there. And I do jest a bit.

I want to let the gentleman know, we have given this a lot of thought. It is an intriguing idea. It gets away, though, from what we are trying to do.

Basically what the gentleman is saying, that the President loses his line-item veto if we happen to hit our reduction targets year by year. That seems like a very intriguing proposition. The problem is those sort of moving targets. I am not sure exactly who is going to set them.

I have got a list here, CBO. CBO is always very good and without any, usually, challenge to their targets. That causes me some concern that somebody might challenge them. Those are the kind of pragmatics I have and am a little bit concerned about.

I guess there are some other points, too, that are more generic. What we are trying to do here is get a handle on wasteful spending. And the reason we are trying to do that is for two purposes. It is to get rid of wasteful spending, spending that is unnecessary, redundant, off target, not necessary, out-of-date programs, all of those things. And we should encourage the President to do that any time. That should not just be relative to the deficit. That is something we should never do. We should always give some kind of encouragement.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding.

While I agree that that is a good idea, that is not what the bill does. The bill refers only to deficit-reduction line-item veto authority.

Mr. GOSS. Reclaiming my time, Mr. Chairman, I recognize that. That was just an aside. The purpose is the deficit reduction and the problem with that is, I am afraid that if we ever did, let us hope we do someday get to zero, even in 2002, would that not be wonderful? You would be interested to know that my text reads 20002 through a typo. I am not even sure that is good enough.

But I wanted to point out that this is a little bit like the lion tamer going into the cage with the lions. Those lions are going to do the right thing as

long as they know that fellow has got the whip. But the minute that tamer puts the whip down, the lion gets a slightly different perspective of what his capabilities are relative to the fellow who used to have the whip. And I think that is a very important point as we go through this process.

I want to make sure that we keep this whip out there. If we ever do get the lion tamed, I want to make sure this lion is never going to get in a position where it can get out of the cage or eat the trainer again.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume to respond.

Mr. Chairman, I hate to think that we have just confused a metaphor with the circus analogy.

But the point of the matter is that the bill as we have it before us today is very much like the bills that came before I think 33 of the 43 legislatures that have a line-item veto authority. It says in effect that the President is going to have this authority to reduce deficit spending. That is what this is all about.

Hopefully we will use it to get rid of wasteful, incorrect spending, but the purpose is to reduce the deficit. And my point in this amendment, and I hope the gentlemen on the other side will continue to consider it as we go through this process, is that if the Congress of the United States cannot deliver a balanced budget next year, the question ought to be what can be deliver, what ought we deliver? And the answer is, we ought to stay on that glidepath. If we do not stay on that glidepath, as steep as it looks to my friend, as dangerous as it seems, as risky as it may appear, we will never reach the balanced budget by the year 2002. We simply have to get on that glidepath, and we have to stay on it.

It seems to me that if we use the line-item veto properly, as other States do, to insist that the Congress stay on that glidepath, that that will be the most important thing we do to make the line-item veto work and to make the balanced budget of the Constitution work, if indeed the Senate approves that amendment that we have sent over just last week.

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

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I rise reluctantly to oppose the amendment by my good friend from Louisiana. I believe he has the best intentions and is someone who in this House has proven time and time again that he is dedicated to reducing our great deficit, to getting the debt lowered, and to establishing a balanced budget here in the U.S. Government.

I oppose it because I think it does muddy the procedures that are clearly spelled out in this bill. The gentleman's amendment is more like a Gramm-Rudman approach that brings an automatic sequestration trigger if the budget goes over the CBO time line, but I believe that the line-item veto is more important than that and should go beyond that. It is a means of bringing the President into the appropriations process, as the Founders envisioned, and also as we have added to this bill and to the tax benefit issues that may come up in a particular bill.

Whether they are above or below the CBO glidepath or not, it is my understanding the Governors in the States that we heard testimony from use the line-item veto not just to balance the budget, although that is a very important tool to be able to do that, but also to go after the type of spending that cannot be justified.

I just want to use an example, once again, from the State of Massachusetts. We had Governor Weld testify about using his line-item veto to discipline a deal between the judiciary and the legislative appropriators that was not proper, that attempted to set their budgets high in exchange for the judiciary saying, using those dollars to hire appropriators' political cronies in the court system.

Those dollars were not dollars that put the budget out of balance, but they were improperly spent according to the Governor. The Governor was able to use his line-item veto to discipline that process. I think the gentleman's amendment is well-intentioned, but I would oppose it on those grounds.

□ 1650

Mr. TAUZIN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, just in quick answer to my friend, the gentleman from Massachusetts [Mr. BLUTE], no, the amendment does not act as Gramm-Rudman did to set caps and have automatic rescissions. It simply says that the authority of the President to line item any item of the appropriations would occur when the Congress appropriated funds in excess of the glidepath numbers set by CBO to take us to that balanced budget amendment.

If, for example, this Congress this year approved the budget that President Clinton just submitted yesterday, we would be approving a $200 billion deficit for the next fiscal year. Under the glidepath amendment I suggested, the President would have the authority to line item 26 billion dollars' worth of appropriations out of that bill. He certainly could look for all the wasteful spending in $26 billion.

If we approved his budget for the next 5 years, in each one of those successive years his line item authority would be $45 billion in 1997, $84 billion in 1998, $129 billion in 1999, and $141 billion in the year 2000. I want Members to think for a second about what authority and how that authority might be used when the President had the authority to line item 141 billion dollars' worth of appropriations out of this Congress.

This amendment I am offering, Mr. Chairman, is by no means a weakening amendment. This amendment is meant to strengthen, in fact, the application, the practicalities of this bill, and to make it work.

Mr. Chairman, I ask Members to think about this. It may be, by the time the Senate gets through with this bill and we get to a conference, this may be just the tool to make it work, to get enough of the Members of the other body to accept it, and to get a bill on the statute books, not just past this House, that really works.

Mr. Chairman, I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, to close, I yield myself such time as I may consume, to say to the gentleman from Louisiana [Mr. TAUZIN], I think this is a very thoughtful and helpful addition to the debate we are having on this matter.

I do think it goes to far. Frankly, there are implications of the amendment that I do not fully understand at this point. I think there may well be, as we proceed to further consider this matter and move to the Senate and so forth, it may well be that something in this nature can be done.

I do think, however, that at the moment it does seem to strike me more as a sort of Gramm-Rudman rescission. The gentleman says it is not the same, but it seems to me there are implications of that.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yield to me.

Mr. Chairman, a previous speaker rose to question whether or not we can constitutionally pass this line-item veto. I think that argument needs to be answered. I would like to try to answer it just for a second.

This Congress could, if we wanted to, instead of appropriating in 13 appropriation bills or 11 or 3 or 1, we could appropriate in hundreds of appropriation bills. We could appropriate every single appropriation in a single bill, if we wanted to.

Clearly, under the Constitution, the President would then have the right to veto that appropriation, and we would have a two-thirds obligation to override that veto. Clearly, Mr. Chairman, we could if we wanted to create a line-item veto authority through that mechanism.

If we can create it that way, my argument to the gentlewoman from California, who argued against the constitutionality of what we are trying to do today, is that if we could create it that way, we can most certainly, under the Constitution, create it the way we are trying to create it today.

I want, last of all, to commend my friend, the gentleman from Pennsylvania [Mr. CLINGER], for the excellent job he did in this bill. I will join him in support of the bill.

I only ask that before we get through with this process, that some of the arguments I have made today, the suggestions I have made today, be considered in this process, because I want this bill eventually to be signed into law and I want it, most of all, to work.

I thank the gentleman for yielding to me.

Mr. CLINGER. Reclaiming my time, Mr. Chairman, I share the gentleman's desire to get a bill that is ultimately going to be passed into law and signed by the President. We appreciate the contributions the gentleman from Louisiana has made to all of these budget-cutting, deficit-reducing efforts.

I can certainly commit, from my point of view, to work with the gentleman to achieve the goals that are common to both of us. However, I would now have to urge a no vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The amendment was rejected.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end, add the following new section:

SEC. 7. TERMINATION DATE.

This Act shall cease to be effective on January 1, 1997.

The CHAIRMAN. Pursuant to the order of the House, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman from Ohio, who is chairing this debate, and I want to commend him, my good friend, for the fine job he has done in dispatching the duties of the Chair in keeping this debate in order. I think he has done a fine job.

Mr. Chairman, my amendment says that this line-item veto authority, if passed, would sunset in 2 years. Actually, I would like this to sunset in 2 weeks. I would not even like to see the Sun shine on the line-item veto.

However, I would just like to say this, Mr. Chairman. I want to warn the Congress of the United States, who continues to transfer power from the Congress, which is that of the people, to the Presidency, I do not want to see President Bill Clinton have a line-item veto.

It is nothing against President Clinton. I do not want to see any President, Democrat or Republican, or Independent, I might add, which I see coming down the pike in the future, a third party that I predict will in fact surface and ultimately elect a President in our country, because of the tremendous problem that we continue to agitate with legislation that does not in fact deal with the problems.

However, Mr. Chairman, in this warning, I would like to say that while we make the Presidency much stronger and weaken the government of the people, keep in mind that powerful groups out there just have to concentrate on electing one political figure in America, the President,

The way Congress is going, that is where the emphasis will be: Get that President, keep that President, control the power, and then get 35 Senators in lockstep, and be damned with the rest. That is about the new constitutional construct of the people's Congress.

I have heard of the House of Commons and the House of Lords. I think we are going further and further toward a House of Lords in America, where few people really govern. In fact, today few people really govern. What we say here today, Mr. Chairman, may not make great shock waves in the CONGRESSIONAL RECORD for the future, but I think there is a lot of common sense in that, Mr. Chairman.

Therefore, I say again, be careful, Congress. If we are just sending to 1600 Pennsylvania Avenue more and more power, the real powerful interest in America do know that, do recognize it, and they are concentrating their efforts to elect that one person.

Mr. Chairman, I would also like to say, as the gentleman from Texas [Mr. STENHOLM] readies his notes and some other machination of a line-item veto authority, which I hate to admit this, I will have to oppose, I would say to the gentleman from Texas, because I oppose not just the line-item veto, I oppose what it stands for. It stands for the transferring of power from the people in the Congress to 1600 Pennsylvania Avenue. That is a cancer, I believe, that should be stopped.

However, what do I know? I am still trying to figure out my taxes. I will say this, tough, before I close, trying to take up a couple more minutes in a little bit of filibuster for the gentleman from Texas [Mr. STENHOLM], because I love him dearly, and I am sure I am going to support one of these good initiatives if I should see the light.

Mr. Chairman, I want to say happy birthday to former President Ronald Reagan. I want to say that much of the machinations going on with the majority party now are directly attributable to Ronald Reagan. I did not oppose a lot of his trickle-down programs. In 1986 he threw a lot of it out.

Mr. Chairman, I want to say this about Ronald Reagan on his birthday, as a Democrat that did not totally agree with some of those policies: Never was there a President that was so well respected around the world. When Reagan said he was going to do something, by God, he did it. I hoped to God that the old Gipper would have taken on trade, because he was just the person to make it happen for us.

So I want to say here, here, President Reagan, Nancy, the best to you.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. TRIFICANT. I yield to my good friend, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the gentleman for yielding to me.

Mr. Chairman, I was going to rise to congratulate the gentleman on his wishing Ronald Reagan a happy 84th birthday, because he was in my opinion, a great, great President. He had vision and he focused us on that vision. It is too bad that he could not accomplish all the things he wanted to do.

Mr. Chairman, I just want to point out to the gentleman that today is Ronald Reagan's birthday and we want to pass this line-item veto as a birthday present, for not only him but for the American people.

□ 1700

But, we were also going to hold a special order, which means that a few of us were going to get up and talk about Ronald Reagan and what we think about him. But because there is a dinner in his honor tonight. If and when we finish this bill, some of us are going to that dinner, so we are going to postpone that special order tonight. But tomorrow night we will be holding that special order in honor of the great President Ronald Reagan, and I appreciate the gentleman yielding me this time.

Mr. TRAFICANT. I did not vote on some of those issues with former President Reagan, but I have great admiration for former President Reagan and I do mean this. He was assertive, and when Ronald Reagan said he was going to do something, by God, he did it, and the world respected him and I totally respect him.

To in fact further an opportunity for the majority party to have that meeting tonight and to honor President Reagan on his 84th birthday, and not to belabor the debate longer so that Members can have a vote, I want to say to make everybody happy over there, I would like to see this thing sunset in about 2 weeks, maybe not let sunshine in at all.

But I am going to withdraw my amendment. Happy birthday, former President Ronald Reagan.

Mr. Chairman, I yield back the balance of my time.

Mr. Chairman, I ask unanimous consent that my great amendment that should have been passed without prejudice be withdrawn. Knowing that I do no have the votes and do want to honor President Reagan and let the Members get out in time, I ask unanimous consent that my great amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. WATT of North Carolina. Mr. Chairman, reserving the right to object, I wanted the opportunity to vote

on this amendment because I agree with the gentleman, this thing ought not to see the light of day. I wanted to amend it maybe to reduce it to 2 days instead of 2 weeks.

Having said that, Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. STENHOLM:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Line Item Veto Act''.

TITLE I—LINE ITEM VETO

SEC. 101. LINE ITEM VETO AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of The Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of the dollar amount of any discretionary budget authority specified in an appropriation Act or an accompanying committee report or joint explanatory statement accompanying a conference report on that Act or veto any targeted tax benefit which is subject to the terms of this Act if the President—

(1) determines that—

(A) such rescission or veto would help reduce the Federal budget deficit;

(B) such rescission or veto will not impair any essential Government functions; and

(C) such rescission or veto will not harm the national interest; and

(2) notifies the Congress of such rescission or veto by a special message not later than ten calendar days (not including Sundays) after the date of enactment of an appropriation Act providing such budget authority or a revenue or reconciliation Act containing a targeted tax benefit.

(b) DEFICIT REDUCTION.—In each special message, the President may also propose to reduce the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974 by an amount that does not exceed the total amount of discretionary budget authority rescinded by that message.

(c) SEPARATE MESSAGES.—The President shall submit a separate special message for each appropriation Act and for each revenue or reconciliation Act under this paragraph.

(d) SPECIAL RULE.—For any rescission of budget authority, the President may either submit a special message under this section or under section 1012 of the Impoundment Control Act of 1974. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 1012 of that Act.

SEC. 102. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under section 101 as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission/receipts disapproval bill making available all of the amount rescinded is enacted into law.

(2) Any provision of law vetoed under section 101 as set forth in a special message by the President shall be deemed repealed unless, during the period described in subsection (b), a rescission/receipts disapproval bill restoring that provision is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of twenty calendar days of session, beginning on the first calendar day of session after the date of submission of the special message, during which Congress must complete action on the rescission/receipts disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission/receipts disapproval bill; and

(3) if the President vetoes the rescission/receipts disapproval bill during the period provided in paragraph (2), an additional five calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under section 101 and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission or veto, as the case may be, shall not take effect. The message shall be deemed to have been retransmitted on the first Monday in February of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 103. DEFINITIONS.

As used in this title:

(1) The term ''rescission/receipts disapproval bill'' means a bill or joint resolution which only disapproves, in whole, rescissions of discretionary budget authority or only disapproves vetoes of targeted tax benefits in a special message transmitted by the President under this Act and—

(A) which does not have a preamble;

(B)(i) in the case of a special message regarding rescissions, the matter after the enacting clause of which is as follows: ''That Congress disapproves each rescission of discretionary budget authority of the President as submitted by the President in a special message on ''', the blank space being filled in with the appropriate date and the public law to which the message relates; and

(ii) in the case of a special message regarding vetoes of targeted tax benefits, the matter after the enacting clause of which is as follows: ''That Congress disapproves each veto of targeted tax benefits of the President as submitted by the President in a special message on ''', the blank space being filled in with the appropriate date and the public law to which the message relates; and

(C) the title of which is as follows: ''A bill disapproving the recommendations submitted by the President on ''', the blank space being filled in with the date of submission of the relevant special message and the public law to which the message relates.

(2) The term ''calendar days of session'' shall mean only those days on which both Houses of Congress are in session.

(3) The term ''targeted tax benefit'' means any provision of a revenue or reconciliation Act determined by the President to provide a Federal tax deduction, credit, exclusion, preference, or other concession to 100 or fewer beneficiaries. Any partnership, limited partnership, trust, or S corporation, and any subsidiary or affiliate of the same parent corporation, shall be deemed and counted as a single beneficiary regardless of the number of partners, limited partners, beneficiaries, shareholders, or affiliated corporate entities.

(4) The term ''appropriation Act'' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

SEC. 104. CONGRESSIONAL CONSIDERATION OF LINE ITEM VETOES.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in section 101 or vetoes any provision of law as provided in 101, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded or the provision vetoed;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority or veto any provisions pursuant to section 101;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission or veto; and

(5) all actions, circumstances, and considerations relating to or bearing upon the rescission or veto and the decision to effect the rescission or veto, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under section 101 shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under section 101 shall be printed in the first issue of the Federal Register published after such transmittal.

(c) INTRODUCTION OF RESCISSION/RECEIPTS DISAPPROVAL BILLS.—The procedures set forth in subsection (d) shall apply to any rescission/receipts disapproval bill introduced in the House of Representatives not later than the third calendar day of session beginning on the day after the date of submission of a special message by the President under section 101.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—(1) The committee of the House of Representatives to which a rescission/receipts disapproval bill is referred shall report it without amendment, and with or without recommendation, not later than the eighth calendar day of session after the date of its introduction. If the committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge may be made only by an individual favoring the bill (but only after the legislative day on which a Member announces to the House the Member's intention to do so). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote

by which the motion is agreed to or disagreed to shall not be in order.

(2) After a rescission/receipts disapproval bill is reported or the committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. All points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. The previous question shall be considered as ordered on that motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed without intervening motion, shall be confined to the bill, and shall not exceed two hours equally divided and controlled by a proponent and an opponent of the bill. No amendment to the bill is in order, except any Member may move to strike the disapproval of any rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a bill described in subsection (a) shall be decided without debate.

(4) It shall not be in order to consider more than one bill described in subsection (c) or more than one motion to discharge described in paragraph (1) with respect to a particular special message.

(5) Consideration of any rescission/receipts disapproval bill under this subsection is governed by the rules of the House of Representatives except to the extent specifically provided by the provisions of this title.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this title.

(2) Debate in the Senate on any rescission/receipts disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to one hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed one, not counting any day on which the Senate is not in session) is not in order.

(f) POINTS OF ORDER.—

(1) It shall not be in order in the Senate to consider any rescission/receipts disapproval bill that relates to any matter other than the rescission of budget authority or veto of the provision of law transmitted by the President under section 101.

(2) It shall not be in order in the Senate to consider any amendment to a rescission/receipts disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

SEC. 105. REPORTS OF THE GENERAL ACCOUNTING OFFICE.

Beginning on January 6, 1996, and at one-year intervals thereafter, the Comptroller General shall submit a report to each House of Congress which provides the following information:

(1) A list of each proposed Presidential rescission of discretionary budget authority and veto of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each rescission of discretionary budget authority or veto of a targeted tax benefit was accepted or rejected by Congress.

(2) The total number of proposed Presidential rescissions of discretionary budget authority and vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(3) The total number of Presidential rescissions of discretionary budget authority or vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year and approved by Congress, together with their total dollar value.

(4) A list of rescissions of discretionary budget authority initiated by Congress for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each such rescission was accepted or rejected by Congress.

(5) The total number of rescissions of discretionary budget authority initiated and accepted by Congress for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(6) A summary of the information provided by paragraphs (2), (3) and (5) for each of the ten fiscal years ending before the fiscal year during this calendar year.

SEC. 106. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this title violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

TITLE II—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS

SEC. 201. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

''EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

''SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act of repeal of any targeted tax benefit provided in any revenue Act. If the President proposes a rescission of budget authority, he may also propose to reduce the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974 by an amount that does not exceed the amount of the proposed rescission. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit unless the President also proposes a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates to the targeted tax benefit proposed to be repealed, as the case may be. A targeted tax benefit may only be proposed to be repealed under this section during the 10-legislative-day period commencing on the day after the date of enactment of the provision proposed to be repealed.

''(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each each subcommittee.

''(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

''(A) the amount of budget authority which he proposes to be rescinded;

''(B) any account, department, or establishment of the Government to which such budget authority is available for obligation,

and the specific project or governmental functions involved;

''(C) the reasons why the budget authority should be rescinded;

''(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

''(E) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and to the maximum extent practicable, the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority is provided.

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal; and

''(F) a reduction in the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974, if proposed by the President.

(4) For any rescission of budget authority, the President may either submit a special message under this section or under section 101 of the Line Item Veto Act. Funds proposed to be rescinded under this section may not be proposed to be rescinded under section 101 of that Act.

''(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

''(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

''(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

''(C) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

''(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

''(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

''(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

''(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

''(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

''(B) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

''(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(C) Debate in the Senate or any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control of the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

''(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

''(d) AMENDMENT AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

''(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

''(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted by the President shall not be deemed repealed unless the bill transmitted with that special message is enacted into law.

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

''(2) the term 'legislative day' means, with respect to either House of Congress, any day of session;

''(3) the term ''targeted tax benefit'' means any provision of a revenue or reconciliation Act determined by the President to provide a Federal tax deduction, credit, exclusion, preference, or other concession to 100 or fewer beneficiaries. Any partnership, limited partnership, trust, or S corporation, and any subsidiary or affiliate of the same parent corporation, shall be deemed and counted as a single beneficiary regardless of the number of partners, limited partners, beneficiaries, shareholders, or affiliated corporate entities; and

''(4) the term 'beneficiary' means any taxpayer or any corporation, partnership, institution, organization, item of property, State, or civil subdivision within one or more States. Any partnership, limited partnership, trust, or S corporation, and any subsidiary or affiliate of the same parent corporation, shall be deemed and counted as a single beneficiary regardless of the number of partners, limited partners, beneficiaries, shareholders, or affiliated corporate entities.''.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''and 1017'' and inserting ''1012, and 1017''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''sections 1012 and 1017''; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking ''or the reservation''; and

(B) in subsection (e)(1), by striking ''or a reservation'' and by striking ''or each such reservation''.

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking ''is to establish a reserve or'', by striking ''the establishment of such a reserve or'', and by striking ''reserve or'' each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking ''rescission bill introduced with respect to a special message or'';

(B) in subsection (b)(1), by striking ''rescission bill or'', by striking ''bill or'' the second place it appears, by striking ''rescission bill with respect to the same special message or'', and by striking '', and the case may be,'';

(C) in subsection (b)(2), by striking ''bill or'' each place it appears;

(D) in subsection (c), by striking ''rescission'' each place it appears and by striking ''bill or'' each place it appears;

(E) in subsection (d)(1), by striking ''rescission bill or'' and by striking '', and all amendments thereto (in the case of a rescission bill)'';

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: ''Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.'';

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking ''rescission bill or'' and by striking ''amendment, debatable motion,'' and by inserting ''debatable motion'';

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

''Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.''.

The CHAIRMAN. Pursuant to the order of February 3, 1995, the gentleman from Texas [Mr. STENHOLM] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Stenholm-Spratt amendment that I offer at this time is the same amendment that passed the House of Representatives July 14, 1994, with a 342 to 69 vote, basically the same amendment in my judgment. We offer it today and it is the same amendment we offered last week as a substitute, but the will of the House was we should not substitute majority override for one-third plus one override and I respect the will of the House. Today we offer this amendment not as a substitute but as a supplement, amendment to, and I will make the argument to my friends on the other side that this does not weaken H.R. 2. In fact it strengthens H.R. 2, because in the words of the gentleman from Florida a moment ago when he was arguing against the Tauzin amendment, when he was saying we need to be able to get rid of wasteful spending at any time in any circumstance, regardless of glide path, I happen to agree with that statement. That is precisely why we offer our amendment today as a supplement to H.R. 2, because as everyone I know understands by now, under H.R. 2 it is only during that window of opportunity of 10 days after an appropriation bill is signed and sent to the President do we have the opportunity to rescind spending.

Under the modified rescission process that the gentleman from South Carolina [Mr. SPRATT] and I offer today, the President will have the opportunity to rescind spending at any time during the year.

For example, if after October 1 comes and we see that spending is getting out of hand and we are on the glide path that we have already agreed by a 300 vote to 102 I believe the number was the other day on the balanced budget amendment, that the President would have the opportunity to go into any appropriation bill and rescind spending as he can today.

□ 1710

So there is, it seems to me, a kind of a schizophrenia in the approach that the gentleman has meant to take by giving two versions. I do think it is a helpful addition. I think obviously, if the amendment that we are dealing with here is declared unconstitutional, it is certainly one we would want to revisit, but I think to include it in the H.R. 2 provision is premature, and is weakening from that extent, and so I would have to oppose the amendment.

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

The CHAIRMAN. The Chair was mistaken when he recognized the gentleman from Texas for 15 minutes. Under a previous order of the House, the gentleman is recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, how much time did I consume on my opening remarks?

The CHAIRMAN. The gentleman from Texas consumed 4½ minutes.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Stenholm-Spratt amendment. I would just urge my colleagues to support this amendment.

It accomplishes the purpose for why a line-item veto is needed, and that is to shine light on an individual appropriation so that it cannot hide within a massive appropriation bill.

I am a supporter of the line-item veto legislation. I am going to vote for it. But I think this gives us an alternative in the event that the traditional two-thirds override is declared to be unconstitutional, to have on the books a procedure that works and will accomplish the exact same purpose.

The amount of the vote is not important. It is important to segregate that appropriation to allow an individual consideration of it so that it cannot be hidden in a large appropriation bill.

I congratulate my colleague for bringing forward an alternative and urge my colleagues to support the amendment.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE], again a prime cosponsor of H.R. 2 and one of the architects of this measure.

Mr. BLUTE. Mr. Chairman, I thank the distinguished chairman of the Committee on Government Reform and Oversight for his work on this important bill, and also the chairman of the Committee on Rules for reporting out an open rule.

I think we have had a very good and long debate on this very important issue.

I rise in strong opposition to the Stenholm amendment. While I acknowledge the great leadership of the gentleman from Texas on deficit reduction, the most recent authoring with the gentleman from Colorado [Mr. SCHAEFER] the balanced budget amendment to the Constitution, I believe that this amendment has the intention of weakening the base bill. If the amendment's sponsors are worried about the constitutionality of H.R. 2, I believe the CRS, the Congressional Research Service, American Law Division, wrote a brief last year confirming that the process involved in H.R. 2 would stand up to judicial review.

CRS said:

> In sum, we generally conclude this bill is an exercise of delegation which, under the precedents, is permissible. Further, we conclude that the precedents establish no constitutional barrier to delegation of power to the President to set aside or void an Act of Congress.

While getting the thumbs up from the CRS is not the same as getting the OK from the Supreme Court, precedents show the courts are hesitant to rebuff Congress' delegation of its power to the Executive.

I urge my colleagues not to buy into this argument, and beyond that, Mr. Chairman, I think the line-item veto, the strong line-item veto, is exactly what is needed in our system to check the growth of the deficit and the debt that has piled up over the years, and I believe by adopting the Stenholm amendment we are giving the other body an out, giving them a fall back position that too many unfortunately will see.

Let us give the President the strongest line-item veto we can. He asked for it. His budget director asked for it. Eleven State Governors have it, and it works to keep spending under control.

Give the President the strong line-item veto.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I think the question in the debate is: Is this about illusion or reality, substance or not? This is a tough amendment. It is fair, and it is constitutional.

I think there are significant constitutional problems with H.R. 2, and it is likely it may be rescinded by the

Court. So it will be wise to append this to that legislation so you have a backup, if you believe in line-item authority for the President.

Remember this is not a panacea. I know we are going to honor Ronald Reagan on his 84th birthday, but he did send a message to Congress on March 10, 1988, saying, ''These are the items I would delete if I had the line-item veto,'' and out of a budget deficit of $150 billion, Ronald Reagan could only find $1.5.

This is not a panacea for the deficit. We are going to make some tough choices and decisions right here in this body if we want to get the deficit under control.

Mr. BLUTE. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise reluctantly against the amendment offered by my good friend, the gentleman from Texas [Mr. STENHOLM], because without question his amendment would strengthen existing law, but the fact is it weakens the bill before us, and it clouds the issue.

Seriously, we have a problem here, ladies and gentleman, and this is the budget that the President of the United States gave us today. Let us just look at it. Ronald Reagan at one time dropped a bill on the floor back in the early 1980's and broke his finger doing it.

This bill before us, this budget, reflects an additional debt service, debt for this year, and over the 5 years it is another trillion. As a matter of fact, I think it is $1.4 trillion it is going to add to the deficit.

So, you know, line item veto is not going to balance the budget. The balanced budget amendment is not going to balance the budget. Only the will of this Congress is. But you need the prodding of the balanced budget amendment. You need the prodding of this legislation, and this legislation is constitutional.

The Congressional Research Service, as has been stated, says it is. The Attorney General says it is. There is no question about it.

What the bill before us does, without the Stenholm amendment, is reverse existing law that allows Congress to reject the President's requests to cut pork barrel spending without even taking a vote. That is what the law is today. In other words, Congress can block the spending cuts requested by a President by doing absolutely nothing.

This line-item veto reverses that procedure by saying that the cuts go through unless Congress votes to disapprove those spending cuts.

Now, that is real line-item veto, and that is what we need to give Congress this prod to try to do something about this.

I shudder to think what is going to happen. I hope this Congress, Republicans and Democrats alike, have got the guts to at least adopt a budget this year that in 7 years will balance the budget. Otherwise, this country is going down the drain, Mr. Chairman.

Mr. STENHOLM. Mr. Chairman, I yield myself 1 minute for purposes of entering into a colloquy with the gentleman from New York, because I would like to believe that the gentleman misspoke a moment ago when he said our amendment weakens H.R. 2. Because in all interpretation that we have received, this strengthens H.R. 2, because we do not get into anything of the merits of H.R. 2.

In fact, under H.R. 2, would you not agree, that only in the 10-day window can a President veto under H.R. 2?

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from New York.

Mr. SOLOMON. I will say to my what it does——

Mr. STENHOLM. Yes or no?

Mr. SOLOMON. It continues. No, I do not think it does.

Mr. STENHOLM. I believe you will find it does. Therefore, under our amendment, we provide the President the other 355 days out of the year may rescind, and the Congress must vote on individual Presidential rescissions. So I do not see how you can represent our amendment as weakening. I believe it must be strengthening.

Mr. SOLOMON. Because it sets up a dual system, and it continues that dual system, and it gives the President, it gives the Congress another way out. I do not want him to do that. I want him to have to stick to this real line-item veto. That is the whole point. I know your intentions are very well, and I hope we defeat your amendment.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. COLEMAN].

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

Mr. COLEMAN. Mr. Chairman, I rise in strong opposition to H.R. 2, the line-item veto act on constitutional grounds.

In addition, I rise in strong support of the Stenholm amendment which is an alternative, an expedited rescission bill, which would require the Congress to vote on proposed Presidential rescissions within a time certain and can uphold them with simple majorities in the House and the Senate.

This alternative, as most Members will remember, is very similar to legislation passed by the House last year but killed by the other body.

This system does not turn the Constitution really upside down, but, instead, focuses congressional action on disputed items without disrupting the balance of powers.

□ 1720

It would have the same impact as the line-item veto because Members would be certainly less inclined to include special-interest provisions in either appropriations or tax bills. Nor would Members probably be willing to risk recorded votes on items identified by a sitting President as either narrow or parochial.

I would say to my friends that, as we rush forward in passing this Contract on America, we do need to be aware of putting the Federal taxpayer into the courthouse and having to pay for the costs of litigating these many provisions, and this one will be litigated.

Mr. BLUTE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Chairman, I spent a lot of time working this over, and we talked a lot about expedited rescission, and enhanced rescission, and line-item veto, and the different formats, and what one of those terms used to mean, and whether one would or would not have to have a vote under an approval process, and, as I understand it, the gentleman from Texas [Mr. STENHOLM] has come up with a very good program which tries to get the best of two worlds, and I really congratulate him on that because at first sight this appears to be a very good idea, to be able to say, ''Well, we can get the tough version, and then in the outdays of the given year we can go with a simple majority vote,'' and my understanding is that, if we use that process, it would come under the rulemaking powers of the House, and there is probably the single flaw that I see rise now, and maybe the gentleman will disagree with me. I am afraid that, as was shown in our unfunded mandates discussion about the rules, the powers of the Committee on Rules, to deal with different situations, no matter what the plan or the intent is, when those are delivered to the Committee on Rules, it is very clear in the history of this House, certainly clear in the history of the Committee on Rules since I have been on it, and I point out that was under another regime, that we did some things that people did not think we could do, and I am not sure we could, but we did them anyway because we are the Committee on Rules.

Then we get down to this subject on unfunded mandates. As my colleagues remember, we have points of order, and we go into this long process of creating a new rule, a new setup, a new process for Members to be guaranteed a way to get something identified or defended under an unfunded mandate, to waive a point of order against it, another elaborate process.

I would certainly admit that the gentleman has an intriguing prospect here. The concern I have is one that the chairman made, that it binds the clear-shot vote we had on the Contract With America, line-item veto, up or down, but I think the gentleman is onto a

point that our current budget process is definitely weak, should be made better, and in my view in another day I would rather take this approach on in that process.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

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

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from Florida [Mr. GOSS] for yielding; he brings up a very good point on the rule.

I say to my colleague, ''But if you will read more carefully our substitute, the substitute specifically states that it shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a special rule. Furthermore, OMB would continue to withhold the funds from obligation until the President's plan was voted on, as required by this legislation——

The CHAIRMAN. The time of the gentleman from Florida [Mr. GOSS] has expired.

Mr. BLUTE. Mr. Chairman, I yield an additional 15 seconds to the gentleman from Florida.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

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

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from Massachusetts for his generosity.

But this, I think, is very important.

Furthermore, OMB could continue to withhold the funds from obligation until the President's plan was voted on, as required by the legislation regardless of any attempts by Congress to waive its internal rules. If Congress used its constitutional authority to set its own rules to avoid a vote on the President's rescissions, it would give the President the ability to withhold indefinity the funds in question.

So, Mr. Chairman, we are really strengthening the legislation.

Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Chairman, I rise in support of the Stenholm-Spratt amendment to H.R. 2. This amendment would expedite the rescission process, as well as retain the line-item veto language in the bill.

I would like to point out to those Members who are serious about ending the practice of deficit spending that this amendment makes sense. By including both rescission and line-item veto language in the bill, the Stenholm-Spratt amendment guards against the Congress and the President being without the tools needed to balance the budget.

One strength of the Stenholm-Spratt amendment is that it requires Congress to vote on rescissions submitted at any point in the year. Currently, H.R. 2, rescissions submitted by the President 10 days after signing an appropriations bill would not require congressional action. Under expedited rescission language, congressional action would be mandatory, regardless of when the rescission package is sent to Congress.

The Stenholm-Spratt amendment will provide us with two instruments, expedited rescission and the line-item veto, to help restore fiscal integrity to the Federal budget process. If we want Congress to be accountable and responsible for the money it spends, then the expedited rescission language in the amendment will make us answerable by forcing a vote on a Presidential rescission package, something that is not currently required.

President Clinton supports expedited rescission and the line-item veto, and I believe we should grant him the choice of either vetoeing or rescinding frivolous spending and tax breaks. Therefore, I urge bipartisan support of the Stenholm-Spratt amendment.

Mr. STENHOLM. Mr. Chairman, I yield 6 minutes to the gentleman from South Carolina [Mr. SPRATT], the coauthor of the amendment today.

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

Mr. SPRATT. Mr. Chairman, I rise to support the Stenholm-Spratt amendment, and I want to stress from the start what this amendment does not do:

It does not replace H.R. 2, the bill before us. It does not even weaken H.R. 2. It adds to that bill extra rescission powers, and broadens the timeframe for the use of those powers, and gives the President a plus, an option, that H.R. 2 does not give him, the option of entering any spending saved from any rescission into a so-called locked box or deficit reduction account.

So, Mr. Chairman, this expedited rescission lock-box amendment is a supplement and not a substitute to H.R. 2. It would not conflict with, or weaken, or change one whit the powers that are delegated to the President under H.R. 2.

The gentleman from Texas [Mr. STENHOLM] and I offer this amendment for several reasons:

First, I am genuinely concerned that the courts may hold the line-item veto power which we confer upon the President here under a novel interpretation of law unconstitutional, unconstitutional because it is a broad, broad, sweeping delegation of authority with very scant standards to govern the use of that authority. No court has ever decided the exact question that we are putting to the courts and will be putting to the courts here, and virtually everyone in this Chamber acknowledged that this is a novel question, acknowledged his uncertainty about how the court would rule when several days ago the Deal amendment came up, and with very little debate and very little dispute the Deal amendment—providing for expedited judicial review—was approved virtually unanimously.

But even in the case of expedited review, it will take months, surely the rest of this budget year, before we have a definite opinion from the Supreme Court as to the constitutionality of H.R. 2. During that period of time, Mr. Chairman, we are providing the President this as a standby, fall-back authority. In case the courts invalidate H.R. 2, then the President has this authority on the books. He can use it, put it to good use, because the scope of this, as I point out, is even broader in many respects than H.R. 2.

And what if the courts find H.R. 2 constitutional? In that case, this amendment gives the President one more weapon to use to wipe out unwarranted, unnecessary, or wasteful spending or spending that he finds we cannot afford given the status of the economy or the state of the budget in the middle of a fiscal year. The rescission authority we provide here is not redundant for that reason by any means. Actually, it is more useful in some respects, in many respects, than H.R. 2 as it now stands.

I do not need to explain H.R. 2 in detail because this is virtually the same as the Stenholm-Penny-Kasich expedited rescission bill which this House passed on July 14, 1994, by an overwhelming vote. By my count, every single Republican then in the House, 169 in all, voted for its passage. Three hundred forty-two Members of this House thought enough of the efficacy and utility of this bill to vote for it then. Only 69 Members opposed it.

□ 1730

This amendment, as I said, is broader in scope than H.R. 2 because it allows the President to rescind appropriations at any time during the fiscal year. The veto power under H.R. 2, on the other hand, has to be used within a very narrow window of time, 10 days after a passage of appropriation bills. Under our amendment in H.R. 2 the President can only repeal targeted tax benefits within 10 days, but under our bill he can send spending rescissions up at any time and under our bill he will be guaranteed an up or down vote on his package in the House within 10 days and a vote in the Senate within 10 more days. And for any Member who wants a separate vote on any particular item in the package, it is important to his or her district, then if he can muster 50 Members on the House floor to support his request, he can have it broken out.

This bill, as I said, also allows the President the authority, the extra power which the gentleman from Pennsylvania [Mr. CLINGER] acknowledged in debate the other day, was a commendable provision, to put any savings that were realized under a rescission into a lock box. The lock box was part of a popular bill that many Members subscribed to in the last session called A to Z. The lock box allows the President to direct that the discretionary spending account will be lowered to the extent that we adopt any rescission that he sends up here, lowered by that

amount so the savings cannot be spent upon something else.

Once the President has sent his bill up, the rescission message will be converted to a bill. The bill has to be introduced within 3 days, the Committee on Appropriations has to act upon it and report it to the floor, and we have to vote within 7 days. When it leaves here it goes to the Senate on the same fast track.

So let me sum up, Mr. Chairman, by saying this amendment in no way weakens, detracts from, or is inconsistent with H.R. 2. It is a plus to H.R. 2. It is a fall-back alternative if H.R. 2 is found to be unconstitutional, and at the very least it is a temporary alternative for the President to use if H.R. 2 is restrained or enjoined pending the outcome of a challenge in court.

Furthermore, our amendment is broader in scope than H.R. 2 because it applies throughout the fiscal year, not just for 10 days following the enactment of an appropriation bill, and, of course, it has the lock box feature I spoke of earlier. This amendment is a plus for H.R. 2, and I urge support for its adoption.

Mr. BLUTE. Mr. Chairman, I yield 4 minutes to a distinguished new Member of this body, the gentleman from Wisconsin [Mr. NEUMANN], an original cosponsor of the line-item veto bill.

Mr. NEUMANN. Mr. Chairman, I rise to speak in opposition to anything that would in any way, shape, or form complicate or weaken this line-item veto bill as we have proposed it here today. The line-item veto bill needs to maintain its strength so we get at the root of the problem facing this Nation, which is a debt in the amount of $4.8 trillion.

I was an original cosponsor on the line-item veto bill because I feel as we look at the debt facing our Nation today, it is time we actually do something about it, and the only way we are going to do something about it is if we actually get to the point where we can reduce spending.

The balanced budget amendment passed last week is important, but as we move forward, we must look at line-item veto to go with the balanced budget amendment so we can actually get at the root of the problem, and that is spending.

Why do we need a line-item veto here? I have the numbers with me today and can show Members the impact on the children of this Nation if we do not pass the line-item veto bill today. I do not want to see anything that weakens it in any way, shape, or form.

Today this Nation stands $4.8 trillion in debt. For the folks that have not seen this number, it looks like this. The number is very, very real. We are paying interest on that debt each and everyday, and it impacts the families in my district and the families all across America. $4.8 trillion has been borrowed on behalf the American people in the last 15 years. Something needs to be done about it.

I am a former math teacher. As a former math teacher I like to look at this number as it relates on an individual basis to each person across this Nation. If we take that $4.8 trillion and divide it by the 260 million people in the United States of America, each and every person in the United States of America is responsible for $18,500 of debt. Again, if we take the $4.8 trillion and divide by the 260 million people in this Nation, every man, woman and child is responsible for $18,500 worth of debt. For a family of four in America, from my district back home in Wisconsin, the Federal Government has borrowed $74,000 on behalf of the American people. It is not OK, folks, and it is not OK if we let this continue forward.

For a family of five like my own, the Federal Government has borrowed $92,500. The real problem is not when we look at just the debt, but when we look at the interest that has to be paid on the debt. I would like to point out that this family of four is going to pay approximately $5,180 in interest alone on the national debt. Just think about this number for a second. A family of four in our district earns about $32,000 a year. This family of four is going to pay about $5,100 out of that $32,000 of income to pay just the interest on the national debt. It does not get any goods or services from the American Government. That simply pays the interest on the national debt.

Why am I so adamant? Why can I come here and work so hard for the line-item veto and the balanced budget? Because it is time the American people do something about this situation. When we start thinking about a family in our district paying over $5,000 a year to do nothing but pay the interest on the national debt, you think it is time we get serious about doing something about the budget, something about balancing the budget, and in fact I think we should start talking about paying off the debt.

The day has come where we need to think about how we are going to get to the balanced budget and then go the next step. How can we get rid of this atrocious debt that is costing the family of four in my district over $5,000 a year in just interest? It is time we get past it.

There are two things that are necessary to do that in my opinion. One is the balanced budget amendment which the House passed not very long ago, and the other is this line-item veto, a very strong line item veto needs to be passed. It needs to be passed today.

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] has 14½ minutes left, and the gentleman from Massachusetts [Mr. BLUTE] has 15½ minutes left.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I realize there has been considerable confusion and misinformation about just what this amendment would do. The last chart in all honesty has nothing to do with this amendment. It has everything to do with why I too offer this amendment. Because we do want to get after spending. The Stenholm-Spratt amendment is offered as a supplement to the line-item veto authority in H.R. 2.

Even though it is presented here as a substitute here at the end of the debate, it includes all of H.R. 2, as reported. I want to repeat, this amendment we offer includes all of H.R. 2 as reported. In addition, this amendment incorporates all of the amendments approved by the Committee of the Whole only Thursday and Friday of last week, namely the Clinger, Thurman, Neal, and I will ask the same unanimous consent request that Mr. CLINGER asked to add Obey to my amendment so it will do what we intended for it to do when we go into the House. This expedited rescission authority portion of this amendment would allow the President to propose to cut or eliminate individual spending items in appropriations bills throughout the year. The President could earmark some or all of the savings for deficit reduction.

In addition, the President would be able to propose to repeal targeted tax breaks which benefit a particular taxpayer or class of taxpayers only within the 10 days of signing the bill.

The House would have 10 legislative days after the President sends up a rescission package to bring it to the floor. There has been some debate as to whether or not that 10-day limitation would actually occur. I believe the answer is clearly yes, it would. First the rules would not permit consideration of other matters until the rescission package was dealt with. Second, any appropriation or tax item that was submitted by the President in effect would be suspended until Congress acted on the President's package.

Now, just a moment ago we were talking, the gentleman from Wisconsin was talking about guaranteed cuts, guaranteed deficit reduction.

□ 1740

I must submit, again, H.R. 2 does not guarantee deficit reduction. Only with our amendment can we have guaranteed deficit reduction, because we included the lock box provision. And that was as a result of last year's debate in which the gentleman from Ohio [Mr. KASICH] was very instrumental in changing the language of the amendment that we in fact bring to Members today.

The line-item veto includes no guarantee that the savings from the President's rescissions would go to deficit reduction. Congress would be free to spend the savings from rescissions proposed by the President on other programs.

Although H.R. 2 allows the President to propose to reduce the discretionary caps, there is no provision for a vote in Congress to reduce the spending caps.

In other words, rescissions submitted under the line-item veto would not save one dime. We believe our substitute provides for that alternative should we, the Congress and the President, believe that was important.

The Stenholm-Spratt amendment includes provisions to ensure that the savings from spending cuts would go to deficit reduction.

Furthermore, under H.R. 2, standing alone, the President would have the veto option for only the first 10 days after signing a bill. Although H.R. 2 is intended to increase the ability of the President to identify and eliminate wasteful and low priority spend, it dramatically restricts the President's flexibility by setting this artificial 10-day deadline.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, we had the Congressional Research Service do some research which I think is extremely helpful in understanding the importance of this power that we give the President to use this additional rescission authority throughout the fiscal year.

According to CRS, the Congressional Research Service, 99 percent of all rescissions sent up here by the President were sent beyond the 10-day period after the adoption of appropriation bills. That points up that frequently the rescission authority is not used to knock out pork barrel stuff, but to try to adjust the budget in midyear when we have got underfunded accounts for the Veterans Administration, underfunded accounts for operations and maintenance and defense, and we have to pay for the supplementary budget authority by rescinding other budget authority on the books. Then the President has the authority to formulate his request, send it up here and be guaranteed under our bill a quick 20-day turnaround.

Mr. STENHOLM. Mr Chairman, I would conclude my remarks at this time by saying that I believe it grossly unfair to categorize our amendment as being weakening. If we are truly concerned about deficit reduction, I believe the language of our amendment, as a supplement to, not as a replacement for, but a supplement to, clearly stands out as being more able to reduce the deficit because of the language which we put into our amendment.

As the gentleman said, again, Members have talked about this language from the standpoint that somehow current law is better. It is not. And unless we in fact add our amendment, we will have current law 355 days out of the year but 10 days out of the year, 10 calendar days out of the year we will have a much improved situation over the current system.

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

Mr. BLUTE. Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, let me say that what we have offered here supplements, does not substitute for or replace, it supplements H.R. 2, and it does not do it in any sort of redundant or cosmetic way. We give the President some important additional rescission authority. He can use this authority pending any court challenge to the constitutionality of H.R. 2 and he may have well need that authority this budget year because there is likely to be a constitutional challenge to this bill if it becomes law.

Second, we give him authority that he can use throughout the budget year, not just in that narrow period of time 10 days after the adoption of an appropriations bill.

The Congressional Research Service says, as we were just pointing out, that 99 percent of all rescissions typically sent up here by presidents since 1976, 99 percent of them have been sent well beyond that 10-day period of time.

Our bill covers that additional period of time, when by tradition 99 percent of the rescission bills have been sent up.

Finally, we allow the President to say, we want to take these savings, put them in a deficit reduction account and not have the money spent elsewhere during the course of the fiscal year. Three strong features that add to, do not detract from or conflict in any way, strengthen this bill and should be adopted to perfect it.

Mr. STENHOLM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in summation I would just like to say if Members want to replace the cumbersome and unworkable process for year-round authority with teeth, they need to vote for the Stenholm-Spratt amendment. This amendment has had a proud bipartisan history, despite the effort recently to portray it as partisan.

Mr. Chairman, I am submitting for the RECORD some material on past Republican support for the amendment. I also am submitting two legal opinions. Finally, I am submitting for the RECORD a list of some of the most commonly asked questions about this amendment, along with the answers that have been prepared.

Mr. Chairman, whether Members think H.R. 2 is constitutional or not, whether they prefer line item veto authority or expedited rescission authority, there is a reason for Members to vote for the Stenholm-Spratt amendment. This amendment provides a rare opportunity in the legislative process, a win-win scenario.

I urge my colleagues on both sides of the aisle to approve my amendment.

Mr. Chairman, I include for the RECORD the information to which I referred.

[From the Congressional Research Service, the Library of Congress, Washington, DC., Feb. 3, 1995]

To The Honorable Nathan Deal, Attention Ed Lorenzen.

From Virginia A. McMurtry, Specialist in American National Government, James V. Saturno, Specialist on the Congress, Government Division.

Subject: Submission dates of Presidents' rescission request.

In response to your request for figures on the dates of submission to Congress of rescission requests from the President under the Impoundment Control Act since 1974, we have prepared the attached table.

The table provides the number of rescission requests, by month, for each fiscal year. The actual unit of analysis is the individual rescission, not rescission messages as we initially discussed. If five separate rescission requests were included in a single message during a given month, the number entered on the table would be five. This provides a more accurate way for considering the transmission of rescission proposals, since under current law there is no requirement for the President either to combine or to separate rescissions transmitted at the same time. The number of rescissions included in a single message have varied considerably, even within the same Administration.

As indicated in the notes accompanying the table, the End-of-Year Cumulative Reports on Rescissions and Deferrals, prepared by the Office of Management and Budget, provided the source. Actually, for one year, Fiscal Year 1990, OMB prepared no end-of-year report. In this instance we used the monthly cumulative report for September, 1990, which happened to include a complete listing of rescissions for that year.

We hope that this information proves useful to you. If we can be of further assistance, you may reach Ginger at 7–8678, or Jim at 7–2381.

PRESIDENTIAL RESCISSION REQUESTS SUBMITTED TO CONGRESS BY MONTH, FISCAL YEAR 1976–94

Fiscal year [1]	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Total
1976	0	6	13	17	0	0	0	0	0	[2] 6	0	[3] 4	46
1977	0	0	0	9	0	0	0	1	0	[4] 10	0	[5] 1	21
1978	0	0	0	3	0	0	0	1	1	1	0	1	7
1979	0	1	0	10	0	0	0	0	0	0	0	0	11
1980	1	0	0	2	0	1	53	2	0	0	0	0	59
1981	0	0	0	34	0	120	0	0	10	1	0	0	165
1982	2	1	0	0	22	1	0	0	1	3	1	0	31
1983	0	0	1	0	19	0	0	0	0	1	0	0	21
1984	0	0	1	0	8	0	0	0	0	0	0	0	9
1985	0	0	0	0	241	0	0	2	0	0	0	1	244
1986	0	0	0	0	77	3	3	0	0	0	0	0	83
1987	0	0	0	73	0	0	0	0	0	0	0	0	73

PRESIDENTIAL RESCISSION REQUESTS SUBMITTED TO CONGRESS BY MONTH, FISCAL YEAR 1976–94—Continued

Fiscal year [1]	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Total
1988	0	0	0	0	0	0	0	0	0	0	0	0	0
1989	0	0	0	6	0	0	0	0	0	0	0	0	6
1990	0	0	0	0	0	0	3	8	0	0	0	0	11
1991	0	0	0	0	26	0	1	0	2	1	0	0	30
1992	0	0	0	0	1	98	29	0	0	0	0	0	128
1993	7	0	2	0	3	0	1	0	6	0	0	0	19
1994	0	38	0	0	27	0	0	0	0	0	0	0	65
Total	10	46	17	154	424	223	90	14	20	23	1	7	1,029
Percent	0.97	4.47	1.65	14.97	41.21	21.67	8.75	1.36	1.94	2.24	0.10	0.68	100

[1] Although the Impoundment Control Act became effective upon enactment (July 12, 1974), the fiscal year calendar change did not begin until Oct. 1, 1975, for FY 1976. In addition to the rescission messages listed there were also eight rescission messages in July 1975 concerning spending for FY 1976 and the transition quarter (July–Sept. 1975).

[2] Of the five rescission requests received in July 1976 one concerned spending for FY 1977.

[3] Of the four rescission requests received in September 1976, three concerned spending for FY 1977.

[4] Of the ten rescission requests received in July 1977, four concerned spending for FY 1978.

[5] the rescission requests received in September 1977 concerned spending in FY 1978, and was later reclassified as a deferral by the Comptroller General.

Source: Office of Management and Budget End-of-Year Cumulative Report on Rescissions and Deferrals for each FY1976–94.

REPUBLICAN SUPPORT FOR EXPEDITED RESCISSION

99TH CONGRESS

Bills introduced

S. Con. Res. 65—The Porkbusters Resolution of 1985. Introduced by Senator Dan Quayle (R–IN) on September 17, 1985. Required Congress to vote on resolutions approving Presidential rescissions by a majority vote within fifteen days after the rescission was submitted.

H.R. 3675—a bill providing the President with modified rescission authority while preserving the authority of Congress in the budget process. Introduced by Rep. Ralph Regula (R–OH) on November 1, 1985. Required Congressional votes on Presidential rescissions within 45 days.

Floor consideration

On September 19, 1985, Senator Quayle offered the text of S. Con. Res. 65 as an amendment to the Omnibus Reconciliation Act of 1986. The amendment was ruled non-germane and defeated on a procedural motion of 34–62.

100TH CONGRESS

Bills introduced

S. Con. Res. 16—a bill providing for expedited consideration of a bill or joint resolution approving a Presidential rescission. Introduced by Senator Quayle on February 5, 1987. The bill was cosponsored by two Republicans.

H. Con. Res. 119—similar to S. Con. Res. 16. Introduced by Rep. Lynn Martin (R–NY) on May 8, 1987. Cosponsored by 15 Republicans.

H.R. 3129—Line-item Rescission Act of 1987. Introduced by Rep. Tim Johnson (D–SD) on August 6, 1987. Cosponsored by 20 Republicans, including Rep. Gerald Solomon (R–NY) and Rep. Dan Coats (R–IN).

Floor consideration

Rep. Dick Armey (R–TX) attempted to add an amendment to the FY88 Long-term Continuing Resolution granting the President enhanced rescission authority over funds included in the CR. Under the amendment, a simple majority of Congress could overturn the rescission. The effort was unsuccessful.

Notable quotes

Senator Dan Quayle (February 5, 1987, S3136 Congressional Record)

''The Pork-Buster Resolution is based on a simple, fundamental premise. Before the taxpayers' money can be spent, the President and a majority of both the Senate and the House of Representatives should be required to agree those funds should be spent. Congress should be made—and held—accountable to the American people on rescissions that a President believes are appropriate. By using the rulemaking power of each House, the Pork-Buster Resolution would require expedited consideration of Presidential rescission messages.''

Rep. Dick Armey (Dear Colleague dated November 2, 1987)

''Enhanced rescission authority will involve the Administration and the Congress in a meaningful deficit reduction process in a manner that ensures both institution's prerogatives are protected.''

Rep. Dick Armey (November 5, 1987, H30961 Congressional Record):

''I will go to the Rules Committee and I will request a rule that will allow me to amend that long-term continuing resolution to include in it enhanced rescission authority that would allow the President to examine that large omnibus spending bill line item by line item and make line-item vetoes, as it were, with a simple majority override capacity remaining for the House.''

101ST CONGRESS

Bills introduced

H.R. 235—Line-item Rescission Act of 1989. Introduced by Rep. Tim Johnson (D–SD) on January 3, 1989. Cosponsored by 9 Republicans.

H.R. 962—Current Level Rescission Act of 1989. Introduced by Rep. Dick Armey on February 9, 1989 and cosponsored by 105 Republicans. Provided for expedited consideration of Presidential rescissions if the rescission did not reduce any program below its prior-year level.

H.R. 3800—a bill providing for expedited consideration of certain Presidential rescission. Introduced by Rep. Tom Carper (D–DE) along with Reps. Armey, Johnson, Martin, Dan Glickman (D–KN), Bill Frenzel (R–MN) and others as a bipartisan consensus expedited rescission bill on November 21, 1987. Cosponsored by 65 Republicans.

Notable quotes

Rep. Dick Armey and Rep. Tim Johnson (Dear Colleague dated March 1, 1989)

''The Current Level Enhanced Rescission Act is a realistic, rational proposal that protects Congress' own spending priorities and restores the President's role in fighting the deficit.''

102D CONGRESS

Bills introduced

H.R. 2164—a bill providing for expedited consideration of certain Presidential rescissions. Introduced by Rep. Carper on May 1, 1991. Cosponsored by 108 Republicans. Required votes in Congress on Presidential rescissions within ten days of their submission. Limited the amount that the President could rescind authorized programs to 25%. Established the new procedure for two years.

H.R. 5700—Expedited Consideration of Proposed Rescissions Act of 1992. Introduced by Rep. Solomon on July 28, 1992. Identical to H.R. 2164 except that it eliminated the distinction between authorized and unauthorized programs included in H.R. 2164.

Floor consideration

July 30, 1992—Rep. Solomon attempted to defeat the previous question on the Commerce, Justice and State Appropriations bill so that he could offer a motion to make in order what he described as ''a slightly different line-item veto rescission amendment'' which consisted of the text of his expedited rescission bill. Reps. Bob McEwan (R–OH), David Dreier (R–CA), John Duncan (R–TN) and Bob Walker (R–PA) spoke in support of Solomon's motion. The effort failed on a vote of 240–176.

October 3, 1992—The House passed H.R. 2164, the expedited rescission bill introduced by Rep. Tom Carper, by a vote of 312–197. It was supported by 154 of 159 Republicans voting.

Notable quotes

Rep. Dick Armey (May 5, Rules Committee Hearing on H.R. 4990):

''I think the President's authority should be enhanced, perhaps enhanced in the way Mr. Solomon suggests, but even enhancing it a little bit in the way Mr. Carper will later recommend. That would be an improvement.''

Rep. Harris Fawell (R–IL) (May 5, Rules Committee Hearing)

''When Tom Carper comes up in reference to his enhanced rescission bill, it isn't everything I would want, but I could support it. It does valuable things. It moves us down that road.''

Rep. Jerry Solomon (May 7, 1992, H3029 Congressional Record):

''We moved to make in order an amendment by Mr. Carper, a Democrat, and Mr. Stenholm, a Democrat, to provide for expedited rescission procedures for the next two years, similar in concept to my line item veto bill, but watered down considerably. Still, it is a strong step in the right direction.''

Rep. Bob McEwan (July 30, 1992, H6988 Congressional Record):

''The Solomon amendment would mandate that Congress consider legislation approving the President's rescissions within twenty days. If either House fails to pass the bill, then the money would be obligated. Mr. Speaker, in the name of fiscal responsibility, the House must be given the opportunity to at least consider the Solomon amendment.''

Rep. Jerry Solomon (July 30, 1992, H6992 Congressional Record):

''If we defeat the previous question, I will offer the Carper line-item rescission amendment that simply requires Congress to vote up or down on the President's request not to spend the money. This requires only a simple majority vote.''

Rep. Jerry Solomon (July 30, 1992, H6992 Congressional Record):

''For those of you who really believe in the line-item veto, we have reached a tremendous compromise here that you can vote for. It should be something that this House can support overwhelmingly on both sides of the aisle.''

Rep. Harris Fawell (October 2, 1992, H10811 Congressional Record):

''(H.R. 2164) is at least the first step of a 1,000 mile journey toward hopefully someday being able to balance the federal budget.''

Rep. Jerry Solomon (October 2, 1992 H10813 Congressional Record):

''I favor the bill before us today (H.R. 2164) because it is an improvement over the current rescission process * * *. It is a step in the right direction.''

103D CONGRESS

Bills introduced

H.R. 1013—Expedited Consideration of Proposed Rescissions Act of 1993. Introduced by Rep. Charlie Stenholm (D–TX) on February 18, 1993. Cosponsored by 33 Republicans. Required the President to submit rescissions within a three-day window after signing an appropriations bill. The expedited rescission authority would have a 2 year sunset. Does not include targeted tax credit.

H.R. 1578—Expedited Rescissions Act of 1993. Introduced by Rep. John Spratt (D–SC) on April 1, 1993. Required the President to submit rescissions within a three-day window after signing an appropriations bill. The expedited rescission authority would have a two year sunset. Does not include targeted tax credit. A framework would be established for consideration of an appropriations committee alternative if the President's package was defeated.

H.R. 4600—Expedited Rescissions Act of 1994. Introduced by Rep. John Spratt (D–SC) on June 17, 1994. Applies only to appropriations, may be used only within 3-day window after an appropriations bill passes, applies only to the 103rd Congress.

H.R. 4434—Common Cents Budget Reform Act of 1994. Introduced by Reps. Stenholm (D–TX), Penny (D–MN), and Kasich (R–OH). Cosponsored by 14 Republicans. Guarantees a vote on every rescission bill submitted by the President. The President can designate any portion of the savings for deficit reduction. The President can submit a special message repealing a targeted tax credit within 10 days after a bill is enacted. The President can submit a special message to rescind appropriations at any time. Permanently extends authority.

Floor consideration

July 14, 1994—The House passed the Stenholm substitute to H.R. 4600 on final passage by a vote of 342–69. The Stenholm substitute was agreed to by a vote of 298–121. The Solomon substitute failed 205–218. All 169 Republicans present and voting voted yes on final passage, and all 170 Republicans present and voting voted yes on the Stenholm substitute.

Notable quotes

Rep. John Kasich (July 14, 1994, H5728 CONGRESSIONAL RECORD):

''This (Stenholm-Penny-Kasich amendment), ladies and gentlemen of the House, represents the most significant movement on trying to control the deficit through the use of the line-item veto that we have voted on and have a chance to pass in this House since I have been a Member of the House * * *. This (Stenholm-Penny-Kasich amendment), is precisely what the American people have been calling for * * *. It will bring real change.''

Rep. Jim Kolbe (July 14, 1994, H5715 CONGRESSIONAL RECORD):

''Let us not let the opportunity to support tough budget reform slip away again, Support the Stenholm-Penny-Kasich amendment to H.R. 4600.''

Rep. Rick Lazio (July 14, 1994, H5711 CONGRESSIONAL RECORD):

''We have significantly strengthened the process (existing rescission process) by adopting the Penny-Kasich-Stenholm amendment, for which I voted.''

Rep. Harris Fawell (July 14, 1994, H5710 CONGRESSIONAL RECORD):

''Should this substitute (Michel-Solomon) fail, I then will support the Stenholm-Penny-Kasich substitute, because it is a vast improvement over the enhanced rescission power we presently have.''

QUESTIONS AND ANSWERS REGARDING EXPEDITED RESCISSION AUTHORITY

How does the Wise and Stenholm-Spratt substitutes differ from H.R. 1578 and H.R. 4600, the versions of expedited rescission reported by the Rules Committee in the 103rd Congress?

Both substitutes incorporate several changes from earlier expedited rescission legislation made by the Stenholm-Penny-Kasich amendment to H.R. 4600 on July 14, 1994. The Stenholm-Penny-Kasich amendment made several changes to respond to concerns raised by many members and significantly strengthen the legislation. The President would be able to single out newly enacted targeted tax benefits as well as appropriated items for individual votes. Unlike H.R. 1578 and H.R. 4600, which required the President to submit rescissions within a three-day window after signing an appropriations bill, the President would be able to submit a rescission package for expedited consideration at any point in the year. The President would have the option of earmarking savings from proposed rescissions to deficit reduction, which no other expedited rescission or line-item veto proposal would permit. The new expedited rescission authority would be established permanently instead of being sunsetted after two years. Members would have the ability to obtain separate votes on individual items in a rescission package that have significant support. The Wise and Stenholm substitutes explicitly prevent the President's rescissions from being considered under a special rule which would waive the requirements of the section. Finally, the prerogative of the Appropriations Committee to move their own rescission bill would be preserved without creating a cumbersome new procedure.

How is the procedure under expedited rescission different from the existing procedure for considering Presidential rescissions under Title X of the Budget Control and Impoundment Act?

Under Title X of the Budget Control and Impoundment Act, the President may propose to rescind all or part of any item at any time during the fiscal year. If Congress does not take action on the proposed rescission within 45 days of continuous session, the funds must be released for obligation. Congress routinely ignores Presidential rescissions. The discharge procedure for forcing a floor vote on Presidential rescissions is cumbersome and has never been used. Most Presidential rescission messages have died without a floor vote.

Congress has approved just 34.5% of the individual rescissions proposed by the President since 1974 (350 of 1012 rescissions submitted), representing slightly more than 30% of the dollar volume of proposed rescissions. Nearly a third of the Presidential rescissions approved came in 1981. Excluding 1981, Congress has approved less than 20% of the dollar volume in Presidential rescissions. Although Congress has initiated $65 billion in rescissions on its own, it has ignored nearly $48 billion in Presidential rescissions submitted under Title X of the Budget Control and Impoundment Act without any vote at all on the merits of the rescissions.

In 1992, the threat that there would be an attempt to utilize the Title X discharge procedure to force votes on 128 rescissions submitted by President Bush provided the impetus for the Appropriations Committee to report a bill rescinding more than $8 billion. However, this was an exception. Most rescission messages are ignored. Expedited rescission would change that and force Congress to react to Presidential messages by voting on them, increasing the likelihood that unnecessary spending would be eliminated.

Could Congress thwart the provisions of expedited rescission legislation by reporting a rule that waives the requirements of this proposal?

No. The substitute specifically states that ''It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section . . . under a special rule.'' Furthermore, OMB could continue to withhold the funds from obligation until the President's plan was voted on as required by this legislation regardless of any attempts by Congress to waive its internal rules. If Congress used its Constitutional authority to set its own rules to avoid a vote on the President's rescissions, it would give the President the ability to indefinitely impound the funds.

How does expedited rescission legislation ensure that a Presidential rescission is voted on by Congress?

Expedited rescission legislation establishes several procedural requirements ensuring that Congress cannot simply ignore a rescission message. A rescission bill would be introduced by request by either the Majority or Minority Leader. If the Appropriations Committee does not report out the rescission bill as required within ten days, the bill is automatically discharged from the committee and placed on the appropriate calendar. Once the bill is either reported by or discharged from the Appropriations Committee, any individual member may make a highly privileged motion to proceed to consideration of the bill. Although a motion to adjourn would take precedence, the House could not prevent a vote on a rescission message by adjourning because only legislative days are counted toward the ten day clock. Action is also promoted by providing for a highly privileged motion to proceed to consideration and limiting debate and preventing amendments to a rescission bill. This proposal ensures that there will be a vote on a rescission bill so long as one member is willing to stand up on the House floor and make a motion to proceed.

The substitute includes language to discourage the House from avoiding a vote on the President's package, by making the release of funds by OMB contingent on Congress voting on and defeating the President's package.

Under current law, OMB withholds funds from apportionment until Congress acts on a rescission message. Funds included in a rescission message would be frozen in the pipeline until Congress either votes to rescind them or to release them for obligation. The substitute provides that the funds must be released for obligation upon defeat of the President's rescission bill in either House. This is different from the requirement in Section 1012 of the Impoundment Control Act of 1974, which states ''Any amount of budget authority proposed to be rescinded . . . shall be made available for obligation, unless, within the prescribed 45 day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded.'' By specifically providing that the funds would be released upon defeat of the President's package and not providing for any other circumstances in which OMB must release the funds, the language of the Wise and Stenholm-Spratt substitutes clearly provide that OMB will be required to release the funds

only when Congress votes on and rejects the rescission bill.

Similarly, the amendment provides that any tax benefits proposed to be repealed be ''deemed to have been repealed unless . . . either House rejects the bill transmitted with that special message.''

How would the motion to strike individual items from a package of rescissions work?

A member would be able to make a motion to strike an individual item in the rescission bill if 49 members support the motion. This procedure would be similar to existing procedures to call for recorded votes or the procedure for discharging rescission bills under Title X of the Impoundment Control Act in which the members supporting the motion would stand and be counted. If the requisite number of members supported a motion to strike, the motion would be debated under the five minute rule and the House would vote on the motion. If the motion was supported by a majority of members, the item would be struck from the bill. The House would vote on final passage of the rescission bill after disposing of any motion to strike.

If 50 members feel strongly enough about an individual item to coordinate the actions necessary to obtain a motion to strike, they deserve to have the opportunity to make their case to the full House. They would still have to convince a majority of the House that their project was justified.

Wouldn't the motion to strike deprive the President of a vote on his rescissions?

No. Congress would vote on the merits of each rescission either as part of the overall package or on a motion to strike. While there might not be one vote on the entire package if a motion to strike succeeded, Congress would have voted on the merits of individual rescissions when it voted on the motions to strike items from the package.

The motion to strike increases the chance of passing rescissions submitted by the President by providing a safety valve to take ''killer'' items out of a rescission package to avoid the entire package from being defeated because of one item with strong support. If there is a strong core of support within Congress for an individual item, there would be a high likelihood that the supporters of that item could form an alliance to defeat the entire bill. Although the President would presumably make political judgements to avoid including items that would sink the entire package, the administration will not always be aware of all traps that may lie with an individual spending program or tax provision. This safety valve would prevent a political miscalculation from sinking the entire bill.

What types of tax provisions would be subject to the new rescission process?

The provision for expedited consideration of proposals to repeal tax items would be restricted to targeted tax benefits. ''Targeted tax benefits'' are defined as provisions which provide a deduction, credit, exclusion, preference, or other concession to 100 or fewer taxpayers. The rescission authority would apply to narrowly drawn tax items, the so-called ''tax pork'', which are slipped into tax bills to benefit special interests. It will not apply to broader tax breaks that apply to a larger number of taxpayers such as a capital gains tax reduction or middle class tax cut.

Wouldn't the ability to repeal tax items create uncertainty in the tax code?

No. The substitute provides for swift consideration of proposals to repeal tax provisions so that taxpayers would know the final disposition of any tax provision within a reasonable period of time following the passage of a tax bill. The President must submit a proposal to repeal a tax provision within ten business days after signing a tax bill. Congress would be required to act within twenty legislative days.

Could the President propose to rewrite tax provisions?

No. The President would only be able to propose legislative language necessary to repeal individual tax provisions for expedited consideration. Legislation submitted by the President to rewrite a tax provision would not be subject to the expedited procedures of this amendment.

Doesn't this legislation constitute an unconstitutional legislative veto?

No. This legislation was carefully crafted to comply with the Constitutional requirements established by the courts by *I.N.S.* v. *Chada,* 462 U.S. 919 (1983), the case that declared legislative veto provisions unconstitutional. Legislative vetoes allow one or both Houses of Congress (or a Congressional committee) to stop executive actions by passing a resolution that is not presented to the President. The *Chada* court held that legislative vetoes are unconstitutional because they allow Congress to exercise legislative power without complying with Constitutional requirements for bicameral passage of legislation and presentment of legislation to the President for signature or veto. For example, allowing the House (or Congress as a whole) to block a Presidential rescission by passing a motion of disapproval without sending the bill to the President for signature or veto would violate the Chada test. This substitute meets the Chada tests of bicameralism and presentment by requiring that both chambers of Congress pass a motion enacting the rescission and send it to the President for signature or veto, before the funds are rescinded. The substitute does not provide for legislative review of a preceding executive action, but expedited consideration of an executive proposal. Thus, it represents a so-called ''report and wait'' provision that the court approved in *Sibbach* v. *Wilson and Co.,* 312 U.S. 1 (1941) and reaffirmed in Chada.

If a majority of Congress has voted for items as part of an appropriations or tax bill, wouldn't the same majority vote to preserve the items when they were rescinded?

Just as President's often sign appropriations bills (or other bills for that matter) that include individual items that he does not support, Congress often passes appropriations bills without passing judgment on individual items. Expedited rescission legislation would force the President and Congress to examine spending items on their individual merit and not as part of an overall package. Many items included in an omnibus appropriations bill would not be able to receive majority support in Congress if they were forced to stand on their own individual merits. Members who voted for an appropriations or tax bill may be willing to vote to eliminate individual items that had been in the omnibus bill.

Isn't requiring an additional vote on items that have already been approved by Congress a waste of time?

As was stated above, the fact that an item was included in an omnibus appropriations or tax bill does not necessarily imply that a majority of Congress supported that individual item. For example, when Congress passed the Agricultural Appropriations Bill in 1990, the majority of the members did not endorse spending on Lawrence Welk's home. Requiring a second vote on individual items included in an omnibus appropriation bill is not an unreasonable response to realities of the legislative process.

Doesn't providing the President expedited rescission authority alter the balance of power between Congress and the President?

No. The approach of expedited rescission legislation strikes a balance between protecting Congress' control of the purse and providing the accountability in the appropriations process. Unlike line-item veto legislation, this substitute would preserve the Constitutional power of Congressional majorities to control spending decisions. Expedited rescission authority increases the accountability of both sides, but does not give the President undue leverage in the appropriations process because funding for a program will continue if a majority of either House disagree with him.

Since the rescission process would apply only to the relatively small amount of spending in discretionary programs and a limited number of small tax breaks, isn't this just a political gimmick that won't have a significant impact on the deficit?

The authors of this proposal have never claimed that this proposal would balance the budget. However, it will be a useful tool in helping the President and Congress identify and eliminate as much as $10 billion in wasteful or low-priority spending each year. Furthermore, the existence of expedited rescission authority will have a cleansing effect on the Appropriations process which will prevent many wasteful programs from being included in the Appropriations bills in the first place. Many of the special interest tax provisions that would be subject to expedited rescission have a considerable cost. It will help ensure that the federal government spends its scarce resources in the most effective way possible and does not divert resources to low-priority programs. Perhaps most importantly, by increasing the accountability of the budget process, it will help restore some credibility to the federal government's handling of taxpayer money with the public. This credibility is necessary if Congress and the President are to gain public support for the tough choices of cutting benefits or raising taxes necessary to balance the budget.

Would this proposal apply to entitlement programs funded through the appropriations process such as unemployment insurance and food stamps?

No. Although other versions of expedited rescission legislation would have allowed a President to propose to rescind spending for entitlement programs funded through the regular appropriations bills (as is the case with unemployment insurance and other income support programs), this was changed to clarify that the expedited rescission process does not apply to any entitlement programs.

Doesn't the expedited rescission process violate the legislative prerogative by requiring action under a specific timetable and preventing amendments to a rescission bill?

The expedited procedure for consideration of rescission messages in this substitute is similar to fast track procedures for trade agreements or for base closure reports, which have worked relatively well. In fact, the scope of the legislation that would be subject to expedited consideration is much more confined under this procedure than in either trade agreements or base closings.

Wouldn't allowing the President to submit rescissions throughout the year give the President undue ability to dictate the legislative calendar?

The substitute preserves the flexibility of Congressional leaders to develop the legislative schedule while ensuring that the President's package is voted on in a timely fashion. It provides that the time allowed for consideration of the bill before a vote is required be counted in legislative days instead of calendar days, ensuring that the House will be in session for ten days after receiving the message before a vote is required. The House could vote on the package any point within the ten legislative days for consideration.

Could the President propose to lower the spending level of an item, or would he have to eliminate the entire item?

The President could propose to rescind the budget authority for all or part of any program in an appropriations bill. Consequently the President could, if he so chose, submit a rescission that simply lowered the budget authority for a certain program without eliminating it entirely. In comparison, most line-item veto proposals require the President to propose to eliminate an entire line item in an appropriations bill.

Would this proposal allow the President to strike legislative language from appropriations bills?

No. It specifically allows a President to rescind only budget authority provided in an appropriations act and requires that the draft bill submitted by the President have only the effect of canceling budget authority. Legislative language, including limitation riders, would not be subject to this procedure.

Could the President propose to increase budget authority for a program?

No. The substitute specifically provides that the President may propose to eliminate or reduce budget authority provided in an appropriations bill. It does not allow the President to propose an increase in budget authority.

What happens if the President submits a rescission message after Congress recesses for the year?

The House has ten legislative days to consider the rescission message. Since the time allowed for consideration of the rescission message only counts days that Congress is in session, Congress would not be required to vote on a rescission message until after it returns from recess. However, the funds would not be released for apportionment for proposed rescissions until Congress votes on and defeats a Presidential rescission bill. Congressional leaders would have to decide whether to reconvene Congress to consider the rescission message or to leave the message pending while Congress is in recess. Congress could delay adjourning sine die until the time period in which the President could submit a rescission has expired so that it can reconvene to consider a rescission message if it is submitted after Congress completes all other business. If the funds included in a rescission message are considered by Congress to be important, Congress would have to return to session to vote on the message. If a rescission message is submitted after the first session of the 103rd Congress has adjourned for the year, or if Congress adjourns before the period for consideration of a rescission message expires, the rescission message would remain pending at the beginning of the second session of the 103rd Congress. The House still would be required to vote on the rescission message by the tenth legislative day after the rescission package was submitted.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 31, 1993.

To: Hon. Charles W. Stenholm.
From: American Law Division.
Subject: Validity of the Approval Mechanism in the ''Expedited Consideration Rescissions Act of 1993''.

Under H.R. 1013, the Expedited Consideration of Proposed Rescissions Act of 1993, as modified, the Budget and Impoundment Control Act of 1974, 2 U.S.C. 681 et seq., would be amended to provide for a fast-track process for considering and voting on presidential proposals embodied in a bill or joint resolution to rescind budget authority provided in an appropriations act. If the President submits rescission proposals within three days after enactment of an appropriations measure, a legislative process is triggered whereby a House floor vote may be had within 10 legislative days after receipt of the proposal, and a Senate floor vote will be held within 10 days after transmittal of the House-passed measure. The resultant legislative action is subject to the President's veto.

You inquire whether the proposed rescission process embodies a legislative veto proscribed under the Supreme Court's ruling in *INS* v. *Chadha,* 462 U.S. 919 (1983), and subsequent cases,[1] or is otherwise violative of the constitutionally mandated lawmaking process prescribed by Article I, rec. 7. For the reasons set forth below, we do not believe it is.

The constitutional defect of the legislative veto disclosed by the Chadha Court was that Congress sought to exercise its legislative power without complying with the constitutionally mandated requirements for lawmaking: bicameral passage and presentation to the President for his signature or veto. There, and in two subsequent cases, the Court found unlawful legislative actions which sought to accomplish the reversal of exercises of executive actions taken pursuant to lawfully delegated authority without presentation to the President. But the Court carefully noted in Chadha that it was not casting doubt on so-called ''report and wait'' provisions which it had previously approved in *Sibbach* v. *Wilson & Co.,* 312 U.S. 1 (1941). Under such provisions a proposed executive action does not become effective unless a specified contingency occurs, i.e., a set period of time passes without congressional action preventing it from going into effect or Congress takes affirmative legislative action approving its effectiveness.

H.R. 1013, as modified, utilizes both methods of contingent legislation. For all rescission recommendations a presidential proposal does not become effective unless it is approved by a bill or joint resolution with 10 legislative days of continuous session after the date on which the bill or joint resolution is received by the House, and an additional 10 legislative days after it is transmitted by the House to the Senate for consideration. Rescission proposals cannot become effective unless affirmatively enacted into law. Both methods comply with Chadha since the legislative action to be taken meets the constitutional requirements of bicameralism and presentment. Moreover, under the proposed contingency scheme, the Executive has not been delegated any legislative authority at all; he has been directed to recommend and that proposal has no legal effect unless Congress gives it such effect through further legislation. Thus it is a classic reporting provision of the type approved in Sibbach. Similar report and wait mechanisms requiring affirmative legislative action have been enacted several times since Chadha. See, e.g., Reorganization Act Amendments of 1984, Pub. L. No. 98–614, sec. 3(a)(1), 98 Stat. 3192 (1984); Pub. L. 98–473, 98 Stat. 1916–1918, 1935–1937 (1984)(proscription on use of intelligence agency funds for Nicaragua); Pub. L. No. 98–441, 98 Stat. 1701 (1984)(obligating funds for MX missile).

MORTON ROSENBERG,
Specialist in American Public Law.

[1] *Process Gas Group* v. *Consumer Energy Council,* 463 U.S. 1216 (1983)(one-House veto of rules invalid); *United States Senate* v. *F.T.C.* 463 U.S. 1216 (1987)(two-House veto of rules invalid).

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 30, 1993.

To: Hon. Charles Stenholm.
From: American Law Division.
Subject: Application of Rescission Authority to ''Tax Expenditures.

This memorandum provides, at your request, quick analysis of whether the same constitutional principles that govern application of rescission authority to appropriated funds apply as well to rescission of ''tax expenditures.'' We understand as well that the requested context for analysis is H.R. 1013, a bill entitled ''Expedited Consideration of Proposed Rescissions Act of 1993.'' It is proposed that language be added to that bill adding ''tax expenditures'' as a category within which the President may trigger expedited congressional consideration of proposed rescission legislation.

Some background may be helpful. The same constitutional principles govern application of rescission authority to ''appropriations'' and to ''tax expenditures.'' These governing principles are set out in previously prepared memoranda enclosed for your review: ''Constitutionality of Granting President Enhanced Budget Rescission Authority,'' June 27, 1989; and ''Adequacy of Standards in Bill Granting President Enhanced Budget Rescission Authority,'' July 21, 1989, both by Johnny H. Killian, Senior Specialist in American Constitutional Law, CRS. The basic issue raised by actual conferral of rescission authority on the President involves delegation of legislative authority, and whether there are adequate standards set forth in the law so that it can be determined whether the executive has complied with the legislative will. In 1989 the Supreme Court held in *Skinner* v. *Mid-America Pipeline Co.,* 490 U.S. 212, 223, that the same principles govern delegation of taxing authority that govern delegation of Congress' other authority.

''[T]he delegation of discretionary authority under Congress' taxing power is subject to no constitutional scrutiny greater than that we have applied to other nondelegation challenges. Congress may wisely choose to be more circumspect in delegating authority under the Taxing Clause than under other of its enumerated powers, but this is not a heightened degree of prudence required by the Constitution.''

We note, however, that no constitutional delegation issues are posed by H.R. 1013 or the proposed amendment. Instead, the bill merely provides for expedited congressional consideration of presidential proposals that Congress enact legislation authorizing rescission of ''any budget authority provided in an appropriations Act.'' No authority to effectuate a rescission, to exercise a line-item veto, or otherwise to nullify statutory enactments would be conferred on the President by the bill. Inclusion of ''tax expenditures'' along with budget authority as a category about which the President may propose legislation that will receive expedited consideration does nothing to change this basic fact that the bill contains no delegation of rescission or taxing authority.

With or without a delegation of authority, the principal constitutional distinction between the categories of budget authority and tax expenditures is the requirement of Art. I, §7, cl. 1 that all bills for raising revenue shall originate in the House of Representatives. A bill providing for ''tax expenditures'' (currently defined in 2 U.S.C. §622(3) as ''revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction . . . or which provide a special credit, a preferential rate of tax, or a deferral of tax liability'') might also include measures for raising revenues,

and a bill providing for repeal of tax expenditures could be considered to be a bill for raising revenues.

A further point. The President has the power conferred by Art. II. §3 of the Constitution to ''recommend to [Congress'] consideration such measures as he shall judge necessary and expedient,'' and Congress of course cannot prevent the President from proposing consideration of legislation, including legislation that would rescind budget authority or repeal tax expenditures. In conferring authority to propose rescissions that will be subject to expedited consideration by the Congress, the bill also restricts the President's authority to make a second such request and does not explicitly tie that restriction to operation of the expedited procedures. The bill would add a new section 1013 to the Congressional Budget and Impoundment Control Act of 1974, and subsection (a) would provide in part that ''[f]unds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012.'' A reasonable implication of ''proposed . . . under this section or section 1012'' is that a proposal may be submitted independently of the cited authority, and that the only restriction is that the expedited procedures authorized by the new section or in connection with existing section 1012 would not be operative. Thus, while the language can and should be interpreted to avoid any constitutional issue that would be created by interference with the President's authority under the Constitution to make recommendations to Congress, a more direct statement tying the restriction to operation of the expedited procedures could eliminate any basis for question.

GEORGE COSTELLO,
Legislative Attorney,
American Law Division.

Mr. Chairman, I yield back the balance of my time.

Mr. BLUTE. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I just want to say to the distinguished gentleman who brought this point forward that we have been watching and listening very carefully. We agree, at least I agree and I think others do, too, that what he is proposing does strengthen the present expedited rescission process, which is extremely weak. It never requires a vote; doing nothing spends the money. That is too much temptation for almost anybody to overcome, and I think we are proof that that temptation is true and is not overcomeable.

I think the gentleman has some good ideas. We have gone back and taken a look at section 904 of the Budget Act and matched that up with the gentleman's title II section under the requirement to make available for obligation and his reliance on the antideficiency process. I believe there is some area to work in there. I do not think it is quite right.

I would like to state to the gentleman I hope to work with him in cleaning up the budget process. We would like to take a clear shot at this one for the tough two-thirds disapproval vote, which is primarily our main concern. We are worried about the confusion. I do think the gentleman has some good ideas which are worthy of further attention as we clean up the budget process.

Mr. BLUTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I want to commend the Committee on Rules for giving us an open rule in which we had a very, I think, thorough debate on a whole range of issues surrounding the line item veto authority. With regard to the Stenholm-Spratt amendment, I would only say that it complicates matters and that H.R. 2 freestanding is the strongest line item veto authority that we could give the President. President Clinton asked for the strongest version, his budget director asked for the strongest version, and this bill is the strongest version that we could give the President to help him reduce the deficit and discipline the budget process.

I would also say that the Congressional Research Service has issued a report on its constitutionality. But the larger issue, Mr. Chairman, is that the line item veto has been kicking around up here on Capitol Hill for a very, very long time. We have an opportunity tonight to give the President this tool and to do something tangible about our Federal budget deficit and about the expenditures in our yearly budgeting process.

I urge this House to tonight pass the line item veto authority for the President, send it over to the other body, and ultimately to give the President this important tool.

Mr. RICHARDSON. Mr. Chairman, I rise in support of this amendment. The President should have the power to rescind wasteful spending. But it is also important that once the President flags wasteful line-items and targeted tax benefits, that Congress should share the role of acting on wasteful spending and acting quickly. The balance of power between the executive and legislative branches must be preserved. One should not be given greater power to identify and rescind government spending. The framers of our Constitution did not foresee the need to give greater rescission power to one or the other, nor should we.

In practice, several appropriation bills can reach the President's desk at the same time. The President should be given the flexibility to offer a package of rescissions at anytime and Congress should then act to quickly approve or disapprove of that package. We have already rejected a substitute that would have provided greater flexibility for rescinding funds while not tipping the balance of power. I urge my colleagues not to reject this kind of common sense a second time. The approach offered by this amendment preserves the balance of power between the executive and legislative branches, and that is what the public wants. The public wants an efficient government that moves quickly to eliminate wasteful spending. The public does not want a single person or one-third of Congress to be able to protect targeted spending.

I believe it's ironic that at a time when most of the public does not want Washington controlled by a select few with narrow interests, and our colleagues from the other side of the aisle keep talking about spreading power beyond the beltway, that they keep reverting to procedures within Congress that give enormous power to a minority of our Members. Let's do something that makes sense. I urge my colleagues to support this amendment.

Mr. BLUTE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of February 3, 1995, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM] will be postponed.

The point of order of no quorum is considered withdrawn.

□ 1750

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of Friday, February 3, 1995, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

The amendment offered by the gentleman from Utah [Mr. ORTON], the amendment offered by the gentlewoman from California [Ms. WATERS], and the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. ORTON

The CHAIRMAN. The pending business is the demand of the gentleman from Utah [Mr. ORTON] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

RECORDED VOTE

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote, to be followed by several 5-minute votes.

The vote was taken by electronic device, and there were—ayes 65, noes 360, not voting 9, as follows:

[Roll No. 91]

AYES—65

Andrews	Gutierrez	Peterson (FL)
Barrett (WI)	Hoyer	Peterson (MN)
Beilenson	Inglis	Pomeroy
Bentsen	Johnson (SD)	Rivers
Berman	Kasich	Rohrabacher
Browder	Kennedy (MA)	Royce
Brownback	Kennedy (RI)	Sabo
Bryant (TX)	Lincoln	Schroeder
Coleman	Lofgren	Schumer
Condit	Lowey	Sensenbrenner
Dellums	Luther	Serrano
Doggett	Maloney	Shays
Dooley	McHale	Skaggs
Durbin	Meehan	Slaughter
Edwards	Miller (CA)	Smith (MI)
Eshoo	Minge	Spratt
Fawell	Obey	Stenholm
Fazio	Orton	Tauzin
Furse	Pallone	Taylor (MS)
Gibbons	Pelosi	

Visclosky
Wilson
Wolf
Wyden
Yates
Zimmer

NOES—360

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Evans
Everett
Ewing
Farr
Fattah
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Mineta
Mink
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stark
Stearns
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—9

Becerra
Bryant (TN)
Ford
Frost
Jefferson
McDade
Mollohan
Tucker
Watts (OK)

□ 1808

Ms. JACKSON-LEE and Messrs. FATTAH, FOGLIETTA, and LEWIS of Georgia changed their vote from ''aye'' to ''no.''

Messrs. SKAGGS, McHALE, INGLIS of South Carolina, Ms. ESHOO, Mrs. MALONEY, and Ms. PELOSI changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of Friday, February 3, 1995, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each further amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MS. WATERS

The CHAIRMAN. The pending business is the demand of the gentlewoman from California [Ms. WATERS] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 144, noes 280, not voting 10, as follows:

[Roll No. 92]

AYES—144

Abercrombie
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cramer
Danner
Deal
DeFazio
DeLauro
Dellums
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hamilton
Hastings (FL)
Hilliard
Hinchey
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lincoln
Lofgren
Luther
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Rahall
Rangel
Reed
Reynolds
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stenholm
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—280

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brownback
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Maloney
Manzullo
Martini
Matsui
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)

Molinari
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Becerra
Bryant (TN)
Chenoweth
Ford
Frost
Jacobs
Jefferson
McDade
Tucker
Watts (OK)

□ 1818

Messrs. MARTINEZ, CRAMER, MOLLOHAN, TAYLOR of Mississippi, and WYDEN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

The CHAIRMAN. The pending business is the demand of the gentleman from Texas [Mr. STENHOLM] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 266, not voting 12, as follows:

[Roll No. 93]

AYES—156

Ackerman
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clement
Clyburn
Coleman
Condit
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Eshoo
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E.B.
Johnston
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
LaFalce
Lantos
Laughlin
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Moakley
Montgomery
Moran
Nadler
Neal
Obey
Olver
Ortiz
Orton
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Richardson
Rivers
Roemer
Rose
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Vento
Visclosky
Volkmer
Ward
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—266

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

NOT VOTING—12

Becerra
Bryant (TN)
Crane
Ford
Frost
Gekas
Jefferson
McDade
Morella
Peterson (MN)
Tucker
Watts (OK)

□ 1825

Mr. RANGEL changed his vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to H.R. 2.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to H.R. 2 on constitutional grounds. The issue is the principle of separation of powers. The line-item veto power that H.R. 2 grants to the President violates this principle. The Constitution states that all legislative power resides in the Congress, article I, section 1. It provides only that a bill can be returned unsigned by the President which then to become law must have a two-thirds vote of approval, article I, section 7. Further the Constitution states that it is the Congress that has the power to collect taxes, pay debts, and to provide for the general welfare, article I, section 8. Finally and most importantly the Constitution states that ''No money shall be drawn from the Treasury but in consequence of appropriations made by law.''

No bill passed by this Congress can alter the clear meaning and intent of the Constitution. Only a constitutional amendment can change that. H.R. 2 is a simple bill. It is not a constitutional amendment. If the proponents of this idea were serious, they would propose a Constitutional amendment and not try to circumvent the constitution.

Why didn't the committee go the constitutional amendment route? I have to assume that it is because they realize that the people of this country are not prepared to give any President even more power than he already possesses, and because the idea of giving one-third of the House and the Senate the power to kill a duly enacted appropriations item was a subversion of the basic concept of majority rule.

The legislative process would be seriously skewed if the lineitem veto were interjected.

Items could be added knowing that the President could remove them. Majority will would be compromised. The President could use the veto power to punish Members who did not go along with the White House on key votes. Small States would be especially vulnerable.

During the course of this debate an expedited judicial review amendment was accepted. This acknowledges the very point that I make. That this bill is incompatible with the Constitution of the United States.

Further, this bill would grant power to the President to item veto targeted tax benefits. Another word to describe what a targeted tax benefit is a tax loophole. The bill initially allowed the President veto power only over tax loopholes which affected five or fewer people. The committee extended this veto power to tax loopholes affecting 100 or less taxpayers. We should not be protecting any special tax loophole no matter what the size of the group receiving this selective treatment under the Tax Code. No matter how we stand on this issue of the line-item veto, we ought not be protecting a group of taxpayers merely because there are more than 100 of them in the group. If it is a bad loophole, the President ought to have the power to veto it no matter whether if affects 100 or 5,000 taxpayers or more. This selective treatment of targeted tax benefits by number of taxpayers who enjoy it, is clearly inequitable and should be stricken from the bill to allow the President power to strike any and all of them.

I do not understand the rationale of those who argue that the line-item veto is needed to balance the budget. The record will show that the Congress has systematically underspent the President's budget recommendations. Further, the Congress has exceeded the President's rescissions submitted to the Congress after the appropriations bills have been signed into law. Over the past 20 years the President has proposed $72 billion in rescissions and the Congress has passed $92 billion in rescissions, $20 billion more than the President.

Finally, the most egregious power granted to the President under this bill is not only that he can veto any item in an appropriations bill, but he can reduce any discretionary budget authority. This is tantamount to Congress abdicating the power to appropriate. The Constitution clearly grants to Congress the legislative power to appropriate. Only the Congress can by majority vote decide against funding a project and only Congress can cut the funding of a project or of a department.

If the Congress, for instance, votes by a majority vote to fund the Corporation for Public Broadcasting, or Head Start, it is inconceivable that we would allow the President to not only rescind this decision or veto it, but to also reduce the funding which then can only be reversed by a two-thirds vote. What this means is that one-third of the House and the Senate will ultimately decide what gets funded and what does not.

The foundations of our democracy will be shattered. However you feel about congressional funding decisions, there is no justification for enlarging the power of the President to appropriate money as well as to rescind. The tyranny of one-third of the Congress in combination with the White House could cut funding of programs that a clear majority of the people of this country support.

If we are to submit our spending bills to this inordinate executive power, then surely it should only be by constitutional amendment.

If this measure went to the States for ratification as a constitutional amendment, it clearly would fail to receive the three-fourths vote of 38 States. Thirteen small States could see the handwriting on the wall, and not vote to ratify. I suspect this is why the line-item veto is not being proposed as a constitutional amendment. It simply would not be ratified.

I urge H.R. 2 be voted down. It is an unwarranted invasion of the most important legislative powers granted to the Congress by the Constitution.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

LINE-ITEM VETO

Mr. LAZIO. Mr. Chairman, in passing the balanced budget amendment by an overwhelming margin, the House of Representatives took an historic first step to finally controlling Federal spending. Now, for the second time in the 104th Congress we have another opportunity to pass a measure which will give us the tools needed to tackle the huge task of balancing the budget. I urge my colleagues to join me in giving the President of the United States the line-item veto that 43 of our Governors already have.

Passing the line-item veto will better enable Congress and the executive branch to do what we should have done a long time ago—cut wasteful spending. The line-item veto will force Congress and the President to be fiscally responsible and answerable to the American people.

According to the General Accounting Office [GAO] a presidential line-item veto could have cut $70.7 billion in needless spending from fiscal years 1984–89. We need to learn from what has not worked in the past and pass this bill that will help in the future.

The American people want us to cut unnecessary spending. Let us pass this measure and continue our journey to a balanced budget.

Mr. BENTSEN. Mr. Chairman, I rise today in opposition to House Resolution 2, the Line-Item veto legislation.

I want to be clear about my intentions. I support giving the President the authority to eliminate wasteful spending. For too long, Government has spent more than it receives. In addition, projects have been funded which are not merited. Both Congress and the President have participated in this exercise.

However, this legislation is not the correct mechanism to reduce Federal spending. As drafted, House Resolution 2 will disrupt the balance of power between the legislative and executive branch and concentrate too much power in the Executive. The President will dictate the spending priorities to Congress that the founding fathers clearly placed under the legislative branch.

I am committed to reducing our Federal deficit. However, I am concerned that this legislation will not actually reduce spending. Taxpayers should have full disclosure on how this legislation will work. House Resolution 2 does not require Congress to reduce spending caps, when it approves spending cuts. In effect, Congress could support spending cuts, without applying the reductions to the federal deficit.

Today, we considered an amendment offered by Congressmen STENHOLM and SPRATT that would have ensured that any generated savings from spending cuts are applied directly to the deficit. This lock-box requirement is critical to successful deficit reduction. House Resolution 2 does not contain such a mechanism.

Another important feature of the Stenholm-Spratt amendment is a provision that gives the President authority to submit rescissions for projects within a larger program. If the President disapproves of a certain project, the President could lower the budget authority for a certain program without eliminating the entire program. For instance, the President may wish to eliminate the Lawrence Welk Museum without eliminating other agriculture programs.

House Resolution 2 is further flawed in that it does not cover all Federal spending including contract authority for infrastructure, and special tax breaks for wealthy individuals and corporations.

Finally, I am concerned about the provision in House Resolution 2 that would require a two-thirds vote to overturn the President's package of rescissions. That concentration of power in the hands of a minority of the Congress is contrary to our Constitution.

Congress must learn to review Federal spending more carefully each year. We have the opportunity to vote upon each program during the appropriations process. I strongly believe that we must exercise our rights to kill inefficient, wasteful projects.

For all of the reasons outlined above, I cannot support House Resolution 2 in its present form.

Mr. BUYER. Mr. Chairman, the American people have spoken and we in return have proposed an aggressive agenda for the 104th Congress. We made a promise that this new Congress would bring to the floor of the House a true line-item veto bill. Today, Republicans will again hold true to our promise in the Contract With America and we will vote on the line-item veto, H.R. 2.

In the Fifth District of Indiana, whether it be Wabash, Kokomo, Plymouth, or Crown Point, Hoosier families continue to be concerned about wasteful Federal spending. They do not want their legacy to their children to be one of saddling future generations with increasing debt. They want Congress to pass a line-item veto.

The line-item veto will no longer allow useless projects to be funded and buried in the budget without accountability. H.R. 2 forces the President and Congress to be responsible. In essence, it makes Congress stop its habitual practice of wasteful and excessive spending. This is an opportunity we cannot let pass.

By giving President Clinton and those who follow him the same tools for which 43 Governors currently use, we will take a giant step in restoring fiscal responsibility to the Federal budget process.

We must answer the public's call for a leaner, more efficient, and less costly effective Federal Government. I support passage of the line-item veto as a necessary budget reform

tool. We must restore our Nation's fiscal responsibility.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 2, the Line-Item Veto Act of 1995. While I am aware of the excitement in the Congress to do anything perceived as promoting deficit reduction, I am also mindful of my duty as a Member of Congress to act in the best interest of the people I represent and in the best interest of the U.S. Constitution I have sworn to uphold. We cannot and should not, in an attempt to decrease the deficit or put an end to pork-barrel programs, shirk our responsibility to act in the best interest of the American people by disrespecting the founding document of this Nation—the U.S. Constitution. This shortsighted and rushed legislation will not only fail to put a dent in the deficit, but will endanger the delicate balance of power so skillfully and wisely laid down in the U.S. Constitution.

The bill before us today, the Line-Item Veto Act of 1995, will not only attempt to curtail unwanted spending, but will also make it more difficult to pass into law good legislation to which the President alone may object. Such an abdication of congressional responsibility will certainly undermine many of our most important efforts to improve the quality of life for all Americans.

Mr. Chairman, the stated purpose of the Line-Item Veto Act is to provide a statutory item veto for both appropriations and targeted tax benefits. The bill will permit the President to rummage through legislation so that he can eliminate whatever he wants to of all or part of any appropriation item or any targeted tax benefit. Under this bill, Presidential line-item vetoes would take effect unless both Houses obtain a two-thirds vote to override the veto.

This legislation to limit Congress' ability to fulfill the will of the American people warps the constitution to such an extent that the constitutionality of the Line-Item Veto Act is obviously in question. While I agree that Congress should continue to make significant strides to reduce the budget deficit, this proposed measure goes well beyond the legitimate objective of balancing the budget. In fact, this bill is specifically designed to inhibit the will of the people by transferring congressional power to the President that has been granted exclusively to Congress by the U.S. Constitution.

Mr. Chairman, transferring the power of the purse to the President is clearly contrary to the explicit language in the Constitution. The Constitution clearly places with the Congress the power to legislate appropriations bills. The Line-Item Veto Act will transfer a significant portion of this constitutional power to the President. The great constitutional significance of the separation of powers cannot be questioned. In his famous *Myers* v. *United States,* 272 U.S. 52 (1926) dissent, Justice Louis D. Brandeis said:

> The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the excercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy. (P. 293).

It is also apparent that the Line-Item Veto Act is also redundant. Under current law, the Constitution gives the President two opportunities to provide input into the Federal budget process. The President's budget is his first opportunity to express his views regarding funding for particular programs. Congress may then either accept or reject the President's recommendations.

The President may also veto any appropriations bill if he does not agree with the funding provisions contained in it. On several occasions we have seen Presidents exercise this option in order to prevent Federal funds from being used for various programs. Congress did not override these vetoes and the President's will prevailed. Therefore, granting the President an additional means through the line-item veto to attack legislation is completely unnecessary and duplicative. The President already has all of the veto power that is constitutionally permissible.

Mr. Chairman, I must also stress that reports of the deficit reducing impact of the line-item veto have been greatly exaggerated. Of the 43 States which have already enacted a line-item veto, there has been, overall, negligible progress toward State deficit reduction as a result of this law. A study conducted by the University of Wisconsin examining the deficit reducing power of the line-item veto revealed that vetoes produce budget cuts that ranged from .006 to 2.5 percent. Several other studies also reveal that, contrary to the representations made in the slick sales packaging of this bill, line-item vetoes are primarily used as a tool of policymaking and partisan advantage rather than fiscal restraint.

Such a compromise of authority could result in the undermining of important legislation and Government programs that a majority of Congress has deemed necessary for this Nation. Considering the majority party's historic hostility toward antipoverty programs, it is not a surprise that they support legislation that would grant the President greater power to use the line-item veto to act as a tool of policymaking and political advantage. I fear that the election of a President hostile to antipoverty and equal opportunity legislation would initiate an unwarranted and unprecedented line-item veto attack on aid to families with dependent children, public housing, food stamps, equal opportunity efforts, and other programs for the disadvantaged.

Mr. Chairman, this legislation is unsurpassed in its compromise of the balance of powers in our Nation. With very little opportunity for open hearing, and with limited debate, this measure has been placed before us. A measure of this kind requires detailed analysis of the impact it may have on the American people, and the greatest pillar of the American Republic: The separation of powers—but no such review has, or will, take place. In the current rush to force this bill through the House, the will of the American people and the Constitution I have sworn to uphold will certainly be compromised. I urge my colleagues to join with me and vote against this bill.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of H.R. 2, the Line-Item Veto Act, which I have cosponsored in this 104th Congress and in the six previous Congresses.

With the passage of this legislation, we fulfill our commitment made in the Fiscal Responsibility Act, the first legislative item in our Contract With America. We completed the first half of this act last month with the passage of the balanced budget amendment. Tonight we send the Senate legislation giving current and future Presidents the line-item veto authority already available to 43 Governors.

The American people have made clear their desire to eliminate wasteful Federal spending and this powerful tool gives the President a way to eliminate programs he deems wasteful without having to veto an entire appropriations bill or other major legislation that may also contain many important and timely programs.

Under current law, wasteful or questionable projects or programs often find their way into law because the President cannot afford to veto the important overall legislation in which they are included. Today's line-item veto legislation will change that procedure by allowing the President to single out specific projects and force Congress to vote on each of them individually. This makes both Congress and the President more accountable to the American taxpayers for every dollar in the Federal budget, and injects greater honesty and openness into the budgetary process, another important goal of the Contract With America.

More than any other provision of our Contract With America, our support for this bill indicates Republicans' deep commitment to cut the budget deficit, balance the Federal budget, and restore fiscal sanity to the Federal Government.

In the past, Democrat-controlled Congresses not only refused to give this authority to Republican Presidents, they also failed to give it to Presidents of their own party. The Republican Contract With America puts the welfare of the country above partisan differences, and will not only give future Presidents of any party a greater ability to keep the size and scope of the Federal Government under control, but this legislation, when enacted, will give President Clinton a line-item veto authority the day he signs it into law.

By granting Presidents greater power to control spending, Congress also places upon them a responsibility to use this tool to cut waste as demanded by the American taxpayers. The line-item veto creates a bias in the Federal Government in favor of saving tax dollars, not spending them. I urge my colleagues to join me in voting for this important governmental reform to take another step toward getting our Nation's fiscal house in order.

Mr. HALL of Texas. Mr. Chairman, I rise today in support of legislation that will save taxpayers billions of dollars by eliminating wasteful and unnecessary spending, namely, H.R. 2, the Line Item Veto Act of 1995. For too many years Congress has been spending the taxpayers' money as if there were no tomorrow. Mr. Chairman, yesterday's tomorrow has become today's reality. We can no longer pretend that the problem will go away.

The House measured up to the first challenge last week when we passed a balanced budget amendment to the Constitution. That was the first step toward restoring fiscal accountability and responsibility in the Federal budget. The next step is before us, Mr. Chairman, in the form of the Line-Item Veto Act, which would give the President the authority to strike all or part of any appropriation item or any special tax benefit. Congress would still have the option of disapproving this action and then overturning a Presidential veto, if necessary.

There has been much publicity in recent years about waste in government, and there has been a lot of finger-pointing. Actually, most Americans probably have benefited in

some way, at some time, from some special authorization, whether in the form of a tax benefit, a special service, or simply a new bridge in their district. The time has come, though, to review our budget item by item and make the difficult choices that every family in America must make when they attempt to balance their budgets and live within their means each year.

We are talking about tough choices for tough times, Mr. Chairman. The line-item veto will give the President a check and balance on the budget process and ultimately will encourage Congress to submit fiscally responsible budgets. It also will help restore the American people's confidence and trust in government and help ensure that they are getting the most value for their tax dollars.

Mr. Chairman, I urge my colleagues to overwhelmingly approve this legislation and send a message to the Nation that ''the buck stops here.''

Mr. ENSIGN. Mr. Chairman, by the close of business today, the House will have taken another great strike toward its commitment to greater fiscal responsibility.

The House's approval of H.R. 2, the Line-Item Veto Act, will ensure that the budget President Clinton sends to Capitol Hill today, and the budgets of future Presidents, are no longer considered dead on arrival. Congress will have to start paying attention to what's in those budgets.

The Line-Item Veto Act, along with the balanced budget amendment, are the only measures strong enough to hold Congress accountable for its spending. The line-item veto is crucial in our efforts to eliminate wasteful pork in the budget because the President can require the Congress to justify, with the veto, its spending priorities. Current rescission powers granted to the President have failed miserably because the law simply allows Congress to sit on its hands and do nothing. Forty years of hand sitting has given us an annual deficit of $200 billion.

Mr. Chairman, 43 of our Nation's Governors have the power to pare down wasteful pork-barrel spending. Beginning today, we take yet another step and recognize that Washington should live under the same discipline that our State governments have exercised for some time.

Support for the line-item veto is bipartisan; 77 percent of Americans favor it. In the spirit of bipartisanship, the Republican Congress will give line-item veto authority to our Democratic President. Passage of the Line-Item Veto Act will give future Presidents—Republicans and Democrats—the necessary authority to scrutinize every dollar of discretionary spending.

Mr. Chairman, I urge my colleagues to join me in support of the Line-Item Veto Act, and I yield back the balance of my time.

Mr. SKAGGS. Mr. Chairman, the Framers of the Constitution set up a system of three branches of Government because they knew that concentration of power is dangerous. No matter how much faith we might have in any individual, or branch of Government, we should remember the warning of Lord Acton about the corrupting effects of power. That warning is especially on point today as we consider the line-item veto.

Once again, we are engaged in tampering with the Constitution simply to comply with an obsession to meet a mindless 100-day goal for enacting, without careful consideration of the consequences, the Contract With America.

We should have passed the Wise-Stenholm-Spratt amendment last week. It provided for expedited rescissions, and represented a constitutionally acceptable approach to this issue, requiring each member of Congress to be accountable with a specific vote on any items a President might find objectionable enough to rescind. Without it, H.R. 2 is clearly unconstitutional.

Last month we passed a change to the House Rules to require a three-fifths majority vote to raise tax rates. I argued then that the Constitution permits no such way to change the basic rules of the Republic. And we can no more change the basic constitutional requirement of majority rule by statute than by House rules. So, to the sponsors of this legislation, I say: If you want to make this kind of change in how our laws are passed, you must do so through an amendment to the Constitution.

Article I, section 7, clause 2 states that:

> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approve it, he shall sign it, but if not, he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their journal and proceed to reconsider it.

The Framers then went on to spell out the two-thirds majority requirement for overriding the veto.

The language in the Constitution clearly gives Congress the responsibility for crafting legislation, while the President is limited to simple approval or disapproval of bills presented to him. Article I, section 7 refers to the President returning a bill, not pieces of a bill. Yes, the Constitution allows the President to state his objections to a bill upon returning it, but the objections merely serve as guidelines for Congress should it choose to redraft the legislation.

Thus, there's a clear constitutional delineation of responsibilities, and we are obliged by our oath of office to adhere to it. The Constitution does not allow the President to approve only those parts of a bill with which he agrees. We have no legitimate power to pass a statute to the contrary. The Constitution does not allow the President to amend a bill by striking a spending level approved by Congress and substituting another of his own choice. We have no legitimate power to pass a statute to the contrary.

As the Supreme Court noted in its decision in I.N.S. versus Chadha, ''Explicit and unambiguous provisions of the Constitution prescribed and define the respective functions of the Congress and of the Executive in the legislative process.'' The Court continues, ''These provisions of Article 1 are integral parts of the constitutional design for the separation of powers.'' The line-item veto proposal in H.R. 2 would impermissibly alter that ''constitutional design for the separation of powers'' between the executive and legislative branches by allowing the president singlehandedly to amend legislation which Congress has already approved.

The Framers were deliberated and precise in dividing legislative powers. In the Federalist papers, Hamilton and Madison both expressed the view that the legislature would be the most powerful branch of Government. Thus, they also recognized the need for some checks on its powers. So, the Constitution provides for a bicameral legislature, with each body elected under different terms and districts. And it affords the President a veto power. Other constraints are also imposed, such as requirements for origination of certain legislation in the House.

The President's veto power, as a check on Congress, was recognized to be a blunt instrument. As Hamilton explains in Federalist 73, the Framers acknowledged that with the veto power ''the power of preventing bad laws includes that of preventing good ones.'' It was their sense, however, that ''the negative would be employed with great caution.''

The line-item veto proposed in H.R. 2, by providing the President with the authority to veto subsidiary parts of legislation, turns the framework defined in article I, section 7 on its head. What the President might decide to eliminate is simply eliminated, unless the Congress goes through an entire repetition of the article I legislative process, including a two-thirds vote of both Houses. This would allow the President and a majority in only one House of Congress to frustrate the will of the majority—an outcome that flies in the face of the constitutional principle of majority rule.

Mr. Chairman, this proposal goes too far in fuzzing the separation of powers set forth in the Constitution. I urge my colleagues to reject it before it is rejected by the courts.

The problem here isn't just that this measure is unconstitutional. It's also unwise. Common sense tells us that enactment of the line-item veto would make the operation of the Federal Government less responsive to the will of the people.

Consider just one recent example of the sort of havoc a single individual might wreak if that individual—the President—is given this additional authority. Some of us here remember that during the 1980's, President Reagan sent up budgets proposing to end most Federal aid to education. He wanted to zero out direct student loans. He wanted to eliminate aid to public libraries. He wanted to end aid for disadvantaged students at the elementary and secondary level, and Federal/State vocational rehabilitation programs, and college work study programs, and funding for the Individuals With Disabilities Education Act. To be fair, he did propose replacing some of these programs with block grants to the States for ''educational purposes.'' But if he had the line-item veto, it's fair to assume he would have used it on many or most of these items.

If President Reagan had been able to exercise a line-item veto like the one in H.R. 2 to kill these education programs, he almost certainly would have succeeded, even though those programs were supported by a vast majority of Americans and of their representatives in Congress.

How could he have prevailed with only minority support? Because under the bill before us, even if every single Member of the House, and a large majority of the Senate, voted to pass a joint resolution disapproving his line-item veto, the President could, and presumably would, veto that joint resolution. And if just 34 Senators out of the entire 535 Members of Congress voted to uphold that veto, the veto would stand. And, by the way, it's possible to have a group of 34 Senators who

represent barely 7 percent of the American people.

Mr. Chairman, that would represent an enormous shift in the constitutional balance of power. And that should trouble us much more than any of the problems inherent in our current appropriations process, in which Presidents have frequently succeeded with the veto of an entire bill in order to force the excision of an offensive item or two.

The Framers gave Members of Congress the power of the purse for a reason. Congressional decision reflect a consensus of the many elected representatives, not the solitary decision of a single individual. Members of Congress are closer to the people they represent, and know better their needs and views. And Members of the House, where all spending bills originate, are accountable to the electorate every 2 years, making them more immediately accountable to the people than the President. The tremendous power of setting the budget is diffused among hundreds of people working together, and responsible to each other. We should not now cede it to a single individual.

None of this should be taken to mean that we shouldn't find a way to make it easier to eliminate wasteful programs. For example, I supported the enhanced rescission bill that was passed by the House in the last Congress. That bill would have forced Congress to act on every proposed Presidential rescission, but Congress would have had to act affirmatively for the rescission to take effect. Unfortunately, the Senate failed to take action on that legislation. The text of that enhanced rescission bill was before us again as the Wise-Spratt-Stenholm substitute to H.R. 2, but unfortunately it failed to pass. Without the mitigating effect of that substitute, H.R. 2 remains an unmitigated affront to the Constitution. I urge my colleagues to defeat it.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of H.R. 2, the Line-Item Veto Act. I firmly believe that we cannot have meaningful budget reform without the Presidential line-item veto. Regardless who is President, we need this added check and balance on spending if we have any hope of getting Federal spending under control.

Most people don't fully understand the importance of the line-item veto. If it does nothing else, the line-item veto will place the public spotlight on Federal spending that deserves closer scrutiny.

Under current Federal law, Congress sends the President legislation containing hundreds of spending items and the President, whoever he or she may be, has only two options—sign the bill or veto it.

With this act, we are proposing that the President would have a third option—to choose those individual spending items that are questionable, and just veto those items, while signing the bill as a whole.

Congress would be given the power to override the President's veto with a two-thirds vote.

The line-item veto will force Congress and the President to work more closely on spending decisions, as the Governors and legislators in 43 of the 50 States do now.

As the chairman of the New Jersey Assembly Appropriations Committee in Trenton, I worked with Jim Florio, a Democrat, and Christine Whitman, a Republican, under the line-item veto law, and I can tell you that I defend the line-item veto for all chief executives, regardless of party as necessary and desirable.

I don't worry about the transfer of power from the legislative to the executive branch, because I know that it may end gridlock by forcing everyone to sit down at the same table and work out our differences. We have seen the alternative in Washington year after year, and it is not the best way to run the Government.

Mr. CARDIN. Mr. Chairman, I rise in support of a strong line-item veto proposal.

The debate over the line-item veto is mostly about shining the bright light of public attention on bad small ideas. Battles in Congress tend to be fought over big ideas. When Congress and the President clash over major policy issues, the constitutional authority of the President to veto legislation serves as a meaningful tool.

President Bush used the veto effectively in headline issues like most-favored-nation status for China, the gag rule on abortion counseling, family and medical leave, and campaign finance reform legislation. Individual Members might agree or disagree with those vetoes, but we can agree that the veto power served the President well and functioned as the Founding Fathers envisioned.

The reason we are here today is that the veto power provided the President is virtually useless to combat small bad ideas. Any of the individual 13 regular appropriations bills sent to the President each year is likely to include major spending decisions that are supported by broad majorities of the American people. Funding for the interstate highway program, for instance, enjoys broad support.

But the bills are also likely to include special pet projects, sought by individual Members, that might not have the same national base of support. Under the current structure, the President has a choice. He can stop the smaller projects, at the risk of delaying the national priorities and shutting down entire agencies of Government. Or he can hold his nose and sign the bill, accepting the crumbs in order to keep the main program on track.

Those of us who support the line-item veto say the President should have a third choice. He should be able to weed the garden. He should have the option of identifying spending or tax items which he considers wasteful and unjustified and forcing Congress to act specifically on those items.

The value of line-item veto is in its potential to help restore confidence in Government. The public perception of Members of Congress hiding away goodies in spending and tax bills underscores the public's suspicion and distrust of this institution and their Government. Let's shine a spotlight on wasteful spending and tax loopholes, and help restore the confidence of the American people that we're managing their money wisely.

Mr. BUNNING. Mr. Chairman, I rise in strong, enthusiastic support for H.R. 2, the long overdue line-item veto bill that we are considering today.

Persistence does pay off.

When I came to Washington, a little over 8 years ago, the first two pieces of legislation I cosponsored were the balanced budget amendment—which we finally passed the week before last—and the line-item veto—which we are going to pass today.

And it's about time.

The balanced budget amendment will give Congress the budgetary backbone it has always lacked.

And the line-item veto that we pass today will give the President the scalpel he has always needed to trim out unnecessary spending from major appropriations bills.

It's time for the Christmas tree to come down. The line-item veto will do that.

It's time to take the pork out of the barrel. The line-item veto will do that.

It's time to establish a rational way for the President of the United States to strip wasteful, special interest or local interest projects out of omnibus spending bills. The line-item veto will do that.

It is not cure-all. Nobody claims that it is. By itself, it won't balance the budget.

But this bill will give the President a very valuable tool that will help him cut Federal spending, weed out Federal waste and root out Federal boondoggles.

That might not balance the budget—but it will reduce spending and it will help restore the confidence of the American people that the system works.

Considering the size of our Nation's national debt, there is simply no way that we can refuse to take advantage of such a promising tool.

It would be foolhardy to turn back now that we are so close.

There is no magic or voodoo or smoke and mirrors here. We know the line-item veto works. We have seen it work at the State level. 43 Governors have—and use—the line-item veto authority. It works.

This is not a partisan issue. Presidents of both parties get the same authority.

It is a good government issue. And I urge my colleagues—of both parties—to join me in supporting this measure and give the President of the United States the line-item veto authority.

In November, the American people made it very clear that they want a leaner, cleaner, smaller Federal Government. The line-item veto will be a great help in achieving that goal.

Mr. CRANE. Mr. Chairman, I rise in strong support of H.R. 2, the Line-Item Veto Act.

As a supporter of the line-item veto since the 98th Congress, I believe that floor consideration of such legislation is long overdue. While Congress has failed to address its wasteful spending habits, our annual deficits have routinely exceeded $200 billion. Inaction is no longer an option.

When our Founding Fathers wrote article I, section 7 of the Constitution, they provided for the means by which a bill becomes law. According to section 7, legislation passed by both Houses of Congress shall be presented to the President for approval. If the President does not approve of the bill, he may return it to Congress, with his objections.

I provide this history lesson because some of my colleagues who oppose H.R. 2 apparently believe that Congress would somehow abdicate its constitutional obligations to the Executive by enacting a line-item veto. Clearly, the Executive plays a vital role in the process by which bills become law. I assure my colleagues that the line-item veto is completely appropriate, and, in fact, would argue that it has always been a legitimate prerogative of the Executive.

The line-item veto, while not a panacea to our runaway national debt, will provide an important check on wasteful pork-barrel spending. When combined with the balanced budget requirement just passed by the House, we will finally be able to tilt the effort of the Federal Government away from the profligate spending habits that have left us with a $5 trillion debt.

The benefits of a line-item veto have been demonstrated by 43 of the Nation's Governors who have this prerogative. One study has estimated that if the executive branch had exercised such fiscal restraint, the budget deficit for 1995 would be almost $23 billion smaller.

I urge my colleagues to vote for H.R. 2.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KLUG) having assumed the chair, Mr. BOEHNER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2) to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts, pursuant to House Resolution 55, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the gentlewoman from Illinois [Mrs. COLLINS] be permitted to speak out of order for 5 minutes and then I be permitted to follow her remarks for 5 minutes out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 1830

Mrs. COLLINS of Illinois. Mr. Speaker, we have heard a lot during this debate about the need to reduce the Federal deficit and to control Federal spending. However, we have not heard very much about what H.R. 2 the Line-Item Veto Act, will actually do.

This bill does one thing: It makes it possible for a President acting on his own to change a law after it has been signed. Is there any one of us who would claim that changing a law is not a legislative function? Is there any circumstance from the past in which changing a law has been regarded as an executive function rather than a legislative function? I think not.

The Constitution, which each of us has sworn to uphold, is very clear on who has legislative responsibility. Section 1 of Article I of the Constitution states unequivocally that all legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and a House of Representatives.

Now, let me repeat this for my colleagues. All legislative powers shall be vested in a Congress of the United States.

This is critical. The Constitution did not say only some legislative powers shall be exercised by the Congress. It does not say the Congress has to share its legislative responsibilities with any other branch. Perhaps most importantly from the standpoint of this debate, the Constitution does not give the Congress the power to delegate its legislative powers to the President or to anyone else.

Under the Constitution, you, my colleagues and I, are solely and exclusively empowered to make the laws of our land. If we do not vote as an assembled body to enact a bill, that bill under the Constitution cannot become law. The Framers gave Congress the exclusive power to legislate as a check on the power of the President. Once Congress passes legislation, the Constitution surely does give the President the power to veto, which he can use if he disagrees with the matter Congress presents him.

The Framers understood that provisions needed to be made for those instances in which the Congress, like the President, may abuse its power or legislate unwisely. The line-item veto authority in H.R. 2 is very-different than the veto authority the Framers of the Constitution had in mind. Rather than enabling the President to check abuses by the Congress, H.R. 2 allows the President to be virtually certain that he can abuse and infringe on the legislative powers of this body, of the Congress.

Under this legislation, the President is guaranteed that he can make his rescission effective as long as he has the support of a mere one-third plus one of the Members of this House or of the Senate. This makes it highly unlikely that the Congress will ever disapprove a Presidential rescission.

The authority of H.R. 2 is so extraordinary that even some proponents of the line-item veto did not support the bill. For example, Senator DOMENICI supports taking the approach that our colleagues, the gentleman from Texas [Mr. STENHOLM] and the gentleman from South Carolina [Mr. SPRATT], advocated in the expedited rescission authority they proposed to add to H.R. 2. In addition, many of my colleagues appear to not fully understand the authority H.R. 2 would give the President that is very different than the authority most Governors have. They have repeatedly said that 43 Governors have this and therefore the President ought to have it too.

Well, the fact is that only 10 of the 43 governors have anything like the authority that the power of H.R. 2 gives to the President. It does not simply let the President veto a particular line of spending authority in the appropriation bill as many governors certainly do have. Instead, as the director of Congressional Budget Office says, H.R. 2 gives the President ''greater potential power than a constitutionally approved item veto.''

We have heard time and again during this debate that President Clinton has asked Congress to give him the strongest possible line-item veto authority. Of course he wants that. Every President wants that. My colleagues should know, however, that President Clinton's own Justice Department thinks H.R. 2 gives the President, any President, Democrat or Republican, too much power. His own Justice Department says that.

Testifying before the Senate Committee on the Judiciary, Assistant Attorney General Dellenger challenged the constitutionality of H.R. 2. He said it is constitutionally problematic and would appear to ''violate the plain textual provision of Article I, Section 7 of the Constitution, governing the manner in which Federal laws are to be made and altered.''

He very clearly states further that the Congress, not the President, has the responsibility for making and changing Federal laws. That power, Mr. Speaker, is ours. If we give it away in this legislation, we will never, ever get it back again.

While it is questionable what effect this legislation might have on Federal spending, there is absolutely no doubt that this legislation will give the President power to threaten elimination or cuts in spending for projects and programs Members of Congress may find critical. That kind of leverage ensures that future Presidents will be able to stop any effort to change or alter his line-item veto authority, once Congress gives it to him.

I, therefore, urge my colleagues to think carefully about the vote they will cast on this legislation. At issue is not just needed cuts in Federal spending. Instead, our whole structure of government is at stake. If H.R. 2 becomes law, the President—any President, Democrat or Republican—would, for the first time, have legislative power that the Constitution gives exclusively to the Congress.

I urge my colleagues to vote against H.R. 2.

The SPEAKER pro tempore. (Mr. KLUG). The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes.

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

Mr. Speaker, after years of talking about giving the President the line-item veto, we are on the threshold, the verge, of giving him that power, a power which 43 governors have had and have not abused, a power which has been sorely needed to bring some order to our fiscal house.

I want to thank everybody who participated in this debate. I think it was a very, very open debate. We did this bill again under an open rule. Everybody who had an amendment to offer

had an opportunity to offer it and to fully discuss it. I think it was in the best traditions of this House to have an open, complete debate on all of the issues involved.

I want to particularly thank the staff who was instrumental in helping us throughout, particularly Monty Tripp on my staff, who did a superb job, and all who participated in this historic debate.

Mr. SPEAKER, I yield the balance of my time to the Speaker of the House, the gentleman from Georgia [Mr. GINGRICH].

The SPEAKER pro tempore. The gentleman from Georgia [Mr. GINGRICH] is recognized for 4 minutes.

Mr. GINGRICH. Mr. Speaker, I thank the Chair, and I thank my friend from Pennsylvania for recognizing me, and I thank the House for the orderly speed with which we have managed this bill, only 3 days, as opposed to unfunded mandates. I think we are moving and learning how to do some of this.

I think of this evening as a very historic evening. We have a bipartisan majority that is going to vote for the line item veto. For those who think that this city has to always break down into partisanship, you have a Republican majority giving to a Democratic President this year without any gimmicks an increased power over spending, which we think is an important step for America, and therefore it is an important step on a bipartisan basis to do it for the President of the United State without regard to party or ideology. I think compared to what people all too often expect of this city, this is the kind of positive effort to work together that is good for America.

The line-item veto is an idea which has been around a long time. Ronald Reagan campaigned on it, but, frankly, Jimmy Carter used it when he was governor of Georgia, and Bill Clinton used it when he was the governor of Arkansas. Again and again on a bipartisan basis, president after President has said it is something that would be good for America, because it would allow the President to cut out some of the worst of the spending, to set some fiscal discipline, and to indicate where the President stood. Yet it is being done in such a way that when it is totally inappropriate, the Congress can override it and the Congress can insist on spending if there is a distinct disagreement.

Governor after governor, I think 43 governors have this power. Again and again they say it does help, it cuts the cost of government, it does cut spending.

□ 1840

It is particularly, I think, symbolic to be passing it today. There are two birthdays today, as many of my colleagues know.

This is President Ronald Reagan's 84th birthday. I think the hearts of every Member of this body go out, without regard to party or to ideology, to what President Reagan and Nancy Reagan are going through. I think all of us have them in our prayers. I think he will appreciate the symbolism of the scheduling. I particularly commend the majority leader, the gentleman from Texas [Mr. ARMEY], for his thoughtfulness in arranging for this debate and insisting that we do it on this date.

Secondly, this is the 100th anniversary of the birthday of Babe Ruth. In a sense this is a very symbolic home run for this Congress to hit out of the park for the people of the United States.

On behalf of the former President, on behalf of the many millions of Americans who want this to pass, I urge all of my colleagues to vote yes and help us pass the line-item veto.

The SPEAKER pro tempore (Mr. KLUG). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. COLLINS of Illinois. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. COLLINS of Illinois moves to recommit the bill H.R. 2 to the Committee on Government Reform and Oversight with instructions to report the same back to the House forthwith the following amendment:

Paragraph (3) of section 4 is amended to read as follows:

(3) The term ''targeted tax benefit'' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers whether or not such provision is limited by its terms to a particular taxpayer or class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, under my motion, the line-item veto authority, originally proposed in the Contract With America would be adopted. Unlike H.R. 2, the line-item veto authority in my motion would apply to all tax benefits designed to reduce tax obligations of persons or classes of persons in order to promote certain types of activity. Thus, all tax loopholes intended to benefit particular industries would be subject to line-item veto under my motion.

A very disturbing trend has developed in this debate. The new Republican majority seems to have two contracts with America; one under which they protect the tax loopholes of the wealthy; and the other under which they sacrifice programs for working people on the altar of deficit reduction.

I think that is wrong, and I think the American people see through it.

The majority would like us to believe that it is the middle income tax cut they want to protect; but in reality they are protecting many special interests that feed daily at the Federal trough of privileged and preferred treatment. Let me cite on example:

Our Tax Code gives a special tax benefit or credit to drug companies doing business in Puerto Rico. Twenty-four big drug companies with receipts exceeding $250 million got a total of $2.6 billion in tax credits from this provision in 1992. Because a total of 338 companies get benefits from this provision, the President could not veto it.

The authors of H.R. 2 chose to change the definition that was contained in the Contract With America. They limited it to a tax benefit that helped 5 or fewer people. We increased that number to 100.

However, the definition that was in the Contract With America is a much better definition of a special interest tax break. It is broader. It focuses on real special interests, and the tax breaks worth millions of dollars.

It does not apply to tax benefits based upon income, such as an earned income tax credit. Nor does it apply to tax benefits generally available, such as deductions for dependents.

When this amendment was offered in 1993 by the then minority leader, Bob Michel, it passed with unanimous support from the Republican members, and it passed with support from Democratic members.

There is no reason for the supporters of this bill to rewrite the contract in order to save special interest tax breaks. I commend Congresswoman SLAUGHTER and Congressman BARRETT for raising this amendment earlier in debate.

Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, what we see in this highly politicized Chamber for the last month is Republicans trying to portray Democrats as big spenders. And Democrats trying to portray Republicans as guardians of the wealthy and the privileged. What do the American people want?

The American people want the President of the United States to get rid of both pork barrel spending and tax loopholes for special interests.

This language, which is identical to the language of the Contract With America, does just that. It keeps a promise with the American people that those Members in this Chamber care about deficit spending and want to cut deficit spending. Anybody in this

Chamber who is serious about that wants to get rid of both pork barrel spending and tax loopholes for the rich. This is the only way to do that.

The new Speaker talked about honoring President Reagan and Babe Ruth. I think we should hit a home run in honor of Babe Ruth today and do this bill right and give the President the authority to get rid of both.

Mrs. COLLINS of Illinois. Mr. Speaker, I would hope that now that Members have heard the balance of this debate that they would conclude that this amendment just makes good sense, and I would say that I would urge them not to protect the special interests and vote for the motion to recommit.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes.

Mr. CLINGER. Mr. Speaker, I would urge a ''no'' vote on the motion to recommit. This is an amendment that was debated fully and at great length in the House this week and earlier in this debate and was defeated by a vote of 196 noes to 231 ayes.

Basically the argument for this is, of course, that it is going to enable the President to have a broader approach to getting rid of unnecessary spending.

It goes so far beyond what the purpose of the language in H.R. 2 is designed to do, which was to get at those egregious, outlandish, outrageous special tax privileges for fat cats and others on a limited basis. It was not intended by this language to give the President the power to really shape tax policy unilaterally by changing provisions in the tax laws which he would otherwise be precluded from doing. So it goes enormously beyond where the President should be permitted to go in terms of shaping tax policy.

What H.R. 2 does is focus it very directly on those outrageous examples where we have snuck things into tax bills or into appropriations bills and should be eliminated. So I would urge a ''no'' vote.

Mr. Speaker, I yield to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I would simply like to thank the gentleman from New York [Mr. SOLOMON] and members of the Committee on Rules and staff who have worked so hard to work closely with the gentleman from Pennsylvania [Mr. CLINGER] and his committee to bring an open rule and to conform two bills and bring them together and solve some of the complexities of the problem of this discussion.

I think it is very important we do that, particularly as we speak to that issue, just briefly, at this section, because there has been a lot of confusion about what we are doing.

I think we have improved Mr. Michel's words very clearly by saying what he meant in the RECORD in this bill. It is clear what the RECORD has said, and I think we have made it clear for everybody. We have read those words in the RECORD, and our bill reflects that.

We have debated it, and we voted on it—one amendment.

□ 1850

However, Mr. Speaker, I have to say there has been confusion. I note the gentlewoman from New York, as well as the gentlewoman from Illinois, have both voted against the Michel language when it first come out, the language they are offering today. Then I notice that they voted for the Wise substitute last Friday, which in fact had the version that we are trying to agree on now in H.R. 2.

Then I went back and read the committee report, and I discovered that this in fact was a positive aye vote by voice in the committee, which I believe was supported by the Democratic members of the committee when that vote was taken.

We have gone around all the circles and corners. We have all taken our sides and positions. What we have finally done is take Mr. Michel's intent, get it into language we can all understand, and put it into the bill. Now I think we should go forward and pass it.

I thank the gentleman for yielding.

Mr. Speaker, I would urge a ''no'' vote on the motion to recommit.

Mr. HOYER. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. CLINGER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, before we vote, I understand what the gentleman from Florida, [Mr. GOSS] said, but the gentlewoman from Illinois [Mrs. COLLINS], the ranking member of the committee, has said that the language proposed now is exactly what was in the Contract.

Mr. Speaker, I would ask the gentleman, is that correct?

Mr. CLINGER. Reclaiming my time, Mr. Speaker, it is correct, and I would tell the gentleman that I would be the first to say that that language was inartfully drafted to accomplish what we hope to be able to accomplish with this language, which is a much more targeted approach. Therefore, Mr. Speaker, we would concede the point that this language was broader than was intended to reach the goal we are trying to reach, which was to eliminate those most outrageous tax breaks that people get.

Mr. HOYER. I thank the gentleman for those comments.

The SPEAKER pro tempore (Mr. KLUG). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 241, not voting 8, as follows:

[Roll No 94]

AYES—185

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

NOES—241

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

Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Molinari
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
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
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Becerra
Bryant (TN)
Ford
Frost
Jefferson
McDade
Tucker
Watts (OK)

□ 1906

Ms. WOOLSEY, Mr. GONZALEZ, and Mr. COYNE changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KLUG). The question is on the passage of the bill.

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

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 294, noes 134, not voting 7, as follows:

[Roll No. 95]

AYES—294

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brown (CA)
Brown (OH)
Brownback
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—134

Abercrombie
Ackerman
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brewster
Brown (FL)
Bryant (TX)
Chenoweth
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
DeLauro
Dellums
Dicks
Dingell
Dixon
Durbin
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jacobs
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Klink
LaFalce
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Maloney
Markey
Martinez
Matsui
McDermott
McKinney
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Myers
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Rahall
Rangel
Reed
Reynolds
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Shuster
Sisisky
Skaggs
Slaughter
Stark
Stenholm
Stokes
Studds
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Yates

NOT VOTING—7

Becerra
Bryant (TN)
Frost
Jefferson
McDade
Tucker
Watts (OK)

□ 1925

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRYANT of Tennessee. Mr. Speaker, I was unavoidably delayed in transit because of inclement weather coming out of my district in Tennessee. I just made it in running, but I understand I did miss the vote on H.R. 2. I would like the RECORD to reflect had I been here, I would have voted for the passage of H.R. 2.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained today due to weather in Memphis. I missed about five votes.

Mr. Speaker, had I been present, I would have voted ''no'' on rollcall No. 91, ''no'' on rollcall No. 92, ''no'' on rollcall No. 93, ''no'' on rollcall No. 94, and ''yes'' on rollcall No. 95.

PROPOSED RESCISSIONS OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore [Mr. KLUG] laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations, and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report 23 rescission proposals of budgetary resources, totaling $1.1 billion. These rescissions, when combined with other discretionary savings proposals contained in the FY 1996 Budget, will reduce FY 1995 budgetary resources by $2.4 billion.

The proposed rescissions affect the Departments of Agriculture, Commerce, Education, Health and Human Services, Housing and Urban Development, Labor, and Transportation; the Environmental Protection Agency; the National Aeronautics and Space Administration; the Small Business Administration; the Chemical Safety and Hazard Investigation Board; and the National Science Foundation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 6, 1995.*

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 665, VICTIM RESTITUTION ACT OF 1995

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–19) on the resolution (H. Res. 60) providing for the consideration of the bill (H.R. 665) to control crime by mandatory victim restitution, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 666, THE EXCLUSIONARY RULE REFORM ACT OF 1995

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–20) on the resolution (H. Res. 61) providing for the consideration of the bill (H.R. 666) to control crime by exclusionary rule reform, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR VARIOUS COMMITTEES AND THEIR SUBCOMMITTEES TO SIT DURING 5-MINUTE RULE TOMORROW

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Agriculture; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on International Relations; Committee on the Judiciary; Committee on Resources; Permanent Select Committee on Intelligence; and the Committee on Transportation and Infrastructure.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

The Speaker pro tempore. Is there objection to the request of the gentlewoman from Ohio?

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I have conferred with the leadership and have been advised by the minority leadership that, notwithstanding the fact that this appears to be inconsistent with the rule adopted by the majority which does away with absentee voting in committees, and notwithstanding the fact that it will require some Members to be in two places at one time, we will not object to this request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

SPECIFIC SPENDING CUT SUGGESTIONS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, today I present my annual list of specific funding cut suggestions. These 75 discretionary, not entitlement, discretionary cuts, would save an estimated $275 billion over the next 5 years, which is almost double the amount of spending cuts the President has presented in his budget.

The vast majority of these suggestions were contained in my ''Spirit of 76'' package introduced in the last Congress. Unfortunately, since the programs named here escaped intact, as they often do, most are the same old suspects we have talked about eliminating for years. I urge colleagues to look at the list.

These suggestions apply only to discretionary spending, because we must prove to the American people that we have truly cut all the waste out of the discretionary budget before we ask for changes in their quality of life programs.

We have a balanced budget amendment. We are controlling unfunded mandates. We have a line item veto under discussion. We are talking about a supermajority to raise taxes. All great ideas, but we must cut wasteful spending first.

Thrifty Fifty Plus: Seventy-Five Suggestions

(In millions of dollars/5 years)	*Savings*
Cancel the National Aerospace Plane (NASP)	300
Continue partial civilian hiring freeze at DOD	8,850
Eliminate below-cost timber sales from National Forests	235
Lower target prices for subsidized crops 3 percent annually	11,000
Eliminate the Market Promotion Program	500
End the Federal Crop Insurance Program and replace with standing authority for disaster assistance	1,660
Limit Federal highway spending to the amount brought in by motor vehicle fuel taxes	8,850
Repeal the Davis-Bacon Act	3,080
Reduce Commodity Credit Corporation subsidies to those with off-farm incomes over $100,000	660
Reduce the Attending Physician Office by 33 percent	2.5
Fully implement H.R. 2452 (102d) to provide additional energy conservation measures for Federal agencies	1,900
Enact H.R. 1620 (103d) to prohibit direct Federal benefits and unemployment benefits to illegal aliens	27,000
Eliminate the Tobacco Price-Support Program	100
Consolidate the Bureau of Indian Affairs	53
Close 20 under-utilized black lung offices	0.3
Allow private sector investment in the Space Shuttle	1,522
Eliminate Rural Economic and Community-Development (RECD) duplication with the Small Business Administration (SBA)	913
Eliminate the Rural Electric Administration	3,000
Terminate all highway ''demonstration projects''	2,590
Lower the travel budgets of all non-postal, civilian agencies by 15 percent	858
Lower by 10 percent per annum the projected growth rate of non-postal, civilian agency's overhead (excluding travel)	64,000
Abolish Cotton Price Support and Loan Programs	12,700
Cut the Foreign Aid budget (150 Account) by 15 percent and make all earmarks in that account subject to a two-thirds vote for passage	13,125
Phase out the Foreign Agricultural Service Cooperation funding	150
Eliminate the Appalachian Regional Commission	690
Roll back Congressional pay raise to $89,500	118
Sell the National Helium Reserves to a joint venture comprised of current employees and other private investors	692
Reduce the ''Franking'' allocation to Members of Congress by 50 percent	167
Cut National Endowment for the Arts by 50 percent	2,600
Cut funding for the Corporation for Public Broadcasting by 50 percent	883
Phase out subsidies for AMTRAK	2,660
Phase out ACTION (umbrella organization for domestic volunteer activities) as a tax-supported program	660
Facilitate contracting out and privatization of military commissaries	4,170
Terminate the Interstate Commerce Commission	188
Phase out U.S. Fire Administration	10
End funding for all non-energy Tennessee Valley Authority (TVA) activities	580
Eliminate Essential Air Services subsidies	195
Eliminate Consumer Homemaking grants	140
Privatize the House and Senate Gymnasiums	1.1
Reduce the Legislative Branch Appropriations by 20 percent	2,844
Reduce the Executive Office of the President appropriation by 20 percent	284
Close the Bureau of Mines and merge its data gathering activities with other Interior Department research agencies	140
Raise the level and schedule of the Power Marketing Administration's debt repayment	970

Eliminate the Clean Coal Program	300
Reduce the fill rate for the Strategic Petroleum Reserve	1,000
End all new Bureau of Water Reclamation water projects	7,400
Eliminate the Dairy Subsidy Program	5,000
Merge the Agricultural Research Service, the Cooperative State Research Service, and the Agricultural Extension Service; cut funding by 50 percent	3,950
Privatize the Government National Mortgage Association (Ginnie Mae)	2,000
Eliminate the Economic Development Administration	1,140
Eliminate non-targeted vocational State funding	3,400
Consolidate the administrative costs of the AFDC, Food Stamps, and Medicaid programs	6,300
Replace new public housing construction with vouchers	610
Increase Medicare safeguard funding by $540 million over 5 years (net savings)	5,400
Eliminate the Legal Services Corporation	1,900
End postal subsidies to not-for-profit organizations (excluding blind and handicapped individuals)	2,000
Eliminate HUD special-purpose grants	990
Reform vacation and overtime for the Senior Executive Service	540
Eliminate DOD payments for indirect research and development; substitute direct R&D	14,740
Reduce DOE energy technology spending	2,550
Scale back Rural Rental Housing Assistance Program	1,400
Reduce mass transit grants; eliminate operating subsidies	6,250
Eliminate Rural Development Association loans and guarantees	1,380
Eliminate ''Impact Aid'' to school districts with military bases	3,850
Consolidate Social Services programs	1,000
Reduce NIH funding by 10 percent, concentrating on overhead	4,900
Freeze the number of rental assistance commitments	5,700
Scale back Low Income Home Energy Assistance grants	5,150
Service Contract Act reform	900
Reduce overhead in federally-sponsored university research	1,000
Strengthen and restructure NASA (NPR proposal)	1,500
Eliminate redundant polar satellite programs	250
Streamline HUD	144
Reform prison construction	580
Eliminate Travel, Tourism and Export Promotion Administration	1,002

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KLUG). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

[Mr. FOX of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SURGEON GENERAL SHOULD REPRESENT TRADITIONAL AMERICAN VALUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. COBURN] is recognized for 5 minutes.

Mr. COBURN. Mr. Speaker, I rise tonight to consider the characteristics that should be present in any individual nominated to the position of Surgeon General of the United States.

As a physician whose entire medical career has dealt with adolescent sexual activity, teenage pregnancy and sexually transmitted disease, I know that we have had exactly the wrong leadership over the past 2 years from Washington.

The underlying assumptions of the safe sex policy are flat wrong and the statistics bear out this fallacy. The predicate of the safe sex policy is that our children cannot and will not act responsibly if given correct and factual information. In other words, our children are incapable of reason.

We have not assumed this predicate in any other area of risk presented to our children. Look at the basis for our educational efforts on alcohol, tobacco, and drugs for example.

The basis for our illogical predicate of safe sex is to rationalize our own lack of self control and sexual promiscuity and our children end up paying the price.

If you have ever been faced with telling the parents of a 19-year-old female that their daughter is dying of AIDS you would truly understand my lack of comprehension with a vision that says to a teenager we know you cannot control yourself and that you are unable to make a reasoned choice so here is a condom.

Mr. Speaker, we currently have a sexually transmitted disease epidemic that is out of control and studies now tell us that over 40 million Americans are carrying some type of viral sexually transmitted disease. In my practice alone, one in three sexually active teenagers is carrying a sexually transmitted disease.

Now what principles should a Surgeon General nominee possess in regard to the present epidemic of sexually transmitted disease and illegitimacy?

I believe that at a minimum the candidate should:

First, be dedicated to the future of our children by supporting their positive attributes and discouraging dangerous behavior. The foundation of a condom clinic is that we have failed to teach the benefits of abstinence and consequently we have given up;

Second, recognize the failure of the present ''safe sex'' message;

Third, recognize that the growth of the current AIDS epidemic is secondary to a failed public health policy and is directly related to substituting political correctness and its irrationality for a rational public health policy based on medical facts and the current epidemiology of the human immunodeficiency virus;

Fourth, recognize that abortion is a poor alternative for any unwanted pregnancy;

Fifth, recognize that all life is valuable, even when unintended, and that the consequences of abortion, even though legal, seriously impairs us as a society; and

Sixth, recognize that illegitimacy is born out of a society which does not value life and consequently our costs for supporting such a society are a direct result of illicit sexual activity outside of a monogamous married relationship, that is, the traditional American family.

Mr. Speaker, in conclusion I would like to say that it is high time that our Surgeon General represents the traditional American family and the values that the majority of Americans hold and voted for on November 8, 1994.

I plead with our President to nominate such a person.

SUPPORT COMMUNITY POLICING

Mr. STUPAK. Mr. Speaker, tomorrow we will begin the debate on a new Republican crime bill. There will be six bills, and we expect the debate to go for a week to 10 days.

One of the first victims in the new GOP crime bill will be cops on the street, or community policing as we know it.

Cops on the street may be the first victim actually victimized and mugged under the new proposed crime bill. In August 1994, a crime bill was passed by this body. Even though I may not have supported the final committee conference version of the crime bill, I believe that the community policing program is an invaluable tool in the fight against crime.

No one law will stop crime, no one program will stop crime in this country. The revamping of the crime bill that is going to be proposed in the next day on this floor certainly will not stop crime in this country.

In order to stop crime we must all join in the fight against crime. We must all share that responsibility. Police officers cannot do it alone. We must each work in our respective communities and work with the police officers if we are going to have an impact on crime. That is what community policing is all about, law enforcement officers living and working in their beat, in their patrol area, to gain the respect and trust of the citizens they serve.

To gain that trust, respect and confidence, community policing requires the law enforcement to actually live in

the community they serve. Therefore, if there is a crime, the initial complaint is handled by the police officer. The follow-up investigation is handled by the same police officer. That same police officer goes to the prosecutor to secure the warrant, and that is the same police officer that goes with you at the time of a criminal trial, if one takes place.

What community policing does is personalizes crime to build the trust and confidence between the community and a police officer. Your crime will no longer just be your crime, but it will be a crime that will be shared with your police officer. You are working with, you are standing with, you are living with, not only your community, but you are living with the police officer who is there to serve you.

As a police officer for almost 12 years myself, we had an old saying back when I was working the road: ''If you want to know what is going on in any community, ask a 12-year-old kid on a bicycle, for they know what is going on in their communities.''

□ 1940

They will not tell the police officers what is going on until there is that confidence, that trust and that respect.

In the last crime bill, the community policing program, commonly referred to as Clinton Cops, was a program that is being used throughout this nation. It has only been in effect for the last 3 or 4 months. But the forerunner to this Clinton Cops program was back in 1978 and 1979, in the Department of Justice, a pilot program which was put forth in northern Michigan.

Northern Michigan, my district, is a sparsely populated area in the north end of Michigan, and three rural, sparsely-populated townships were put together to form a community policing program.

The program was a smashing success, with over 70 percent of all the reported crimes being solved.

Unsolved crimes from years past were cleaned up by the community police officer. In fact, in this case, it was a Michigan State police trooper, and he was referred to as the resident trooper.

It was the first community policing program in Michigan. Community policing is now currently at work in communities as rural as northern Michigan with our three townships or in the highly populated cities such as Houston. Community policing works because police officers live in the community and near the neighbors which they police.

These police with the faith and confidence and trust of the people they serve, their constituents.

It is one program that is highly successful. To dismantle the President's community police program would be a crime in and of itself. It will be dismantled if the votes hold up as they have in recent days, not because there is waste in the program. It will be dismantled not because it does not work, because we all know it does. The reason why it will be dismantled will be purely for political reasons.

In a crime bill, we need a combination of police, prevention and prisons. A balance of these three principles will be most successful in fighting crime.

We must leave community policing intact. We must leave the Clinton Cops program alone. It may only have been in existence for 3 or 4 months, but in city after city, in rural area throughout this country, it has worked.

APPOINT A SURGEON GENERAL WHO SUPPORTS ABSTINENCE

The SPEAKER pro tempore (Mr. KLUG). Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise to first commend my colleague, the gentleman from Oklahoma [Mr. COBURN], on his, I believe, very timely and very cogent comments.

I ran for the U.S. Congress not only because I though our Nation needed things like the line-item veto, passed tonight, as well as the balanced budget amendment, some real welfare reform, but I also ran because I was concerned about the moral and spiritual direction of our Nation.

I believe that our Nation because the great nation that it is not only because our Founders worked hard but also because they were a disciplined and virtuous people who planted the seeds that grew into the great nation that we are today.

I, too, am a physician, and I began to become concerned about the future of our Nation when working in inner-city obstetrics clinics. I began to see many, many young people coming in with not only unwanted pregnancies but also venereal diseases that in many cases were incurable and that were going to lead to permanent scarring that would affect their future, their future ability to have a family.

And then after I finished my training and my time in the military, I went into practice in Florida. I has the opportunity to work with a very skilled and knowledgeable infections disease specialist, Dr. Tim Poyer, who was the only physician in our part of the county seeing AIDS patients at the time. And I spent a good part of the last 7 years taking care of AIDS patients.

I have had the opportunity to treat some of the most terrible, devastating complications of AIDS that I could ever imagine seeking. I have had the opportunity to counsel grieving families. I have had the tragic opportunity to have to pronounce many of these young people dead, to fill out their death certificates. And I have to say that we have a terrible problem in our Nation today with AIDS, and that it is very wrong for our leaders here in Washington to propose that the distributions of condoms is a solution to this problem. The failure rate of these devices in preventing pregnancy in various studies ranges from 5 to 25 percent.

Mr. Speaker, a women can only get pregnant 1 day out of the month, and yet the failure rate preventing pregnancy is that high. The failure rate for preventing AIDS is much, much higher. Nobody would risk their life to anything that has a failure rate that high.

There are many Americans who are afraid to get on an airplane out of a fear of a plane crash, when the failure rate of an airplane is something in the range of one in a million, yet the failure of a condom to prevent AIDS is much, much higher than that, probably in the order of 5 percent or more. Yet our leaders in Washington and now our new nominee for Surgeon General is proposing this device as the solution to our problem.

The problem, Mr. Speaker, is the morality that was presented to America's youth in the 1960's, that sex outside of marriage is safe and acceptable, is wrong. It is leading to unprecedented problems of terrible disease amongst our Nation, amongst our young people. And it is yielding terrible problems of infertility in our Nation.

Mr. Speaker, we need a nominee for Surgeon General who will tell the young people of America the truth, who will expose the lie of the safe sex proselytizers who would have our young people believe that a condom is the solution to the problem.

The solution to the problem is abstinence, Mr. Speaker, and I would urge our President to appoint a Surgeon General who supports that philosophy.

COMMUNITY POLICING WORKS—THE KEY TO FIGHTING CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to talk about one of the strongest weapons we have in fighting crime, and that is community-oriented policing.

I join my colleague, the gentleman from Michigan [Mr. STUPAK], who has taken a strong lead in this, and other colleagues who will follow me, on what we believe to be the direction that our communities ought to be taking with the support of our Congress.

If we truly want to take back our streets and improve the quality of life in our cities, police officers cannot do it alone. Local residents cannot do it alone. They must work together. That is exactly what community policing does. It allows police officers to work together with local community residents to fight crime.

Now certain Members of Congress want to eliminate this critical approach to crime prevention. And I strongly oppose any efforts to cut community policing programs, and I ask my colleagues to take a good, hard

look at exactly what community policing does for our towns and cities.

Community policing works, and it works because it asks the experts to create crime-fighting strategies.

When I say experts, I am not talking about bureaucrats in Washington offices. When I say experts, I am talking about the people who actually live in the neighborhoods plagued with crime. I am talking about the police officers who patrol these neighborhoods every day.

So when the crime bill says it will put 100,000 new community police officers on the beat, we must remember that these officers will know both the neighborhoods they patrol and the people in them.

I talk from experience. I served on the city council of the city of San Diego for 5 years. San Diego is the sixth largest city in the Nation.

My district, both on the city council and in Congress, includes some of the poorest areas of our city, areas which both have high crime and also a traditional fear of and hostility toward police officers.

Yet we established in those areas of highest crime and highest fear walking patrol teams, teams of police officers who got to know their communities and the communities got to know the cops.

They all had beepers that could be paged at any time. They all had first names, which the residents knew, and they got to know the kids in the community. They got to know the storekeepers in the community.

□ 1950

They got to know the seniors. They knew where people lived and worked and played, and a confidence developed.

I tell the Members, I am one of the few city councilmen in this Nation, I thought, that could walk into a meeting of people in my district, working people, poor people, and the cops would get a standing ovation from those residents, because they had established the trust. They had established the confidence.

Mr. Speaker, I have worked hand-in-hand with neighborhood residents and community policing teams. I have seen the effect this partnership has had in reducing crime. The police officers become real human beings, and the cops become real human beings. They are there working together.

Mr. Speaker, the first year we established in San Diego the walking teams, crime went down a minimum of 10 percent in every major category. However, more than this, more than the rate going down, fear went down in those communities. The community got involved in fighting the crime. The cops had a stake in that community. The cops felt accountable. There were real, objective reasons why the crime rate went down.

Yes, we need to be tough on crime. We need stiffer penalties. We need to make sure criminals serve their full sentences. However, we also need to work together as communities.

What the crime bill proved last year was that Congress was serious about fighting crime. We had enough foresight to make it a comprehensive fight and a comprehensive effort.

Mr. Speaker, let us not move backward from this effort. Let us understand the central role of community policing in fighting crime. Let us join together to oppose any cuts in these critical programs. It works.

The people have confidence in their police force. The police force know the people they are working with and protecting. The crime rate goes down, and community spirit goes up. Let us keep it.

THE MINIMUM WAGE INCREASE

The SPEAKER pro tempore (Mr. KLUG). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, this Congress should affirm work more by our actions than our words.

At the current minimum wage rate of $4.25 an hour, a full-time year-round worker earns $8,500 per year. The President announced his plan last week to raise the minimum wage 45 cents a year over a 2-year period, bringing the wage to a $5.15 an hour rate by 1997. A 90-cent per hour increase in the minimum wage means an additional $1,800 per year in the worker's pay check—as much as the average family spends on groceries in over 7 months. Such increases are significant and should be implemented by this body without hesitation.

Sixty percent of all minimum wage workers are women—most of whom are trying to raise a family as a single parent. People who work 40 hours a week, 52 weeks a year should not be living in poverty. When citizens take responsibility to work full-time, they should be able to raise a family on their wages. We have begun to take up the issue of welfare reform, but if we refuse to make work pay, how will our arguments be effective? Who can afford to listen?

While considering these increases, I am cautious not to upset the balance between the needs of the workers and the economic means of the small business owners. I believe that small businesses are the backbone of this Nation and I would never want to move forward with a proposal that would severely paralyze productivity or adversely affect profit margins. I am confident, though, that raising the minimum wage will do no harm to either, because I believe we should carefully assess any other burdens proposed for such businesses so as not to burden them twice.

Adjusted for inflation, the value of the minimum wage has fallen by nearly 50 cents since 1991, and is now 27 percent lower than it was in 1979. We must bring these wages back up to a respectable level. We must reward hard work with fair wages. We must take pride in our workers' skills and empower them to be a contributing force in our Nation's growing economy. Prosperity should not be reserved for an elite few—it belongs to all of America's working-class.

Let us keep this in mind when considering the arguments for and against increasing the minimum wage. We should not make this debate more difficult than it needs to be, because despite current posturing, increasing the minimum wage traditionally garners bipartisan support. Although President Bush did not support the measure, the 1989 vote to increase the minimum wage was passed 382 to 37 in the House and 89 to 9 in the Senate. With Presidential support this round, I hope the numbers will continue to enjoy such company in this Congress. I urge my colleagues to join me in support of the proposal to raise the minimum wage.

COMMUNITY POLICING WORKS TO LOWER CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. CHAPMAN] is recognized for 5 minutes.

Mr. CHAPMAN. Mr. Speaker, I would like to congratulate the gentleman from Michigan [Mr. STUPAK] for arranging for those of us whose experience has been in the field of law enforcement prior to our duties in the Congress to come and express this evening, and for some time in the evenings in the future, our concerns about what we see as perhaps the direction in the new crime bill, as part of the Contract for America, that may do some serious damage to some of the good things this Congress did last year.

Mr. Chairman, tonight a couple of my colleagues have already addressed the issue of community policing. I want to join them this evening. Before I came to the House of Representatives, I served for 8 years as an elected district attorney in a rural district in northeast Texas.

In that job, I found two things to be true: one, that the best deterrent to criminal conduct was effective prosecution, the certainty of punishment;and even more importantly, the presence of law enforcement on our streets, in our communities, all over the country.

Mr. Speaker, last year's crime bill provides for 100,000 new cops on the beat in a community policing effort. I don't know any law enforcement official that would not tell the Members that one of the most effective things we can do or they can do or anyone can do to fight crime in America is to increase the presence of police on our streets.

You don't have high crime where you have a high number of police officers. You don't have folks breaking into homes if they know the policeman may walk by in the next few minutes. You

have a lower incidence of crime where you have a higher presence of police.

Mr. Speaker, in our State just about 4 years ago, in the city of Houston, a mayoral candidate ran on the platform that he would dramatically increase the size of the Houston Police Department if he was elected, and he did so. In that city, the violent crime rate decreased in 1 year by 27 percent. Crime went down all over the city of Houston, and the mayor was recently reelected with one of the largest percentages of any big city mayor in the country.

Mr. Speaker, I can tell the Members that the new cops program is going to work because I have been there and I know, and so will every law enforcement association in America who have endorsed this program and who share our concerns with the direction of turning everything in the arena of law enforcement into some kind of block grant, where we send a check from Washington and just trust the folks at home to know what to do with it.

Our cities, our communities, our neighbors, our homes, our schools deserve to have the very best that we can offer. One of the good things Congress did last year in passing the crime bill was to put the cops on the beat, 100,000. We say without understanding, sometimes, ''What does 100,000 new policemen mean?''

□ 2000

When you think in the context that in our country we only have about 600,000 police officers, what it means is a 17 percent increase in the number of policemen in our communities, on the streets, in the patrol cars, working with our kids, working in the schools, working to make sure that our neighborhoods are safe.

Mr. Speaker, I hope we do not undo the good we did. Clearly there are some things in the crime bill that we can improve on. I hope we do that in this debate and the votes that we will face in the days and weeks ahead. But one of the things that Congress did right, joining together in a bipartisan way, was to put the cops program in place.

Given a chance to work, that program will reduce crime, increase the confidence of American citizens in their police, will increase the assurance that those who violate the law will pay the price. It is a good policy, it is a good program, it is one that is working and it is one we ought to keep.

Mr. Speaker, I hope we do not undo the good things we have done.

DISENFRANCHISING CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. ENGEL] is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, during the debate earlier today on the line-item veto, Members were not permitted to strike the requisite number of words and speak before the vote. And therefore I want to take this opportunity to put my thoughts out in terms of the vote that just happened.

I voted against the line-item veto. I must say, Mr. Speaker, that I believe we in this Congress are going to rue the day that we voted for the line-item veto, and as was said many times by many colleagues, this line-item veto, in my opinion, is nothing more than an unconstitutional ceding of power to the executive branch.

I believe that in order for a line-item veto to be put forward we need a constitutional change, and therefore, a constitutional amendment, and surely when there is a legal challenge to the line-item veto I believe it will ultimately be declared unconstitutional without a constitutional amendment.

Congress is granted the power of the purse. I do not believe Congress has the right to cede that power to the Executive.

This to me has nothing to do with partisan politics, it has nothing to do with Congress being controlled by the Democrats or the Republicans or the President being a Democrat or a Republican. It simply to me reflects the very serious nature that I feel about our Constitution. I feel it is a very sacred document and I do not think any vote of Congress ought to be allowed to alter that.

Much is said today about this being President Reagan's birthday and the gesture of passing this on his birthday, but I must say with all due respect to President Reagan, he was President for 8 years, and while he talked about the importance of a line-item veto in terms of bringing the budget deficit down, he never once in his 8 years as President submitted a balanced budget to Congress. President Bush in 4 years in the Presidency never submitted a balanced budget to Congress.

So I think this fervor that people are rushing toward in terms of both the balanced budget amendment and the line-item veto is a bit misplaced.

What also scares me, Mr. Speaker, is that now if this becomes law, and the Senate concurs, two-thirds will have to pass something to override the President's veto.

I think that is very, very dangerous. It means simply that the President, plus one-third, plus one, of either House, would have control not just over entire spending bills, but each detail within them. To me that is a huge increase in Presidential power, and an increase in Presidential power, I might add, not just to affect the composition of spending, but also to punish and reward.

Simply put, the President might send to the Senate certain nominees to be confirmed and might make it very, very clear that unless his putting forth the line-item veto was sustained, that Congress would be in big trouble in terms of the confirmation. In other words, unless the Senate confirmed the Presidential appointments, the President might line-item veto certain appropriations.

So the President could use the line-item veto not only to stop spending, but can use it as a wedge over the heads of Congress to say if you do not do what I want, I am going to line-item veto what you want.

When there are negotiations between the executive branch and the legislative branch, Mr. Speaker, everyone knows how negotiations go, be they labor-management negotiations or any other kind. Baseball is now on strike and owners and players in negotiations whenever there is a settlement there is give and take on each side, each side gives a little, each side accepts a little bit of the other person's side, and they come out with a final document that may not be to everyone's liking, but it is a compromise document.

Now if the President has a line-item veto, what will happen I fear is when Congress and the President sit down and each gives a little, the little that the Congress gives to the President will be sustained, and the little that the President gives to the Congress will be line-item vetoed, altering the balance.

I want to just read in conclusion the first paragraph from the editorial of the Washington Post last week entitled ''Disenfranchising Congress,'' and I will put the entire editorial in the RECORD, but I want to just conclude by reading this first paragraph. It says,

> The version of the line-item veto now on the floor of the House is dangerous legislation. Too little attention has been paid to what it would do. It would likely do very little to reduce unnecessary spending and the deficit, the stated purpose. It would, however, transfer an enormous amount of power from Congress to the President, which the President could use for other purposes. It would also greatly strengthen congressional minorities at the expense of majority rule. That threatens to become a pattern; the balanced budget amendment to the Constitution that the House approved last week would also disenfranchise the majority.

I am sorry to say, Mr. Speaker I think with the passage of this, it is a very sad day for out country and I believe that those of us who voted no will be proven right in the future.

The text of the article referred to is as follows:

DISENFRANCHISING CONGRESS

The version of the line-item veto now on the floor of the House is dangerous legislation. Too little attention has been paid to what it would do. It would likely do very little to reduce unnecessary spending and the deficit, the stated purpose. It would, however, transfer an enormous amount of power from Congress to the president, which the president could use for other purposes. It would also greatly strengthen congressional minorities at the expense of majority rule. That threatens to become a pattern; the balanced budget amendment to the Constitution that the House approved last week would also disenfranchise the majority.

There's a better way to give the president line-item veto authority, which Reps. Bob Wise, Charles Stenholm and John Spratt are offering as an amendment, and which Budget Committee Chairman Pete Domenici supports in the Senate. The House should adopt this benign version.

A president now can't choose among the items in an appropriations bill. He must sign or veto the whole thing; then he can ask Congress to rescind the items he regards as ill-advised; but Congress is free to ignore him. A line-item veto would let him pluck out offending items and force separate votes on them. But there are different ways of doing that.

The proposal on the House floor would give him what is known as enhanced rescission authority. He'd sign an appropriations bill, then announce his intention not to spend—in effect to impound—some of the money in it. The money couldn't be spent unless Congress next passed a separate bill within a set time ordering him to do so, and he could veto the bill. Two-thirds votes of both houses would be required to override the veto; the president plus one-third plus one of either house would thus have control over not just entire bills but each detail within them. That's a huge increase in presidential power not just to affect the composition and level of spending but to punish and reward.

The alternative, called expedited rescission authority, would not upset the present balance of powers to the same degree. It's the same system as now, except that Congress couldn't ignore a rescission request but would have to vote on it within a certain time. If it passed, the money wouldn't be spent; if it failed, that would be the end of it. The president's only new power would be to turn a spotlight on a disputed item and force Congress to cast an explicit majority vote to adopt it. That's fair enough, and all you need.

In purely fiscal terms, the line-item veto is more a symbol than anything else. Presidents Reagan and Bush both suggested they could reduce the deficit significantly if given the power to cut the pork out of spending bills, and President Clinton has asked for the power as well. But domestic appropriations are only a sixth of the budget and already under tight control; the pork in the budget amounts to much less than the mythology surrounding federal spending would suggest. Congress makes a huge mistake if on the basis of mythology it disturbs the traditional balance of power between the elected branches to the extent that this bill would do.

REVISING THE CRIME BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MEEHAN] is recognized for 5 minutes.

Mr. MEEHAN. Mr. Speaker, I too rise to join with my colleagues, the gentleman from Michigan [Mr. STUPAK], the gentleman from California [Mr. FILNER], and the gentleman from Texas [Mr. CHAPMAN] to discuss what is going to happen before this body this week, and that is action on the crime bill.

Just this past September President Clinton signed into law the smartest, most comprehensive, toughest crime bill in the history of this country. This legislation was the result of input over a 6-year period from Members of Congress and law enforcement officials all across this country. It puts more cops on the streets. It builds more prisons, it pays for crime prevention programs and imposes tougher penalties for violent crimes.

Before I got elected to Congress I had an opportunity to learn a little something about crime because I ran the Middlesex County district attorney's office. We had 13,000 criminal cases in that office a year. I worked with 54 cities and towns, police departments, in urban areas and suburban areas working on a daily basis in the fight against crime, on the front line of the fight against crime.

This week the Congress will begin consideration of a crime bill designed by Republican political strategists based on focus groups and political polls. I have to tell my colleagues that you do not determine a strategy for fighting crime by reading a political poll or talking to a focus group, or sticking your finger in the wind to determine which way the political winds are blowing.

Fighting crime is a profession, fighting crime requires research, and experience on the front lines. And it is not ironic that the Attorney General of this country is a woman who has experience in the front lines of the fight against crime.

When I heard the rhetoric during the crime bill, it was so painfully obvious to me that there were so few Members of this institution that really had experience in the front lines against crime.

But not even 4 months after we passed and the President signed into law this crime bill, we are going to vote changes on this crime bill based on partisan politics, all in the name of partisan politics and solely for the purpose of claiming ownership of the crime issue.

□ 2010

What makes matters even worse is that the changes are not going to help but going to hurt the fight against crime. The bill will not put 100,000 new police officers on the streets. It eliminates community policing programs.

Community-based policing is one of the most effective proven ways to fight crime. My home city of Lowell just put a report out, because we instituted community policing, the new Lowell police chief with 13 new police officers as a result of a community policing initiative. Since instituting community policing, car theft, larceny, home burglary, and business burglaries are all down significantly. The Republican plan will put fewer cops on the streets by eliminating this community policing program and allowing local officials to do what they deem necessary, perhaps buy more fax machines, perhaps buy more automobiles. That is not effective community policing. Community policing involves community partnerships.

The city of Lowell has instituted a model program in community policing, forming partnerships, because that is the hallmark of community-oriented police departments. They have put in neighborhood police precincts, cutting the rate of crime in those neighborhoods, establishing a relationship with the people in those neighborhoods. They have closed down more than 150 buildings in 1994 which were identified as drug houses.

Other special units have resulted in the community response team having made over 350 arrests, school visits by precinct officers where precinct officers actually go into the schools and lecture about crime prevention and lecture about what the goals of the police department are and how the community can play a role, a flag football league where members of the Lowell Police Department actually volunteer their time to get involved with the community in that flag football program, street worker program, basketball leagues where the police officers again, they are volunteers, operating within the community to get to know the community and get those kids headed in the right direction. Community policing works. It is not a debatable proposition.

There is not a law enforcement professional in the country who will say that community policing is not in the best interests of fighting crime. Gov. Bill Weld, a Republican Governor from Massachusetts, is in favor of community policing.

While we look and watch the debate this week, let us put aside partisan politics and look at what really works. We cannot afford to dismantle this community policing program.

QUESTIONS ABOUT THE NOMINEE FOR SURGEON GENERAL

The SPEAKER pro tempore (Mr. KLUG). Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, this evening I would like to talk about the President's appointment for the Surgeon General of the United States of America. I think it is absolutely crucial that the Surgeon General be somebody who has a great deal of credibility, and I think that credibility is going to be the issue in this nomination.

As many of us know, the last Surgeon General of the United States, Joycelyn Elders, drew a lot of focus off what I think are main health care issues of this country by some of the positions that she took. Those positions apparently she felt would move this country forward in its progress on health care to the average American. But it did not do that. What it did do instead was draw attention to the issue of abortion or to the issue of sex education and draw attention away from the important issues like health care in rural America, like immunization for children throughout America, like prenatal programs throughout America.

Well, I am concerned now with the new appointment or the new nomination that the President has made that this country is headed down the same path. It comes back to the issue of credibility.

Folks, whether you are pro-choice or whether you are pro-life, the focus of the Surgeon General for this country and of that nomination process needs to be on credibility. How is the credibility going so far with this nomination? Mr. Foster and the people supporting this nomination sent information to Senator NANCY KASSEBAUM, who is the chairwoman of the committee which will handle this nomination, saying that Dr. Foster was only involved in one abortion, and, in fact, that abortion involved saving the life of the mother, hardly objectionable in some circles, in some other circles, maybe, but just maybe. But just one abortion.

Then within hours, there is a revision of that statement. Now Dr. Foster comes out and says,

> Well, not exactly one abortion, but less than 12 abortions, and not all to save the life of the mother, but mostly to save the life of the mother.

And now if you read your news reports this evening, a new press conference, press release, comes out. It seems Dr. Foster served on a panel in 1978 under which testimony was taken from a Dr. Foster, and he was the only Dr. Foster on that panel where that Dr. Foster boasts or talks of performing up to 700 abortions.

What is the truth, Dr. Foster?

President Clinton said, if, and he is referring to Dr. Foster, he has done what he said he has done, the abortion issue should not be a disqualification. Well, Mr. President, has he done what he said he has done?

He did not do one abortion. He did less than 12. And if the evidence shows 1 more abortion than 12, then the issue should leave abortion and go immediately to the center focus of credibility.

Why do I stand up here today in front of you talking about that issue? Because, doggone it, folks, we have got a lot of people in rural America that need a Surgeon General that will address the health care issues of this country. We need a Surgeon General who is going to focus on health care issues and not this abortion issue.

The abortion issue cannot continue to be the focus of the Surgeon General's office with the kind of health crisis we have in every State in this country.

If the Surgeon General nominee is not telling the truth, if, in fact, it has now gone over 12, he has an obligation to the United States of America to step forward and announce the withdrawal of his nomination. If the President of this country determines that his nominee for Surgeon General has, in fact, been less than straightforward, has, in fact, performed more of these procedures than he admits to, then it is the President's obligation not to stand by his nominee, but to stand by the country and say, ''Your credibility has now been damaged to the extent by credible evidence, by the way, that it cannot be repaired. You must then step down as my nominee.''

Mr. President, do us a favor. If your nominee is not being straight with us, dump him, and move on to somebody who is qualified to do this job, and whom the No. 1 question that is asked of him will not pertain to their credibility.

COMMEMORATING PRESIDENT REAGAN'S 84TH BIRTHDAY

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, today is former President Ronald Reagan's 84th birthday and thus a fitting time to remember his striking record of accomplishment and his uniquely American life.

Late this year, President Reagan once again tugged at the heartstrings of our Nation by revealing he was in the early stages of Alzheimer's disease—an act of great courage. His intent was typically Reagan. It was not to gather sympathy, but to be an example and a beacon of hope for the millions of people who suffer from this disease.

Today, as the Republican-controlled Congress tries to move the Contract With America through the House of Representatives, we are reminded of the first revolution—the Reagan revolution—that swept through Washington during the 1980's. Many of the things President Reagan championed throughout his Presidency have found a home and a new life in the Republican contract.

Mr. Speaker, Ronald Reagan was one of the finest President's in our Nation's distinguished history. Despite the arguments put forth by revisionist thinkers, President Reagan's place in history is secure. As he fights with courage, conviction, and that famous Reagan optimism against Alzheimer's, let us remember and pay tribute to a man who embodies the American dream.

THE MEXICAN RESCUE PACKAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, we are holding this special order this evening because our various offices here on Capitol Hill have been inundated with telephone calls and inquiries regarding the Mexican rescue package, and many questions are being asked by constituents and citizens of our country that we can not, in fact, answer.

I was asked today how much money has already left our U.S. Treasury as part of the drawdown on the deal that was announced last week by the Secretary of the Treasury and the President. The facts are that we cannot tell you.

□ 2020

Therefore tomorrow morning, likely after the morning business, there will be a special resolution brought up here in the House, and it will be a privileged resolution. In that resolution we will be asking for a vote of the House and a ruling of the Speaker so that we can obtain the information that we cannot give you this evening about the terms of the arrangement that was made by our Government with the nation of Mexico. Our resolution requires that the Comptroller General of the United States report back to us within a 7-day period.

So, we would try to draw to the Members' attention that this vote will likely occur tomorrow morning after the regular morning business, the 1-minutes and, perhaps, a vote on the Journal, and we will look forward to that moment.

It is likely that in the way that the resolution will be brought up there will be very little time for debate. There may actually be an effort by certain interests in this Chamber to table the resolution, and we would ask the Members to vote against tabling the resolution so that, in fact, we will have an opportunity to get the facts that we really want.

Mr. Speaker, I yield to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. So, the situation we are confronted with is the Treasury, in concert with the Federal Reserve Board, agencies of the Federal Government of the United States, have extended, as far as we know, in excess of $40 billion of credits, loan guarantees, currency swaps and other instruments to Mexico, that our questions regarding the source of these funds, the exact amount and the terms of these funds, whether or not these funds are somehow secured—you know, what authorization exists for extending these funds without coming to Congress for appropriations; the gentlewoman saying that there is a possibility that this House will not ask to have those questions answered, that we could just be shut down here on the floor by ruling of the chair, and we will have no opportunity for debate, no opportunity to go forward and ask these questions.

I, for one, as a Representative of a district from the Far West United States, feel that my constituents—this is not the greatest issue before them, but they would certainly like to know what authority the President, the Secretary of the Treasury, and the Federal Reserve, have, if it was extended to them by Congress, what amounts of money are controlled, what risk are involved, what collateral are involved. I mean all sorts of things we would like to know about even a small business transaction let alone one of this magnitude.

But in this ruling we could just be shut down and not have any opportunity to discuss that?

Ms. KAPTUR. That is really what the vote tomorrow is about. We know that the constitutional authority of the House as the place within the Congress; that is, the first to authorize and appropriate dollars through the U.S. Treasury, was essentially shut off. Our Members were muzzled. We were not privy to information that should be ours in relation to the dollars of our taxpayers being put at risk either inside the United States or outside the United States, and we thought we were going to have full debate and disclosure on this matter when a decision was made without the involvement of the legislative branch of the United States of America.

We now have to resort to special parliamentary tactics in order to bring this measure to a vote on the floor, and the gentleman is correct, that there are so many questions we want answers to that we are being asked, which are impossible for us to obtain, and we think that that is not what the Constitution intended, that in fact this is not a monarchy, this is not a parliamentary government. We are not an arm of the executive branch. We have our own status within the Constitution, and our constituents have an absolute right to know when their tax dollars are at risk, as they are, in this agreement, what the terms of that agreement are, what the terms of repayment are, what the nature of the collateral is. We need to know how fast money is being drawn down. Otherwise you cannot make a judgment as to what might happen in the future.

What type of precedent does this set? It is our understanding that never has the authority of this particular set of institutions within the Government of the United States been used to such a degree, and, therefore, we think there are some very serious constitutional questions to be asked, as well as questions to be asked about the nature of the agreement itself.

You know, I say with some humor this evening, ''I hope the Mayor of Washington DC, will take it in the humor that I offer it, but, you know that the District of Columbia here in our Nation's Capital has been having a lot of difficulty with its finances and is about to go bankrupt. It has been on all the pages here in the Nation's Capital and in other parts of the country, and we know that it's going to cost the District of Columbia real money to bail itself out, and it's money that we don't have in this Congress.''

So I had an idea over the weekend that what we ought to do for the Mayor of Washington and the citizens of the Nation's Capital is to get the executive branch involved because they obviously are very creative in figuring out how to make things happen and make it seem as though you are not spending any real money, and they ought to work up a Mexico-type deal for Washington.

Mr. DEFAZIO. Perhaps, if the gentlewoman would yield, I like that idea, and perhaps what the Government of the District of Columbia could do would be similar to what Wall Street has been doing.

They can go down to Mexico, get a bunch of pesos, which are declining rapidly in value, and then they can take and exchange them to the Federal Reserve Board for United States dollars at a preferred rate, and by arbitraging this they can probably earn up to a billion quite readily, and they can pay off their debts.

I mean, if we can do this for the Government of Mexico and the Wall Street speculators, why would we not do it for the District of Columbia?

Ms. KAPTUR. I figure, if the capital of Mexico can draw on the taxpayers of the United States, why should not the Capital of the United States be able to draw on the taxpayers of the United States? I agree with the gentleman, and, knowing that those pesobonos are paying anywhere between 20 and 40 percent interest rates, the Mayor of Washington would certainly be well advised to get in on that because he could probably get the money he needs in a flash.

Mr. DEFAZIO. I bet, if the gentlewoman would yield further, I would imagine, if the city were to engage, perhaps, Goldman Sachs as their financial adviser, perhaps they could do very well on this matter because, if I could go back to the questions the gentlewoman is asking, as I recall, the gentlewoman from Ohio and a number of us signed a letter with a series of questions probably 3 weeks ago——

Ms. KAPTUR. There were 13.

Mr. DEFAZIO. To the Treasury and the Secretary of the Treasury and asked many of these same questions in a just straightforward and friendly manner. We thought it was things it was essential we know before any sort of bailout go forward.

Have we had any response?

Mr. KAPTUR. I am glad the gentleman put that on the RECORD.

We asked over 12 questions, over a dozen questions; the first one: Who are the creditors that Mexico was paying off, seeing as how they were going to be borrowing the money from us to do it. We wanted to know specifically. We did not want to know some sort of general answer.

We have received no reply from the Department of Treasury to our questions.

Mr. DEFAZIO. So, if the gentlewoman would yield further, it is not exactly like we are sandbagging them with this resolution of inquiry. We have been waiting 3 weeks on issues of national concern involving tens of billions of taxpayers dollars, and we have had no response to a group of Members of Congress who have asked these questions.

Ms. KAPTUR. That is correct.

I yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. You know, as bad as we thought, as bad an idea as we thought the bailout was 3 weeks ago, in the last few days, with Alan Greenspan and the Federal Reserve raising interest rates in this country, it only exacerbates the problem in Mexico. If you remember 2 weeks ago, 3 weeks ago, Mr. Greenspan was all over the Congress, lobbying, talking to Republicans, talking to Democrats, meeting with Speaker GINGRICH, talking to the President, everybody he could, about this Mexican bailout on the one hand. Then on the other hand we began to hear stories that he was leaking out that the Federal Reserve is about to increase interest rates.

When that happens, when interest rates are increased in this country, which happened late last week, in addition to what it does to home buying, homebuilding, the cost of credit, the costs to borrowed money for small businesses, all the hurt that puts on the economy, what it does with the Mexico situation is simply pull the rug out from under this whole bailout situation whereas the price, the cost, as the dollar gets stronger, the peso by definition gets weaker, which means that the $16 billion or so that Mexico already owes back to western investors gets more expensive so that it decreases the chance of pay back. It means those loan guarantees and direct loans may in fact not be paid back, but increases the chances there, and at the same time it undercuts the whole ability of the Mexican Government to get back on its feet in the Mexican society.

□ 2030

It simply does not make sense that the Federal Reserve did both of those things, or the Federal Reserve Chairman did both of those things the same month.

Ms. KAPTUR. If I might reclaim my time just for a second, does it not interest you that over the last year the Federal Reserve of our country raised interest rates six times, and during that period of time, of course, it became more lucrative for funds to be drawn into the United States and away from Mexico? This was all going on at the same time. We were asking ourselves why are interest rates going up in the United States when there is no inflation.

Mr. BROWN of Ohio. American investors were benefiting. There were incentive for American investors to pull their money out, and that is what accelerated the whole downward plunge of the peso. You couple the politics of NAFTA, that the Mexican Government and the American Government did not want any peso devaluation during NAFTA, the Mexican government did not want any peso devaluation, although it could have been done in small increments during their own Presidential elections. So the politics of Mexico and the easy availability of money sent to Mexico, and the American bankers and American investors

sending their money there, the Mexicans glad to receive it, certainly with the NAFTA stamp of approval, yes, our Government was saying it is OK to invest there, all played into this.

Ms. KAPTUR. If I might yield time to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. I thank the gentlewoman from Ohio. We are back together again, right.

Mr. DEFAZIO. After hours.

Mr. SANDERS. Fourteen months ago many of us, all of us, and many other of our colleagues told the American people that we thought the NAFTA Agreement was going to be a disaster. On the other side we had the President, we had the Republican leadership, we had virtually every major corporate newspaper in America, who were telling us what a wonderful deal NAFTA was going to be for American workers, for Mexican workers, and for the people in general.

Fourteen months have come and gone, and sadly, sadly, virtually every concern that we had at that time has proven to be true. And after the 14 months, instead of our friends who supported NAFTA coming forward and saying, ''OK, we admit it, we made a mistake, we were wrong, everybody is wrong, they were wrong''; but instead of coming forward and saying they were wrong, what they now come forward and say is, ''Hey, we need a $40-plus billion loan guarantee to Mexico, becuase NAFTA has been such a success that the Mexican economy is disintegrating, their Government is extremely unstable, and therefore, at a time when small business in America is in trouble and we do not offer them loan guarantees, family farmers in America, we do not offer them loan guarantees, we have a $200 billion deficit.''

And what irritates me very much is every single day on the floor of this House Members of Congress say, ''Hey, we have got to cut back on Social Security, on Medicare, on Medicaid, on nutrition programs for hungry children and hungry senior citizens. We have got to do that.'' We do not have enough money. And yet apparently there is not quite that concern for putting $40 billion of taxpayers' money at risk for this bailout.

The first point I would like to make this evening in terms of this bailout is it is very interesting who is for it and who is against it. Polls indicate, I think the latest poll I saw is that some 80 percent of the American people are against this bailout. Maybe some of the viewers would say, well, obviously all the Mexican people are for this bailout.

Wrong. Polls indicate, as I understand it, that a healthy majority of Mexicans are against the bailout because they are concerned about the sovereignty of their nation.

Mr. BROWN of Ohio. If the gentleman will yield, including one of the major presidential candidates in Mexico who has come out against and spoken at a rally of literally tens of thousands of Mexicans, I would add.

Mr. SANDERS. So you have the American people against the bailout, you have the Mexican people against the bailout. And one of the frustrations that all of us share is that we know that, if that vote had come to the floor of the House, the U.S. Congress, House and Senate, Republicans and Democrats, and the only independent, were all against the bailout.

Mr. TAYLOR of Mississippi. How did the gentleman vote on this issue?

Mr. SANDERS. Well, that is a very interesting question. I was about to vote no for the bailout. Unfortunately, it never came to the floor of the House. I have not yet voted on it.

Mr. TAYLOR of Mississippi. How did Ms. KAPTUR vote on the issue?

Ms. KAPTUR. On this bailout issue, we have not had a chance to vote on it.

Mr. TAYLOR of Mississippi. How did the Speaker of the House vote on the issue?

Ms. KAPTUR. The Speaker of the House has not had a chance to vote on this matter.

Mr. TAYLOR of Mississippi. The chairman of the Committee on Ways and Means, the chairman of the Committee on Appropriations?

Ms. KAPTUR. The chairman of the Committee on Appropriations I spoke with the other day. There has been no bill referred to his committee. There is not a bill that has been brought up here to the Congress.

Mr. TAYLOR of Mississippi. Twenty billion dollars of American tax dollars, and there was not a vote in the Congress of the United States. Is that what you are telling me?

Ms. KAPTUR. There has not been a vote here in the Congress of the United States.

Mr. TAYLOR of Mississippi. When will Congress get a chance to vote on this?

Ms. KAPTUR. We were trying very hard to get a vote, hopefully tomorrow. We introduced a bill on Friday. Because the Speaker will not bring up the bill, we have to use very unusual procedures to force a bill on the floor, which we expect will come up tomorrow sometime after 11 o'clock, under very prescribed rules where we will have very little opportunity to debate. But we have not been able to get any hearings in the committees of any significance. We have not been able to get a bill. The executive branch did this completely on their own, without the Congress being involved.

Mr. TAYLOR of Mississippi. Ms. KAPTUR, is it really fair to say the executive branch did this entirely on their own? Let us go back the 13 months that my friend Mr. SANDERS made reference to. What was then minority whip, now Speaker of the House GINGRICH'S position on NAFTA?

Ms. KAPTUR. Mr. GINGRICH was a very strong supporter of NAFTA, and in fact when NAFTA got in trouble, he ended up rounding up the votes to ultimately pass it. There were I think 43 votes that were switched at the end.

Mr. TAYLOR of Mississippi. So again going back to what Mr. SANDERS had to say, what incentive then does Speaker of the House GINGRICH have to bring this to a vote? After all, his folks got their $20 billion. The American people are left holding the bag. Four hundred and thirty-five Cngressmen never voted on it. Folks back home do not know if they were for it or against it. What recourse is there for a Member of Congress who feels like his constituents have gotten the short end of this stick, and that his constituents' children have gotten the short end of the stick? After all, they have already lent $20 billion. But it is my understanding, please correct me if I am wrong, there is $35 billion in this fund. That means there is $15 billion still to be left at the whim of the President. To put that as a reference to the citizens of this country, $35 billion is roughly what this Nation will spend on its veterans this year. Yet, you are telling me without a vote in this body, up to $35 billion can be pledged by the United States, with little or no guarantee that it will ever be repaid. As a matter of fact, I have heard the Mexicans have only made one debt payment one time in the past dozen years of so.

Ms. KAPTUR. If the gentleman will yield, what has been very interesting is if you look back over the decade of the 1980's, this fund was used every once in a while, especially around the 1982 Presidential elections in Mexico, to prop up that Government. There were loans made from this fund, $500 million, $1 billion. Then you went up to 1988 when there was another Presidential election in Mexico, and they used $1.1 or $1.2 billion out of the funds to prop up the existing Government there.

Now the Presidential elections of this past August 1994: The fund was used again over these numbers of years. Mexico has never really paid back its money. It has refinanced its debt, which is getting larger and larger and larger.

□ 2040

That is like if you had a credit card and you never paid the principal and you just kept adding more and more debt and then you were charged a higher interest rate.

Mr. TAYLOR of Mississippi. So if you would explain to the Members who might still be watching, what is it that you are trying to accomplish tomorrow?

Ms. KAPTUR. What we are trying to accomplish tomorrow is to give the 435 Members of this House a chance to vote against the Mexican rescue package. We have essentially been muzzled. The executive branch, in conjunction with the leadership of this institution, went around the other 434 Members of the Congress of the United States.

We want our chance to vote.

Mr. DEFAZIO. Mr. Speaker, if the gentlewoman will continue to yield, I would like to clarify, I think that we do not even have to characterize it in exactly that fashion. We are asking the basic questions regarding the extension of these credits to Mexico. How much money is involved? What risks are there for the U.S. taxpayer? And the series of interrogatories, someone could vote in support of our resolution tomorrow, not having made up their mind but saying as a representative of the people they need more information.

So I would say that the Members who would support our resolution would be both Members who already feel that they have enough information to say no to the bailout for Mexico, but I would say for the other Members of this body, I cannot imagine that any single person in this body who has not had those questions answered could vote in support of it.

I can see where you could still have an open mind and say, I would like to know what risks we have, how much it is costing, what the terms are, what our exposure is. But we do not have that. So I would characterize the vote tomorrow a little differently.

Ms. KAPTUR. The gentleman is correct. If one reads the resolution, it asks for us to have the constitutional authority retained here as we would hope we could tomorrow, and then it asks the Comptroller General to report back on the specifics of the package that was negotiated by the administration. I think the gentleman from Mississippi would like to comment.

Mr. TAYLOR of Mississippi. I wanted to get back to something the gentleman from Vermont mentioned, when he said that Wall Street was all in favor of NAFTA and Wall Street was all in favor of the bailout.

In fact, former U.S. Trade Representative, Ms. Carla Hills, who used to come regularly up to Congress and tell us what a great deal NAFTA was, has written an article for the Washington Post saying we have to bail out these poor people.

It was funny that just 1½ years ago, when Ms. Hills came before the Merchant Marine Committee and I brought to her attention that a lot of shrimpers in the gulf coast, a lot of people in the garment plants would probably lose their jobs as a result of NAFTA, she said, ''that is economic Darwinism. You just have to have some people who are going to suffer when things like this happen, but it is for the benefit of everybody that this happens.''

Would someone explain the wisdom to me why it is OK to let somebody who makes $5.50 an hour working at a sewing machine all day lose their job, but when some Wall Street investor loses a couple of bucks on his investments down in Mexico, or maybe a lot more than a couple bucks, that it suddenly becomes the responsibility of the working people of this country, the very same working people that you may have put out of work to bail them out, to go on the line and cosign that loan? And above all, why is it right that this huge expenditure, the equivalent of the Veterans Administration budget, is being made available for the President alone to spend and the Congress of the United States, which is given the constitutional duty, not privilege but the constitutional duty to see how our money is spent, what kind of debts we incur, where is the Speaker? Where is the minority leader? Is this not crazy that neither party's head is demanding a vote on this and that 6, 7, 12 Members have to be the ones to come forward and, by using the rules of the House, demand a vote on this? It is just not right.

Ms. KAPTUR. It is interesting, because I come from the Midwest, midwestern part of our country, as did the gentleman from Ohio, Congressman BROWN, who has joined us, the gentleman from Vermont, Congressman SANDERS, comes form the northeast, the gentleman comes from the Deep South in Mississippi, the gentleman from Oregon, Mr. DEFAZIO, it has been very interesting to me to see the breadth of support inside this institution on this issue.

Mr. TAYLOR of Mississippi. If I may interrupt, on both sides of the aisle.

Ms. KAPTUR. On both sides of the aisle.

Mr. TAYLOR of Mississippi. There are, I believe as many Republican sponsors of this resolution as Democrats. I think that is very important, because I think a number of the Republicans are at odds with what their leadership has done, which is, again, to deprive the majority of the Members of this body just expressing this sentiment, yes or no, this is a tremendous obligation.

I know it is more than three times the State budget for a whole year of my home State.

Mr. DEFAZIO. If the gentlewoman would yield further, I was talking to a freshman Republican Member today, and that freshman stated unequivocally that they had done a whip of their own group and there were 3 Members of the 73-Member Republican freshman class who were prepared or leaning toward voting for the bailout of Mexico.

So I think what has happened here is the leaders on both sides can count, and they did count. When they counted, they found probably out of this entire institution, the representatives of the people of the United States of America, duly elected and all equal under the Constitution, that probably less than 100 were willing to vote for this bailout.

Now I guess what we are being told is we just do not know, we just do not know the facts. Well, then, give us the facts. That is what we are asking here. If there are facts that would change my mind, bring them forward. But there is an absence of fact and we are being treated as though we, as elected representatives of the people, well, we just do not know better. This is something that the big folks on Wall Street, the Federal Reserve decided in secret, Robin Rubin, managing director of Goldman, Sachs and the President behind closed doors, and public discussion is foreclosed and votes of the people are prohibited.

Mr. SANDERS. My friend from Oregon is exactly right, as is my friend from Mississippi.

My friend from Mississippi makes an interesting point, if he will allow me to amplify his statement a little bit, that all over this country there are people who work for $5 an hour and $6 an hour and $8 an hour. And they go to work every day and many of them do not have any health insurance, and we are told that the Government does not have the money to provide health insurance. Their jobs are uprooted and taken to Mexico or to China and we are told, ''Hey, that is the way life goes, that is what the market system is about, no security, you are out on the street.'' They pay unfairly too much in taxes, that is the way the system goes.

And nobody is hearing their pain. And then suddenly our friends from Wall Street, who by the way, let us be honest about this, in the last few years have made out like bandits in their investments in Mexico. In the city of Burlington, VT, people put their money in the savings bank to make 3 percent, 4 percent, 5 percent, safe investment; in Mexico people were making 50 percent, people were make 100 percent of their investments. And then suddenly, for reasons that we do not fully know, we know some of them, the economy of Mexico took a tumble and their investments went sour.

And how amazing it is, and I remember this when I was mayor of the city of Burlington, it was not the poor people and the working people who came into my office to ask for help. It was always the powerful and the wealthy who tell us, ''What can you do for us?'' and they are back again. These people who have the money, who have made out like bandits, have suddenly taken a loss.

Well, when you invest in a risky proposition, that is the nature of the game, is it not? You stand to win a lot if things go well, you stand to lose if things go badly.

I absolutely agree with my friend from Mississippi that it is an outrage to go back to the working people in this country, some of them who have lost their jobs from these very same folks who have taken their plants to Mexico, and then to ask working people of America to bail them out.

To pick up on the point from my friend from Oregon, what makes me really sad is not only the horror of this whole agreement, but in fact as a result of it there will be even more people giving up on the democratic process. We just had an election recently and 62 percent of the people did not come out to vote. They no longer believe that the Government of the United States represents their interests.

What do you think this action on the part of the President is going to do to the political process?

□ 2050

You are standing up from Oregon, you are standing up from Mississippi, you are standing up from Ohio, many of us are standing up and the people are saying ''What difference does it make? Thanks for standing up for us, but you don't have any power. We send you here to represent us but you can't do anything about it. Why do you want me to come out and vote for you or vote for anybody else?''

I think one of the other aspects about this agreement which disturbs me is not only the agreement itself, which we disagree with, but the process which denies the elected officials of this country to stand up and do what is best for their districts.

Ms. KAPTUR. Mr. Speaker, I think the gentleman raises some excellent, excellent points. I know that there are working people across this country who feel that they have lost voice at the highest levels of our Government.

What is equally disturbing to think about, Mr. Speaker, is that for the people of Mexico who have no voice, the working people of Mexico who have no voice, if our Government, and I think they were in cahoots with the top leaders of Mexico, has now caused the standard of living in Mexico to be cut by half, and it wasn't very high anyway, there are people who are hungry and there are people who are streaming across our borders now because our Government was too greedy for some of the interests that supported it and some of the top leaders in the Government of the United States, then shame on us as the most powerful economic force on this continent.

I yield to the gentleman from Mississippi [Mr. TAYLOR], who wanted to make a comment.

Mr. TAYLOR of Mississippi. The only point I wanted to make, Mr. Speaker, and I wanted to get back as to the very eloquent delivery by the former mayor of Burlington, could he not just vote against the appropriation for this when it comes up?

Mr. SANDERS. If the gentleman knows, Mr. Speaker, if I had the opportunity to, I could and I would, but I do not have the opportunity. Unfortunately, as we have been discussing, we do not have that opportunity.

Mr. TAYLOR of Mississippi. Mr. Speaker, isn't it interesting that every group—there are groups like the National Taxpayers Union, Common Cause, groups that represent the defense industry, groups that represent the homeless, everyone has a score card on how you voted. You hear the Nation has incurred at least a $20 billion liability and there was not even a vote on it, and there will not be a vote on it next year or the following year or the following year, unless something happens.

Mr. Speaker, I think the point all of us are trying to make, and maybe not saying as well as we can, is that the reason we need the information, the reason for the vote tomorrow morning, is that, No. 1, we find out just how far our liability goes with this; just what kind of assets, if any, the Mexicans have pledged. I have heard they pledged oil revenues that have already been pledged to pay other bills, so, therefore, they are really not available to get our money back. What kind of track record do the Mexicans have in paying things back? Where did this money come from?

Isn't it interesting, Mr. Speaker, that while everything comes before this body, from the amount of money we will have to mail letters home to our constituents, the amount of money we will spend on B–2 bombers, the amount of money we will spend on housing and urban development, the amount of money we will spend on veterans, all these things, sometimes much, much smaller amounts dealing in just tens of thousands of dollars, we will get an up-or-down vote on, but for $20 billion, neither the President of the United States nor the Speaker of the House nor the minority leader even though we ought to have a vote. The only chance we get to rectify that starts tomorrow.

Mr. SANDERS. If the gentlewoman will yield further, Mr. Speaker, the gentleman makes a very important point. There almost seems to be an inverse relationship between the amount of money that is being spent and the level of discussion that takes place here.

We are seeing a whole lot of discussion on the National Council on the Humanities and Public Broadcasting, right? Every day people are down here, some on one position, some on the other. It is a matter of a few hundred million dollars.

What we are talking about is more than $20 billion, and as of this moment, we do not have a vote on that, and that is clearly an outrage.

Mr. DEFAZIO. If the gentleman will continue to yield, Mr. Speaker, in an answer to the gentleman's earlier inquiry, there has not been a vote on an appropriation for the Economic Stabilization Fund since 1934, 60 years since an appropriation has been voted for, yet the fund has continued to garner money through Treasury withdrawals, through having money printed, and they exchange some sort of bizarre notes which they obtain from the International Monetary Fund. They give them to our Treasury in exchange for dollars which the Treasury orders printed at the Mint.

If you want to talk about creating something out of nothing but obligating the American people, and if Alan Greenspan is concerned about inflation, how about the inflation that is caused when you just run the presses overnight, running out whatever the largest denomination of bills is, I don't know, a thousand $10,000 bills, so we can shovel that money over to the Economic Stabilization Fund, so we can send it to Mexico, or so that we can secure the loans of Mexico?

Also, Mr. Speaker, the gentlewoman put together an excellent list in response to your query here. I have heard a little bit about this ''We will guarantee these funds with the oil revenues.'' There is a list here put together by the gentlewoman from Ohio [Ms. KAPTUR].

The gentleman is right, those funds are already 100 percent committed. In fact, they are so committed that the Mexican oil company has not been able to invest any money in exploration or maintenance, because their funds are so over committed already.

You go through the list: Pemex bonds, 7.75 percent; French francs, $750 million; Euro notes, Pemex, 8.375; $400 million, Austrian bond, dated July 23, 1993, due 1998. The list goes on and on and on. They are already well in hock for any oil they can pump until their supplies are exhausted, and we are going to take security out of this? You can't get blood out of a turnip.

Ms. KAPTUR. If the gentleman will yield on that, Mr. Speaker, Oil and Gas magazine also reported about that by the end of this decade, by 1997, 1998, 1999, Mexico will be a net importer of oil because the number of barrels she has been able to produce has been cut in half, and because capital investment has not been able to be made in capital plant, and because of instability among the workers in the oilfields in Mexico, where conditions are just terrible.

Mr. Speaker, I think any wise investor would question that, oil being used as collateral.

If I might respond to the gentleman from Vermont [Mr. SANDERS], who raised a good point, when it is a small item involving the budget, we get tied up in knots here, right?

When we are talking about $20 or $40 billion or however much the American people will be on the line, it is like the Stealth bomber. It goes through here, nobody saw it, we didn't vote on it. It happened, it is a happening in America, but we didn't have anything to do with it.

Mr. Speaker, I remember when the President came up here with his State of the Union speech. He didn't like the fact that the Department of Agriculture had spent a few thousand dollars trying to eliminate ticks. He spent a long time talking about ticks.

If you come from a rural area, a lot of my district is rural, that can be a pretty significant problem for people. In fact, we had one gentleman here in Congress, Berkeley Bedell, who had to leave Congress because he got Lyme disease. If you know anything about what can happen, it is a pretty serious area to be doing research on, so I didn't quite understand why he picked that particular few thousand dollar expenditure out.

Here we are talking about an enormous amount of money, and the gentleman from Mississippi [Mr. TAYLOR] said ''Could we vote on it in the Committee on Appropriations?''

I asked one of the subcommittee chairs of Appropriations, ''Will this come up before your subcommittee this year? Will we get a vote? How do we get a vote on this?''

He said ''Well, you know, yes, the Treasury Department is under our subcommittee's jurisdiction, but this particular fund, I guess it is more like foreign aid, so we don't think it would come under us.''

This is the kind of fund, it is like mercury. If you have ever seen mercury and you try to put your finger on it, it keeps moving around. You can't pin it down, really; $20 billion, maybe $40 billion, and it is rising every day.

So here we stand, at 9 o'clock at night Washington time, trying to say it is our responsibility to vote on this kind of money, and putting our taxpayers at this kind of risk.

I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Again, Mr. Speaker, I would like to point out that in the past couple of weeks this Chamber has taken some steps toward getting our financial house in order.

Regardless of where you stand on it, the House has passed a line-item veto. The Speaker as we speak is holding a press conference bragging about how that is somehow going to save the House of Representatives from itself, but we passed it.

A few weeks ago we passed the balanced budget amendment, which I supported, because I think we have to be accountable. We passed earlier on the first day a resolution calling for an audit of every single House office and every single budget within the House of Representatives.

But going back to what Mr. SANDERS says, if it makes sense, and the Speaker will support an audit for a congressional office that has a budget of about $600,000, don't you think he would support an audit of a fund that has $35 billion in it; we think $35 billion, because no one really knows for sure, and it is the taxpayers' money. It is not the Speaker's money, it is not the money of the gentleman from Vermont [Mr. SANDERS], and it is certainly not my money.

But don't the taxpayers deserve to know where it came from, where it is going, and don't they deserve an up-or-down vote of their elected representative on how this money ought to be spent, especially when our Nation's veterans are being told ''There is not enough room in the military hospitals for you;'' especially when every university within short order in the continental United States is going to get a letter saying ''Don't ask for as much money as you got last year, money is tight;'' especially when highway funds are getting ready to get cuts; especially when everybody's State's budget, at least the money they receive from the Federal Government, is going to get cut?

□ 2100

How on Earth can we say domestically we want all you people to share in the pain, but if you are south of the Rio Grande, or if you happen to be a big shot up on Wall Street, here is a blank check for $20 billion, and here is $15 billion more when you need it? And the vote tomorrow morning is the only chance the people in this body are going to get to have an accounting on that.

I hope the Speaker will rule that this resolution is in order. But if he does not rule it is in order, then we have got to wonder whose side is he on. Is he on the side of accountability or is he on the side of hiding all of this from the public?

I had an interesting call today from an Under Secretary of the Treasury, and he will meet with a number of us tomorrow morning. Interestingly enough, he said, ''You know, I can't give you all that information publicly.'' Why? I can understand a military secret being kept from the public, we would not want our enemies to know our capabilities of our weapons or troop strengths, but why should not the public know how their money has been invested and where it has been invested and what kind of return they have on it, and what kind of promise we have to get this money back? That troubles me. That is sort of like the old Washington mentality, ''We know it all and those folks back home don't know.''

Tomorrow morning, the Members of this body will decide who they are with, whether they think the people of America are smart enough to know and ought to know where their money is coming from, and where it is going, or whether they just think a couple of guys, the Speaker, the President, the minority leader, a couple of guys from the Treasury Department, whether they think they alone ought to have the responsibility for $35 billion. That is really what the vote tomorrow morning is all about.

No. 1, I would certainly encourage the Speaker to rule that this resolution is in order so that we can have a vote on it. But, No. 2, if he decides that he will not rule it in order, then I think he ought to at least be man enough to give us an hour to decide, to make our pitch in front of the full body before any sort of a motion is made to table it, because the people of America deserve to know what in the heck is going on, and they deserve an opportunity to fix this problem.

I want to thank the gentlewoman and both gentlemen for their time.

Ms. KAPTUR. I want to thank the gentleman from Mississippi for being the lead sponsor of this privileged resolution. The people of Mississippi should be very proud of the gentleman, an independent, strong-minded Member who stood up to the most powerful interests in America, both political and economic.

In response to something the gentleman said, let me just mention that I received a letter this week from a woman from Coral Gables, FL. She supports us in our efforts to get a vote on this measure tomorrow. She sent this beautiful letter really saying the people of America understand what is going on and encouraging us in our efforts to get at the truth and to get the figures for the American public.

But it was very interesting. She attached a letter to her letter to me that had been written to her by the chairman of the Banking Committee in the House 2 years ago, Congressman HENRY GONZALEZ. In this letter, and she even highlighted it in yellow ink for me, she quotes some of his statements which I think are so instructive I wanted to read them tonight, in which he said that during NAFTA, the NAFTA debate, that he endeavored to bring out that NAFTA was more than just a trade agreement. It is a free trade and finance agreement. And he underlined finance. And he was concerned that the finance and banking portions would turn out to be the driving force, backed by the largest banks and financial interests in this hemisphere. And he said NAFTA will have profound implications for the safety and soundness of the U.S. banking and financial services industries, the integrity of the basic banking laws of this country and counteraction against international money laundering.

Now that NAFTA has passed he said the stage may also be set for another savings and loan style bailout as United States bankers pursue risky investments in the unregulated Mexican market.

To his letter he then attached even more lengthy hearings that he has held in his committee. I just want to read one paragraph here by two gentlemen, Mr. Niko Valance and Mr. Andres Penaloza, who testified before his committee that the omission of an exchange rate stabilization mechanism in NAFTA was deliberate and a mistake. Mr. Valance argued that without an established exchange rate, stabilization mechanism, it is possible for foreign corporations to exert pressure on the Mexican Government to devalue the peso, thus lowering wages in terms of other currencies.

In addition, Mr. Davidson cautions that the relatively volatile currency in Mexico poses increased potential exchange and interest rate risks to U.S. financial institutions. The fact that these issues are not addressed in NAFTA was of considerable concern to many of the witnesses.

Mr. DEFAZIO. If the gentlewoman will yield, it is interesting to hear those statements from 2 years ago, because we have heard most recently from the proponents of NAFTA, the apologists for NAFTA, the Secretary of the Treasury and others, that no one

could have anticipated the circumstances. But yet the gentlewoman is saying that letter from the chairman of the Banking Committee, a neighbor to Mexico who lives just over the border, who understands that country well and is sympathetic to the needs of that country, he discerned these problems. What was the date on that letter?

Ms. KAPTUR. The date on the letter was December 6, 1993, but the respective sections from the CONGRESSIONAL RECORD were dated November 15, 1993, remarks by Mr. GONZALEZ on NAFTA, page H9661.

Mr. DEFAZIO. That is absolutely extraordinary. So perhaps a rational person could have anticipated that the peso was overvalued, that there were problems with political manipulations of the currency values in Mexico and, in fact, that inextricably tying the fate of our economy to Mexico, which seems to be what our administration is telling us, was a mistake.

I would ask the gentlewoman if she noticed the statement in the Washington Post last weekend where the Speaker said there was a relationship between the minimum wage and the value of the peso in Mexico and Mexican workers, and said he was hesitant to support an increase in the minimum wage in the United States of America for people who work in this country because that would probably drive more jobs across the border.

So we have just seen the value of the wages in Mexico, which were pitiful to begin with compared to U.S. wages, dropped by 50 percent, and now we have to withhold any increase in the standard of living for the people of the United States because be might lose yet more manufacturing jobs to Mexico.

What happened to the promise of hundreds of thousands of jobs in America as we sold goods to the Mexican people? I am puzzled.

Mr. SANDERS. Mr. Speaker, if the gentlewoman will yield, in Sunday's Washington Post Raul Avila, president of the National Maquiladora Industry Council, said that during the first 10 months of 1994 maquiladora employment increased 6.2 percent, over 600,000 employees, and importantly enough, as the gentlewoman has just indicated, ''The industry forecasts the opening of another 600 assembly plants this year.''

Mr. DEFAZIO. If the gentlewoman will yield, that, I believe, was because of the drop in the value of the peso.

Mr. SANDERS. The gentleman is exactly right. With cheaper labor it becomes a better investment in the maquiladoras, and we can expect more American companies to be going down there.

The gentleman and the gentlewoman raised interesting points a while ago. I am a member of the Banking Committee that dealt with the S&L fiasco, and as my colleagues will recall the concept ''too big to fail.'' Do my colleagues remember that concept? What too big to fail means is that the taxpayers of America were obligated to bail out very, very large banks because if they failed, the repercussions of that failure were supposedly so great that it would have been worse than bailing them out.

I would like my colleagues to comment on this thought. It seems to me that that is precisely what is happening with regard to Mexico. We are now asked, well, not asked, but the President is proposing to put $40 billion of loan guarantees into Mexico. Maybe the President is right and we do not know. Maybe, in fact, this will improve the Mexican economy, everything will work out well, and there will not be a loss of taxpayer money. That may be true.

But let us look at the other side of the story. Maybe in fact the Mexican economy will not improve and we will lose that $40 billion. What I would like to ask my colleagues is this: Is it not possible that a year from now or 2 years from now a President will come back and say we have got to provide even more loan guarantees to Mexico because we already have $40 billion in the hopper there; we cannot afford to lose that. We have to protect that investment and, therefore, we need to put even more money into Mexico?

□ 2110

And I think the implications of that are very, very frightening. This Congress and this President are having a difficult enough time running the American economy that we know something about on behalf of American workers. We are not doing very well at that.

The idea that we have the knowledge or the ability to sustain the Mexican economy, upon which we are dependent, is really quite beyond me.

But I am afraid that we are going to have this too-big-to-fail concept once again. Then we are going to have to pump more and more money into Mexico, because if it fails, then we have lost all the money we put into them last year.

Mr. DEFAZIO. I guess to bring it down to something smaller than billions, I think I heard very early on in my life and the old saw, you know, ''If you owe the bank $1,000 and you cannot pay, you have got a problem. If you owe the bank $100,000 and you cannot pay, the bank has got a problem.'' That is where we are at here.

It is not only ultimately an obligation of the economic stabilization fund, and it does admit in here that losses can be incurred, and those losses would have to be made up, but also the interest earnings, gains or losses of the economic stabilization fund are reflected in the budget of the United States of America. So if the economic stabilization fund loans to Mexico, $20 billion or so to Mexico go bad, then suddenly we are told that not only do we have to come up with the money but that counts as $20 billion more deficit for the United States of America.

Ms. KAPTUR. On that point, if you look at what we are spending on as a Nation, the very first set of categories have to do with Social Security, and especially Medicare, the cost that the taxpayers subsidize Medicare. Defense is a large expenditure. Then comes interest rates. Right after that, the fourth largest category of spending in this Government is to pay the interest on the savings and loan bailout which totals over $1 trillion. Our children's children will be paying for that.

So when we get in these debt financing arrangements, what we are talking about is obligating the people of our country so far down the road you can hardly even see the end of it.

But in this situation with Mexico, we are not talking about money we own to ourselves. We are talking about money that is owed to investors and creditors to foreign nations. This is a very different animal than that exchange stabilization fund was meant to be used for in the past.

I think what we are seeing is a different form of foreign aid, which does not have to be voted on here in the Congress, and that is not how a democracy should function or a democratic republic should function. We should have the debate here. We as a people must make a decision about what our relationship is to various countries around the world.

Mr. SANDERS. My recollection—and help me out here—is that foreign aid that we do vote on is about what, $15 or $16 billion?

Ms. KAPTUR. That is right.

Mr. SANDERS. There is lot of debate. Many people throughout this country think that is too much.

Ms. KAPTUR. Half of that is weapons.

Ms. SANDERS. All right. What we should appreciate is that this loan guarantee to Mexico puts us at risk for over double what our entire foreign aid package is today. Is that correct?

Ms. KAPTUR. That is correct. The gentleman is correct. I kept listening to the President when he said, ''Oh, this is not anything serious. This is just cosigning a loan.'' I would say to the gentleman from Oregon and the gentleman from Vermont what if someone came up to you and said, ''Would you sign a loan with me for $50,000? Right now, sign it?''

Mr. SANDERS. For you, Mr. KAPTUR, absolutely.

Ms. KAPTUR. But maybe you do not know what my finances are like. I mean, would you not want to know the credit history of that person, what kind of assets the person had? And there is absolutely a risk that something might go wrong. Cosigning the loan does not absolve risk.

Mr. SANDERS. I was on a national television program the other day and one of the proponents of his bailout was saying, well, the Mexican economy is basically in good shape; they are having a short-term cash flow problem. But basically it is strong. One of my

colleagues here talked about the national debt of Mexico. Is, in fact, the Mexican economy strong and stable?

Ms. KAPTUR. The Mexican economy is not strong and stable, and the nation is not politically stable, which is why there is all of this moving up and down of the value of the peso. Mexico owes somewhere between $160 and $200 billion. That is with a ''b.'' That is in public debt that is owed to other creditors. This is only one small piece of it. This is probably the piece that they thought they might be able to bite off without too many people disagreeing, but there is a lot more money owed, and then inside Mexico, because of the strange relationship between their private sector and their public sector and their banks, there are all kinds of debts internal to Mexico, and with interest rates going up there and with the inflation rates going up, it is a very unstable economic situation inside of Mexico.

The value of their money has just been cut in half. Lots of businesses there have loans. The relationship of those businesses to their banks, to the inflation rate, et cetera, is a very unstable situation, and the largest revenue generator to the Government is Pemex, the oil company.

Over, I think, nearly half the revenues of that Government are generated by Pemex, so that is another place that the oil revenues are pledged as collateral to their own Government.

I happen to believe that Mexico's main problems are not economic but, rather, social and political; in other words, if you could get a system there that operated in a more democratic fashion, could you begin to put the pieces in place of an economic order that shared the wealth with the vast majority of people rather than just at few people on the top.

Mr. SANDERS. The main point I wanted to make very briefly is that it is not for sure that this $40 billion loan guarantee is without significant risk, and that is the main point I wanted to make.

Ms. KAPTUR. It is absolutely with significant risk.

Mr. DEFAZIO. I think this was a question I asked very early on when I was contacted, when I filed my legislation to withdraw from NAFTA. They brought up all of these concerns about how it would further destabilize the economic situation. They said we are only cosigning, and I said, well, I understood if someone had impeccable credit they would not need a cosigner. Usually you get a cosignor because no one else wants to extend you credit, and they think maybe you would not be good for it. If Mexico's credit is so great, I suggest they go to the same Wall Street financiers who have made 20- to 50-percent interest, nice rate of return, and perhaps say, ''Look, you have been making a lot of money down in Mexico, how about extending some loans on favorable terms, maybe only 15–20 percent interest per year as opposed to what we have been paying you, still better than you can get generally in the United States stock market, S&P index, United States Treasury, better than you can get anywhere else.''

I would assume the Wall Street financiers, thinking there is no problem, if they want the Government to cosign, why do they not just do it directly. Why do not they do it themselves? They are telling us we will make money on this. The taxpayers might make money on it. Might lose $40 billion on it, but, this is a river boat gamble. We are river boat gamblers with $40 billion of assets of the United States of America that belong to the people of this country. I do not think so. That is not our role here. Let the people on Wall Street be the river boat gamblers, not the people on Main Street.

Ms. KAPTUR. I am telling you, if those people on Wall Street and in the banks around this country made as risky investments as this group did down in Mexico, our entire banking system would be in a state of collapse.

Mr. SANDERS. Essentially what we want is two things. We need far more information about this bailout and, second of all, and most importantly, we want the U.S. Congress, which presumably was elected to represent the American people, to be able to vote this thing up or down, and in my view, the Congress would vote it down.

Now, I think if the American people are upset about this process, it is terribly important that they stand up, they tell the President and the Republican leadership that they understand what is going on, that they want a vote on the floor of the House, they want the Members of Congress to represent their interest and not put $40 billion at risk.

So we hope very much that the people will stand up, fight back, and start callng their Members of Congress, the President's office, and the leadership to demand a vote on this important issue.

Ms. KAPTUR. I want to thank the gentleman from Vermont [Mr. SANDERS] for joining us this evening, the gentleman from Oregon [Mr. DEFAZIO], the gentleman from Mississippi [Mr. TAYLOR], and the gentleman from Ohio [Mr. BROWN].

RULES AND PROCEDURE FOR THE COMMITTEE ON THE BUDGET FOR THE 104TH CONGRESS

(Mr. KASICH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KASICH. Mr. Speaker, pursuant to clause 2 of rule XI of the Rules of the House of Representatives, I am pleased to submit the Rules of the Committee on the Budget for the 104th Congress and ask that they be printed in the CONGRESSIONAL RECORD. These rules were adopted by the committee in open session on January 6, 1995.

RULES OF THE COMMITTEE ON THE BUDGET

MEETINGS

Rule 1—Regular meetings

The regular meeting day of the committee shall be the second Wednesday of each month at 11 a.m., while the House is in session.

The chairman is authorized to dispense with a regular meeting when he determines there is no business to be considered by the committee, provided that he gives written notice to that effect to each member of the committee as far in advance of the regular meeting day as the circumstances permit.

Regular meetings shall be canceled when they conflict with meetings of either party's caucus or conference.

Rule 2—Additional and special meetings

The chairman may call and convene additional meetings of the committee as he considers necessary, or special meetings at the request of a majority of the member of the committee in accordance with House Rule XI, clause 2(c).

In the absence of exceptional circumstances, the chairman shall provide written or verbal notice of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least 3 days in advance when Congress is not in session.

Rule 3—Open business meetings

Each meeting for the transaction of committee business, including the markup of measures, shall be open to the public except when the committee, in open session and with a quorum present, determines by roll-call vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, clause 2 (g)(1). No person other than members of the committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This rule shall not apply to any meeting that relates solely to matters concerning the internal administration of the committee.

Rule 4—Quorums

A majority of the committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

Rule 5—Recognition

Any member, when recognized by the Chairman, may address the committee on any bill, motion, or other matter under consideration before the committee. The time of such member shall be limited to 5 minutes until all members present have been afforded an opportunity to comment.

Rule 6—Consideration of business

Measures or matters may be placed before the committee, for its consideration, by the chairman or by a majority vote of the members of the committee, a quorum being present.

Rule 7—Procedure for consideration of budget resolution

It shall be the policy of the committee that the starting point for any deliberations on a concurrent resolution on the budget should be the estimated or actual levels for the fiscal year preceding the budget year.

In developing a concurrent resolution on the budget, the committee shall first proceed, unless otherwise determined by the committee, to consider budget aggregates, functional categories, and other appropriate matters on a tentative basis, with the document before the committee open to amendment; subsequent amendments may be offered to aggregates, functional categories, or

other appropriate matters which have already been amended in their entirety.

Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

Rule 8—Rollcall votes

A rollcall of the members may be had upon the request of at least one-fifth of those present. In the apparent absence of a quorum, a rollcall may be had on the request of any member.

Rule 9—Parliamentarian's Status Report and Section 302 Status Report

(a) In order to carry out its duty under section 311 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the committee shall advise the Speaker on at least a monthly basis when the House is in session as to its estimate of the current level of spending and revenue. Such estimates shall be prepared by the staff of the committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian's Status Report described above.

(b) In order to carry out its duty under section 302 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending within the jurisdiction of committees as compared to the appropriate allocations made pursuant to the Budget Act in conformity with the latest agreed-upon concurrent resolution on the budget, the committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the committee and transmitted to the Speaker in the form of a Section 302 Status Report.

The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

HEARINGS

Rule 10—Announcement of hearings

The chairman shall publicly announce the date, place, and subject matter of any committee hearing at least 1 week before the commencement of that hearing, unless he determines there is good cause to begin such hearing at an earlier date, in which case public announcement shall be made at the earliest possible date.

Rule 11—Open hearings

Each hearing conducted by the committee or any of its task forces shall be open to the public except when the committee or task force, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, or would compromise sensitive law enforcement information, or would tend to defame, degrade, or incriminate any person, or would violate any law or rule of the House of Representatives. The committee or task forces may by the same procedure vote to close one subsequent day of hearing.

For the purposes of House Rule XI, clause 2(g)(2), the task forces of the committee are considered to be subcommittees.

*Rule 12—Quorums**

For the purpose of hearing testimony, not less than two members of the committee shall constitute a quorum.

Rule 13—Time for questioning witnesses

Committee members shall have not to exceed 5 minutes to interrogate each witness until such time as each member who so desires has had an opportunity to interrogate such witness.

After all members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

In questioning witnesses under the 5-minute rule, the chairman and the ranking minority member may be recognized first, after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule 14—Subpoenas and oaths

In accordance with House Rule XI, clause 2(m) subpoenas authorized by a majority of the committee may be issued over the signature of the chairman or of any member of the committee designated by him, and may be served by any person designated by the chairman or such member.

The chairman, or any member of the committee designated by the chairman, may administer oaths to witnesses.

Rule 15—Witnesses' statements

So far as practicable, any prepared statement to be presented by a witness shall be submitted to the committee at least 48 hours in advance of presentation, and shall be distributed to all members of the committee in advance of presentation.

Rule 16—Committee prints

All committee prints and other materials prepared for public distribution shall be approved by the committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the committee.

BROADCASTING

Rule 17—Broadcasting of meeting and hearings

It shall be the policy of the committee to give all news media access to open hearings of the committee, subject to the requirements and limitations set forth in House Rule XI, clause 3. Whenever any committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, in accordance with House Rule XI, clause 3.

STAFF

Rule 18—Committee staff

(a) Subject to approval by the committee, and to the provisions of the following paragraphs, the professional and clerical staff of the committee shall be appointed, and may be removed, by the chairman.

Committee staff shall not be assigned any duties other than those pertaining to committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

All committee staff shall be entitled to equitable treatment, including comparable salaries, facilities, access to official committee records, leave, and hours of work.

(b) Associate staff for members of the committee may be appointed only at the discretion of the chairman (in consultation with the ranking minority member regarding any minority party associate staff), after taking into consideration any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Oversight under clause 6 of House Rule XI. Such staff members shall be compensated at a rate, determined by the member, not to exceed $60,000 per year; provided, that no member shall appoint more than one person pursuant to these provisions; provided further, that members designating a staff member under this subsection must certify by letter to the chairman that the employee is needed and will be utilized for committee work and, to the extent space is available, will spend no less than 10 hours per week in committee offices performing committee work.

Rule 19—Staff supervision

Staff shall be under the general supervision and direction of the chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule XI, clause 6(c)) and job titles, and, in his discretion, arrange for their specialized training.

Staff assigned to the minority shall be under the general supervision and direction of the minority members of the committee, who may delegate such authority as they deem appropriate.

COMMITTEE RECORDS

Rule 20—Preparation and maintenance of committee records

An accurate stenographic record shall be made of all hearings and business meetings.

The proceedings of the committee shall be recorded in a journal which shall, among other things, include a record of the votes on any question on which a record vote is demanded.

Members of the committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof, except that any changes shall be limited to technical, grammatical, and typographical corrections.

Any witness may examine the transcript of his own testimony and make grammatical, technical, and typographical corrections.

The chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for correction, and that further delay would seriously impede the committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

Transcripts of hearings and meetings may be printed if the chairman decides it is appropriate, or if a majority of the members so request.

Rule 21—Access to Committee Records

(a) The chairman shall promulgate regulations to provide for public inspection of rollcall votes and to provide access by members to committee records (in accordance with House Rule XI, clause 2(e)).

Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

Notice of the receipt of such information shall be sent to the committee members. Such information shall be kept in the committee safe, and shall be available to members in the committee office.

*(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

APPLICABILITY OF HOUSE RULES

Rule 22—Applicability of House Rules

Except as otherwise specified herein, the Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

CONFEREES

Rule 23—Appointment of conferees

Majority party members recommended to the Speaker as conferees shall be recommended by the chairman subject to the approval of the majority party members of the committee. The chairman shall recommend such minority party members as conferees as shall be determined by the minority party, provided that the recommended party representation shall be in approximately the same proportion as that in the committee.

MISCELLANEOUS

Rule 24—Waivers

When a reported bill or joint resolution, conference report, or anticipated floor amendment violates any provision of the Congressional Budget Act of 1974, the chairman may, if practical, consult with the committee members on whether the chairman should recommend, in writing, that the Committee on Rules report a special rule that enforces the act by not waiving the applicable points of order during the consideration of such measure.

Rule 25—Report on the budget resolution

The report of the committee to accompany a concurrent budget resolution shall include a comparison of the estimated or actual levels for the year preceding the budget year with the proposed spending and revenue levels for the budget year and each out year along with the appropriate percentage increase or decrease for each budget function and aggregate. The report shall include any rollcall vote on any motion to amend or report any measure.

Rule 26—Oversight

Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight in accordance with the provisions of clause 2(d) of House Rule X.

* Written rule required by House Rules.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT) for Monday, February 6, and Tuesday, February 7, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STUPAK) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. CHAPMAN, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

(The following Members (at the request of Mr. COBURN) to revise and extend their remarks and included extraneous material:)

Mr. COBURN, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCINNIS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STUPAK) and to include extraneous matter:)

Mr. BRYANT of Texas in three instances.

Mr. CARDIN.

Mr. ACKERMAN.

Mr. HINCHEY.

Mr. TRAFICANT.

Mr. TOWNS in two instances.

Ms. RIVERS.

Mr. ORTIZ.

Mr. BARRETT of Wisconsin.

(The following Members (at the request of Mr. COBURN) and to include extraneous matter:)

Mr. FIELDS of Texas.

Mr. ENSIGN.

Mr. MCINNIS in four instances.

Mr. SEASTRAND.

Mr. WOLF.

Mr. PACKARD.

Mr. YOUNG of Florida.

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Mrs. MORELLA.

Mr. FILNER.

□ 2120

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 7, 1995, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

303. A communication from the President of the United States, transmitting his request to make available emergency appropriations totaling $150 million in budget authority for the Forest Service of the Department of Agriculture, and to designate these amounts as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–27); to the Committee on Appropriations and ordered to be printed.

304. A letter from the Deputy Assistant Secretary of Defense (Installations), Department of Defense, transmitting a report entitled, ''Report on the Performance of Department of Defense Commercial Activities'', pursuant to 10 U.S.C. 2461(c); to the Committee on National Security.

305. A letter from the Assistant Administrator for Legislative and Public Affairs, U.S. Agency for International Development, transmitting a report on human rights in countries receiving development assistance, pursuant to section 116(d)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

306. A letter from the Chairman, Federal Election Commission, transmitting 63 recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Oversight.

307. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing personal use of campaign funds, pursuant to 2 U.S.C. 438(d); to the Committee on House Oversight.

308. A letter from the Administrator, Federal Railroad Administration, transmitting the Administration's report entitled, ''Train Dispatchers Followup Review,'' pursuant to Public Law 102–365, section 17 (106 Stat. 981); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security. H.R. 7. A bill to revitalize the national security of the United States; with an amendment (Rept. 104–18, Pt. 1). Ordered to be printed.

Mr. GILMAN: Committee on International Relations. H.R. 7. A bill to revitalize the national security of the United States; with an amendment (Rept. 104–18, Pt. 2). Ordered to be printed.

Mr. COMBEST: Permanent Select Committee on Intelligence. H.R. 7. A bill to revitalize the national security of the United States; with amendments (Rept. 104–18, Pt. 3). Ordered to be printed.

Ms. PRYCE: Committee on Rules. House Resolution 60. Resolution providing for the consideration of the bill (H.R. 665) to control crime by mandatory victim restitution (Rept. 104–19). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 61. Resolution providing for the consideration of the bill (H.R. 666) to control crime by exclusionary rule reform (Rept. 104–20). Referred to the House Calendar.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 667. A bill to control crime by incarcerating violent criminals; with an amendment (Rept. 104–21). Referred to the

Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 668. A bill to control crime by further streamlining deportation of criminal aliens; with an amendment (Rept. 104–22). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLINGER (for himself, Mr. SISISKY, Mr. MCINTOSH, Mr. DAVIS, Mr. SOLOMON, and Mr. BLUTE):

H.R. 830. A bill to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. ARCHER (for himself, Mr. MATSUI, Mr. THOMAS, and Mrs. JOHNSON of Connecticut):

H.R. 831. A bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provisions permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself, Mr. HEFLEY, Mr. SAM JOHNSON, Mr. COMBEST, Mr. CUNNINGHAM, Mr. SCHAEFER, Mr. HOEKSTRA, Mr. MCCOLLUM, Mr. STENHOLM, Mr. HUTCHINSON, Mr. SMITH of Texas, Mr. MILLER of Florida, Mr. LARGENT, Mr. THORNBERRY, Mr. LATHAM, Mr. HANCOCK, Mr. SHADEGG, Mr. LIVINGSTON, and Mr. BREWSTER):

H.R. 832. A bill to establish limits on wage continuation and severance benefits for Amtrak employees displaced by a discontinuance of service, and for other purposes: to the Committee on Transportation and Infrastructure.

By Mr. GREENWOOD (for himself, Mr. PORTER, Mr. WAXMAN, AND Mrs. LOWEY):

H.R. 833. A bill to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes; to the Committee on Commerce.

By Mr. JACOBS:

H.R. 834. A bill to nullify the 25 percent pay increase that was afforded to Members of Congress and certain other Government officials by the Ethics Reform Act of 1989; to repeal section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on House Oversight, the Judiciary, Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MEEK of Florida:

H.R. 835. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus; to the Committee on Commerce.

By Mrs. MORELLA:

H.R. 836. A bill to amend the Metropolitan Washington Airports Act of 1986 to provide for reorganization of the Metropolitan Washington Airports Authority and for local review of proposed actions of the Airports Authority affecting aircraft noise; to the Committee on Transportation and Infrastructure.

By Mr. OLVER:

H.R. 837. A bill to promote quality environmental research by permitting the Administrator of the Environmental Protection Agency to enter into cooperative research and development agreements; to the Committee on Science.

By Mr. PETERSON of Minnesota:

H.R. 838. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Ways and Means.

By Mr. TATE (for himself, Mr. METCALF, Mr. HASTINGS of Washington, Ms. DUNN of Washington, Mrs. SMITH of Washington, Mr. MCINTOSH, Mr. WHITE, Mr. STOCKMAN, Mr. SCARBOROUGH, and Mr. FOX):

H.R. 839. A bill to establish a moratorium on regulatory rulemaking actions respecting small business; to the Committee on Government Reform and Oversight, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 840. A bill to designate the Federal building and U.S. courthouse located at 215 South Evans Street in Greenville, NC, as the ''Water B. Jones Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. WOLF (for himself, Mr. BARTON of Texas, Mr. ARMEY, Mr. DELAY, Mr. PACKARD, Mr. FOX, Mr. ENGLISH of Pennsylvania, and Mr. HORN):

H.R. 841. A bill to provide an equitable process for strengthening the passenger rail service network of Amtrak through the timely closure and realignment of routes with low economic performance; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. SOUDER and Mr. SPENCE.

H.R. 62: Mrs. CHENOWETH, Mr. RADANOVICH, and Mr. NORWOOD.

H.R. 70: Mr. EDWARDS, Mr. CHAPMAN, Mr. STUMP, Mr. TAYLOR of North Carolina, and Mr. SKEEN.

H.R. 77: Mr. RADANOVICH, Mr. STEARNS, Ms. RIVERS, and Mr. SMITH of Michigan.

H.R. 104: Mr. EMERSON and Mr. CALVERT.

H.R. 110: Mr. FATTAH.

H.R. 127: Mr. GILCHREST, Mr. CRAMER, Mr. EVANS, Mr. FATTAH, Mr. KLECZKA, and Mr. SKAGGS.

H.R. 199: Ms. MOLINARI, Mr. ENGLISH of Pennsylvania, Mr. SMITH of Texas, Mr. ROYCE, Mr. DOOLITTLE, Mr. NEY, Mr. PARKER, and Mr. SENSENBRENNER.

H.R. 216: Mr. RIGGS.

H.R. 218: Mrs. MYRICK and Mr. FORBES.

H.R. 219: Mr. BEILENSON and Mr. GALLEGLY.

H.R. 230: Mr. STEARNS.

H.R. 259: Mr. ROYCE and Mr. DOOLITTLE.

H.R. 260: Mr. YOUNG of Alaska.

H.R. 325: Mr. BUNNING of Kentucky, Mr. GUTKNECHT, Mr. MILLER of Florida, Mr. REGULA, Mr. WICKER, Mr. BROWNBACK, Mr. POMBO, Mr. BOEHNER, Mr. BARR, Mr. LAUGHLIN, and Mr. DUNCAN.

H.R. 328: Mr. LIVINGSTON and Mrs. SEASTRAND.

H.R. 343: Mr. FROST, Mr. PETE GEREN of Texas, Mr. LEWIS of Georgia, and Mr. VENTO.

H.R. 353: Ms. RIVERS, Mr. WAXMAN, Mr. MARKEY, Mr. HORN, and Mr. VENTO.

H.R. 354: Mr. SOLOMON and Ms. DANNER.

H.R. 363: Mr. RUSH, Mr. RANGEL, Mr. OLVER, and Mr. WATT of North Carolina.

H.R. 399: Ms. NORTON and Mr. ACKERMAN.

H.R. 450: Mr. BREWSTER, Mr. WELDON of Florida, Mr. ROBERTS, and Mr. BARRETT of Nebraska.

H.R. 488: Mr. GILMAN.

H.R. 511: Mr. SHAYS.

H.R. 559: Mr. UNDERWOOD, Ms. PELOSI, and Mr. VENTO.

H.R. 579: Mrs. CHENOWETH.

H.R. 585: Mr. GUTKNECHT, Mr. HALL of Ohio, Mr. PETE GEREN of Texas, Mr. MONTGOMERY, Mr. JOHNSTON of Florida, Ms. MOLINARI, and Ms. FURSE.

H.R. 592: Ms. DANNER, Mr. EWING, Mr. MCKEON, and Mr. DOOLITTLE.

H.R. 599: Mr. COOLEY.

H.R. 605: Mr. FOX, Mr. SHUSTER, Mr. SAXTON, Mrs. CHENOWETH, and Mr. HANCOCK.

H.R. 612: Mr. ROHRABACHER.

H.R. 663: Mr. FORBES, Mr. HOLDEN, and Mrs. LINCOLN.

H.R. 667: Mr. BRYANT of Tennessee, Mr. BLILEY, and Mr. ENGLISH of Pennsylvania.

H.R. 668: Mr. KING, Mr. BLILEY, and Mr. ENGLISH of Pennsylvania.

H.R. 682: Mr. BONO.

H.R. 697: Mr. CRAMER, Mr. MCDADE, Mr. BONO, Mr. GUNDERSON, Ms. DANNER, Mr. JOHNSON of South Dakota, Mr. BALLENGER, Mr. GALLEGLY, and Mr. NORWOOD.

H.R. 698: Mr. CRANE, Mrs. CHENOWETH, Mr. GOODLATTE, Mr. HUTCHINSON, Mr. SCHAEFER, Mr. BASS, Mr. NEY, Mr. EMERSON, Mr. CUNNINGHAM, Mr. BUNN of Oregon, Mrs. VUCANOVICH, Mr. MCCRERY, Mr. MYERS of Indiana, Mr. FUNDERBURK, Mr. COBLE, Mr. NORWOOD, Mr. WAMP, Mr. ROHRABACHER, Mr. CANADY, Mr. SCARBOROUGH, Mr. SOLOMON, and Mr. YOUNG of Alaska.

H.R. 703: Mr. JOHNSTON of Florida, Mr. BROWN of Ohio, Mr. WYDEN, Mr. EVANS, Ms. SLAUGHTER, and Mr. VENTO.

H.R. 728: Mr. BRYANT of Tennessee and Mr. BLILEY.

H.R. 729: Mr. BRYANT of Tennessee, Mr. BLILEY, and Mr. ENGLISH of Pennsylvania.

H.R. 752: Mr. BORSKI, Mr. HANCOCK, Mr. ROHRABACHER, and Mrs. VUCANOVICH.

H.R. 759: Ms. PRYCE.

H.R. 789: Mr. NEUMANN, Mr. MCHUGH, Mr. ZELIFF, Mr. BARRETT of Nebraska, Mr. HORN, Mr. WOLF, and Mr. SMITH of New Jersey.

H.R. 791: Mr. COOLEY, Ms. DANNER, Mr. NORWOOD, Mr. MILLER of Florida, and Mr. MCKEON.

H.R. 793: Mr. SENSENBRENNER and Mr. HOLDEN.

H.R. 795: Mr. GIBBONS.

H.R. 810: Mr. MARKEY.

H.J. Res. 3: Mr. MINGE.

H.J. Res. 8: Mr. TALENT.

H. Con. Res. 12: Mr. GEKAS, Mr. HORN, Mr. BARTLETT of Maryland, and Mr. SCHAEFER.

H. Res. 15: Mr. BEILENSON and Mr. DEAL OF GEORGIA.

H. Res. 40: Mr. MEEHAN, Mr. SPRATT, and Mr. JACOBS.

H. Res. 57: Mr. BUNNING of Kentucky, Mrs. CHENOWETH, Mr. BILIRAKIS, Mr. DELLUMS, and Mr. LIPINSKI.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 665

OFFERED BY: MR. SANDERS

AMENDMENT NO. 1: Page 4, line 24, after the period insert ''A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution.''.

H.R. 665

OFFERED BY: MR. SANDERS

AMENDMENT NO. 2: Page 9, after line 24, add the following:

(c) JUSTICE DEPARTMENT GUIDELINES RELATING TO COMMUNITY SERVICE.—The Department of Justice shall establish minimum guidelines for seeking community service by offenders in cases where such service would provide restitution to members of a community harmed by the criminal conduct of such offenders. Such service may include a requirement that a set percentage of the future profits of an organizational offender be used to educate the public about corporate crime and its control.

H.R. 666

OFFERED BY: MR. CONYERS

AMENDMENT NO. 1: Page 3, line 12, strike ''Rule'' and insert ''Rules''.

Page 3, line 14, after ''proceeding.'' insert ''Nothing in this section shall be construed so as to violate the fourth article of amendment to the Constitution of the United States.''.

H.R. 666

OFFERED BY: MR. CONYERS

AMENDMENT NO. 2: Page 2, strike line 1 and all that follows through the end of the bill and inserting the following:

SEC. 2. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''§ 2237. Good faith exception for evidence obtained by invalid warrant

''Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in objectively reasonable reliance on a warrant issued by a detached and neutral magistrate or other judicial officer ultimately found to be invalid, unless—

''(1) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

''(2) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

''(3) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

''(4) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

''2237. Evidence obtained by invalid warrant.''

H.R. 666

OFFERED BY: MR. CONYERS

AMENDMENT NO. 3: Page 2, strike line 1 and all that follows through the end of the bill and inserting the following:

SEC. 2. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT OR STATUTE.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''§ 2237. Good faith exception for evidence obtained by invalid means

''Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in objectively reasonable reliance—

''(1) on a warrant issued by a detached and neutral magistrate or other judicial officer ultimately found to be invalid, unless—

''(A) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

''(B) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

''(C) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

''(D) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid; or

''(2) on the constitutionality of a statute subsequently found to constitutionally invalid.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

''2237. Evidence obtained by invalid means.''

H.R. 666

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 4: Strike all after the enacting clause and insert therein:

''SECTION 1.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

''§ 3510. Reaffirmation of the Bill of Rights.

''(a) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.''

H.R. 666

OFFERED BY: MR. REED

AMENDMENT NO. 5: Page 1, strike line 6 and all that follows through the end and inserting the following:

SEC. 2. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''§ 2237. Evidence obtained by invalid warrant

''Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in reasonable reliance on a warrant issued by a detached and neutral magistrate ultimately found to be invalid, unless—

''(1) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

''(2) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

''(3) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

''(4) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

''2237. Evidence obtained by invalid warrant.''

H.R. 666

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 6: Page 2, line 13, strike all after the word ''States,'' and insert the following:

''provided that the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.''

H.R. 667

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 1: After paragraph (2) of section 503(b) of the bill, add the following:

''(3) laws which allow the court to impose a sentence of life in prison without parole on a defendant in a criminal case who is convicted of a State offense for conduct which—

''(A) is an offense under section 2241 or 2242 of title 18, United States Code; or

''(B) would have been an offense under either of such sections if the offense had occurred in the special maritime or territorial jurisdiction of the United States;

after having previously been convicted of another State or Federal offense for conduct that was an offense described in subparagraph (A) or (B).''

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 2: Page 3, line 6, strike the word ''assurances'' and insert in lieu thereof the word ''confirmation''

Page 3, line 12, strike the word ''and''

Page 3, line 15, strike the period and add '';and''

Page 3, after line 15, insert the following:

''(4) decrease the rate of violent offenses committed in the State, taking into account the population of such State, at a level at least equivalent to the lesser of the percentage increase confirmed in section (1), (2) or (3) above.''

Page 4, line 2, strike the word ''assurances'' and insert in lieu thereof the word ''confirmation''

Page 4, line 17, strike the comma and replace it with a semicolon

Page 4, after line 17, insert the following:

''(C) procedures for the collection of reliable statistical data which confirms the rate of serious violent felonies after the adoption of such truth-in-sentencing laws.''

Page 5, line 3, strike the ''—'' and insert instead ''confirms that''

Page 5, line 4, strike the word ''and''

Page 5, line 8, strike the period and insert instead ''; and (3) the rate of violent felony offenses committed in such State has decreased since such State commenced indeterminant sentencing for such offenses.''

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 3: Page 12, strike lines 5–16 and insert instead the following:

''Prospective relief in a civil action with respect to prison conditions shall extend no further than necessary to remove the conditions that are causing the deprivation of Federal rights. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn and the least intrusive means to remedy the violation of the Federal right. In determining the appropriateness of the relief, the court shall give weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

Page 13, strike lines 1–17 and insert instead the following:

''In any civil action with respect to prison conditions, any prospective relief shall terminate upon a finding that the conditions against which prospective relief was ordered have been remedied.''

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 4: Page 14, strike lines 1–11.

H.R. 667

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 5: Page 15, strike lines 8–18.

Page 15, line 19, strike the letter ''g'' and insert instead the letter ''f''

H.R. 729

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 1: Page 4, line 21, strike the period and insert the following:

''or a substantial showing that credible newly discovered evidence which, had it been presented at trial, would probably have resulted in an acquittal for the offense for which the sentence was imposed or in some sentence other than incarceration.''

Page 4, lines 21–22. Strike the entire sentence beginning with the word ''The'' and ending with ''standard.''

Page 13, line 12, delete ''and''

Page 13, line 17, delete the period and insert instead '';or''

Page 13, after line 17, add:

''the facts underlying the claim consist of credible newly discovered evidence which, had it presented to the trier of fact or sentencing authority at trial, would probably have resulted in an acquittal of the offense for which the death sentence was imposed.''

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, MONDAY, FEBRUARY 6, 1995 No. 23

Senate

(Legislative day of Monday, January 30, 1995)

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

The PRESIDENT pro tempore. Today's prayer will be offered by a guest Chaplain, Rabbi Joshua O. Haberman, of the Washington Hebrew Congregation.

PRAYER

The guest Chaplain, the Rabbi Joshua O. Haberman, offered the following prayer:

Let us pray:

God of all nations, Thou has put into our minds the vision of an age when ''Nation shall not lift up sword against nation * * * Neither shall they learn war anymore.'' When human follies overshadow this vision of peace, let not cynicism overtake us. Create a new heart and renew a steadfast spirit within us so that we may see Thy light even in darkness and still believe that Thou hast put divinity into mankind and still trust that reason has not altogether forsaken the human race nor compassion frozen in our hearts.

May we ever be humble enough to learn, bold enough to act, and faithful enough to persevere in the hope for brighter days when all human families will be one as Thou art one. Amen.

Mr. HATFIELD addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oregon [Mr. HATFIELD] is recognized.

APPRECIATION FOR RABBI JOSHUA HABERMAN

Mr. HATFIELD. I thank Rabbi Joshua Haberman for his willingness to come this week and open our Senate with a prayer. He is the rabbi of one of the largest congregations here in the Washington, DC, district. I am very grateful, and I know on behalf of the leadership of both sides we wish to express our deep gratitude to the rabbi.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. DEWINE. Mr. President, this morning the time for the two leaders has been reserved, and there will now be a period for the transaction of routine morning business until the hour of 10:30 a.m., with Senators permitted to speak for up to 5 minutes each.

At the hour of 10:30 a.m., the Senate will resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment and the pending amendments thereto. The majority leader has indicated there will be debate only today on the amendments. Therefore, there will be no rollcall votes during today's session.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. AKAKA addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Hawaii [Mr. AKAKA] is recognized.

OPPOSING THE BALANCED BUDGET AMENDMENT

Mr. AKAKA. Mr. President, as my colleagues know, we have all been elected to the Senate to make the difficult policy decisions that confront our Federal Government. Every day on the Senate floor, we engage in decisionmaking that is the essence of the legislative process.

Some decisions that come before the Senate are rather commonplace, such as how much to spend on scientific research or whether we will build and maintain new highways or ports. Other decisions are much more profound, such as who will become the next Supreme Court Justice, or whether or not our Nation will go to war.

No decision a Senator makes it more profound than our vote on an amendment to the Constitution. Amending the Constitution is an extraordinary legislative action that has occurred only a few times in our Nation's history.

The first 10 amendments, which we know as the Bill of Rights, were proposed and ratified almost immediately after the Constitution itself. In the next 200 years, only 16 amendments were proposed by Congress and ratified by the States.

This experience tells us that the balance and compromise crafted during the Constitutional Convention has served us very well. We are governed by a remarkably resilient document, and it is a tribute to our Founding Fathers that the Constitution has been amended so infrequently.

I am deeply concerned that the amendment we are now considering will upset the delicate balance of power forged during the Constitutional Convention of 1787. The balanced budget amendment would transfer fundamental spending and taxing authority from Congress to the executive branch. By this amendment, we would unravel mechanisms that our Founding Fathers delicately weaved into the fabric of the Constitution to keep the excesses of the executive, judicial, and legislative branches in check. I genuinely fear that the balanced budget

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

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amendment would give rise to an imperial Presidency. And let us remember that domination by the Executive is what caused us to abandon our relationship with England and establish a great democracy.

During hearings convened by House and Senate committees, many professors of law and learned constitutional scholars expressed well-founded concerns that, if ratified, the balanced budget amendment would permit the President to impose taxes or fees in order to enforce the amendment. It would also implicitly or explicitly repeal the impoundment control measures contained in the 1974 Budget Act.

The notion that the Executive should be allowed to impose taxes without the concurrence of Congress is a radical proposition. It violates the constitutional principle that Congress alone should have the power to lay and collect taxes.

Our Constitution is a remarkable document. As ratified by the States, its fundamental elements are now familiar to us all: A government divided into three parts—each part separate and distinct—and each armed with tools to defend against the excesses of the other.

Yes, our Constitution has been amended over the years. We have 10 amendments that set forth fundamental rights guaranteed to all. We have a number of housekeeping amendments which establish the electoral college, provide for the election of Senators by popular vote, and establish an orderly process in the event of the death of the President. We have amendments that secure freedom and promote universal suffrage, such as the 13th, ending slavery; 14th, due process, equal protection; 15th, end discrimination; and the 19th and 26th amendments, vote for women and 18-year-olds.

But none of these amendments reorders the fundamental structure of power and authority as would occur under the balanced budget amendment. The balanced budget amendment would tilt the balance of power heavily in favor of the Executive, and, as I said earlier, promote an imperial Presidency.

There are those who argue that a balanced budget amendment is a good idea. After all, if families can balance their budgets, why cannot the Federal Government? Under the proposed amendment, the Federal Government would be required to balance its budget every year. The only time a deficit could occur would be during time of war, or when three-fifths of the House and Senate agree. While it sounds easy, there remains a glaring problem with such a simplistic approach to reducing the Nation's debt. What programs would Congress cut to achieve a balanced budget by the year 2002, the date on which the amendment would go into effect? What Federal agencies would have their budgets slashed in order to help the Federal Government meet the requirements of the balanced budget amendment?

Estimates by the nonpartisan Congressional Budget Office call for spending cuts totaling $1.5 trillion by the year 2002. CBO also predicts that if Social Security and defense are exempted from the balanced budget numbers then all other Federal programs would be cut across the board by 30 percent. That of course, is assuming that all cuts are equal and that partisanship is left out of the mix.

Although I wholeheartedly support and endorse efforts to balance the Federal budget, I am greatly concerned that the $1.5 trillion in spending cuts needed to meet the goals of a balanced budget amendment by the year 2002 would have a devastating impact on a wide segment of our population. Supporters of the resolution fail to explain where these tremendous budget cuts would fall. Without assurances that Federal agencies and programs would be equitably affected, such a plan is unworkable.

I strongly back Democratic leader DASCHLE's amendment that would require Congress to pass an honest, detailed plan to balance the budget before the balanced budget constitutional amendment goes to States for ratification. It is irresponsible for us to vote on an amendment requiring a balanced budget which would necessitate draconian budget cuts without knowing what we would be cutting and how. We need to know. The American people have the right to know.

Let me mention a few more aspects of this balanced budget amendment that concern me. A constitutional amendment to balance the Federal budget could damage the economy more than strengthen it. Greater amounts of deficit cutting would be required in periods of slow growth than in times of rapid growth—an action which economists predict would result in more frequent and deeper recessions.

Such an amendment could also limit public investments that are critical to long-term growth because the amendment makes no distinction between investments such as education and training and early intervention programs for children, and other types of government spending. These investments are necessary to ensure the Nation's competitiveness and help the economy grow.

Because the amendment calls for a balanced budget every year, regardless of whether economic growth is strong or weak, larger spending cuts or tax increases would be needed in periods of slow growth than in times of rapid growth, further exacerbating an already crippled economy.

Mr. President, I know we will have ample time to debate this issue further, and I look forward to the ensuing debate.

ALAN EMORY, DEAN OF WASHINGTON-BASED NEW YORK REPORTERS

Mr. MOYNIHAN. Mr. President, I rise today to honor the dean of Washington based New York reporters, Alan Emory. Mr. Emory, a writer for the Watertown Daily Times, has been covering Washington for the last 43 years. His personal style and fabled wisdom have allowed Mr. Emory to provide his readers in upstate New York with a window to Washington.

Deemed a small town by some, Watertown's success stories include three former Secretaries of State: John Foster, John Foster Dulles, and Robert Lansing. Other notable Watertown residents included Roswell P. Flower, former Governor of New York State; and Frank Woolworth, founder of the five-and-dime store.

Having been voted president of the prestigious Gridiron Club in recognition of his many years of reporting excellence, Mr. Emory now joins the list of celebrated Watertown residents. Alan Emory was sent to Washington in 1952 when his distinguished publisher, John B. Johnson, decided to give his readers more for their money. He has certainly done that. Mr. President, I ask unanimous consent that an article from the Watertown Daily Times celebrating Mr. Emory's accomplishments and years of service be printed in the RECORD.

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

[From the Watertown Daily Times, Jan. 29, 1995]

ALAN EMORY, DEAN OF WASHINGTON REPORTERS

(The following article by Jonathan D. Salant is reprinted by permission from the January edition of Empire State Report.)

At one of U.S. Sen. Daniel Patrick Moynihan's infrequent gatherings for the Washington press corps from New York newspapers, a New York Times reporter attempted to sit in the front row.

''No, no, no,'' Moynihan sputters. ''That's the dean's seat.''

The ''dean'' in this case refers to Alan Emory, the 72-year-old correspondent for The Watertown Daily Times. Most of the reporters who join Emory weren't born when he came to Washington 43 years ago, the result of an effort by his publisher to give the readers something more in exchange for a price hike. The rest of the New York press corps watches Emory take his seat in front and pour a cup of coffee for the senator. They sit silent deferentially to allow Emory to ask the first question, much as the senior wire service reporter opens presidential news conferences.

Emory began covering Washington before Moynihan, who later served in the administration of four presidents, began his career in public service as an aide to then-Gov. Averell Harriman. Emory has covered Govs. Thomas Dewey, Harriman, Nelson Rockefeller, Malcolm Wilson, Hugh Carey and Mario Cuomo. He has covered Sens. Irving Ives, Kenneth Keating, Jacob Javits, Robert Kennedy, Charles Goodell, James Buckley, Alfonse D'Amato and Moynihan.

Emory has reported on the administration of Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, Richard Nixon,

Gerald Ford, Jimmy Carter, Ronald Reagan and George Bush.

Come March, he'll be dining with Bill Clinton.

''It's a very exciting prospect,'' Emory says.

In December, Emory was elected president of the Gridiron Club, an association of powerful Washington journalists. Some of his predecessors include David Broder, Helen Thomas, Carl Rowan and Jack Germond. Emory says he can't remember another reporter from a small newspaper being elected club president.

Each March, the Gridiron Club holds an ultra-exclusive white-tie dinner featuring the president, his cabinet, and most of Washington's top public officials and politicians. Like the Legislative Correspondents Association's annual show in Albany, the Washington reporters write parodies poking fun at Republicans and Democrats alike. As club president, Emory gets to dine with Clinton and must keep an eye on him throughout the show, the better to report back to the membership on how he reacted to the skits.

Clinton gets to deliver a rebuttal following the show. Next year's speakers also include Moynihan and former Education Secretary Bill Bennett.

It's been a long journey between dinner with the president and Watertown, where Emory first was hired in 1947 after graduating from Columbia University with a master's degree in journalism. (He attended Harvard University as an undergraduate.)

Emory was covering the Dewey administration in Albany when his publisher, John B. Johnson, called him in August 1951.

''We're going to raise the price of the paper. We owe the readers something,'' Emory recalls Johnson telling him. ''How would you like to go to Washington?''

Emory jumped at the chance. He and his wife, Nancy, packed up and moved south. Shortly after arriving in Washington, they found a house on a lake in a Virginia suburb. They've been there ever since, raising three children. They now have four grandchildren as well.

He's traveled with presidents, covered the White House, and written on foreign affairs. But his bread-and-butter is the local, day-to-day coverage of New York affairs in Washington. The congressional delegation. The St. Lawrence Seaway. The state lobbying office. Politics. Federal decisions as they affect the Empire State.

The New York connection has served Emory well. At the 1960 Republican National Convention, Emory got there a few days early and hung out with aides to then-New York Gov. Nelson Rockefeller. They told him that Rockefeller was not going to be nominated for president against Richard Nixon. A national scoop.

''I got the story long, long before anyone else even came close to it,'' Emory says.

Likewise, at the 1968 Republican convention, while waiting to interview with William Miller, the former upstate New York congressman who was Barry Goldwater's running mate four years earlier, Emory found a poll that showed Nixon being more popular than Rockefeller in New York. The two men were competing for the 1968 Republican presidential nomination. Emory gave his story to the Nixon folks with the stipulation that they agree to credit his newspaper if they used the information. Sure enough, there was Nixon a few days later, quoting the Watertown Daily Times.

Emory spends much of this time chronicling the Watertown-area congressman, John McHugh, R-Pierrepont Manor. McHugh was 3 years old when Emory first went to Washington.

''I took my first lessons about politics from Alan Emory's column,'' McHugh says. ''I've read about his experiences and his observations. I finally had a chance to meet with him face-to-face and work with him. It was a thrill for me. To most people in the north country, Alan Emory is our window on the Capitol.''

Many regional reporters in Washington move on to greener pastures. They land jobs at larger papers or enter the government. Emory says he has never tired of his job or the Watertown paper. He once had a shot at a bigger paper, but it fell through. Otherwise, he says, he's never wanted to leave.

''Watertown treats me like a member of the family,'' he says. He goes on vacation when he wants. He has the time to do projects like Gridiron. The paper was very supportive when he underwent cancer treatment a few years back.

One of Emory's friends, Allan Cromley of the Daily Oklahoman, walks by. ''Don't believe a word he says,'' Cromley says. Emory smiles and goes on.

''When people play up to the big metropolitan papers, there's that frustration,'' Emory says. ''But there's a counterweight that comes if you luck into somebody from your neck of the woods who gets way up there.''

Eisenhower's press secretary, Jim Haggerty, used to work for Dewey. Nixon's secretary of state, William Rogers, was a native of St. Lawrence County. Former Central Intelligence Agency chief Allan Dulles was a Watertown native. All became sources for Emory.

Others from the north country have passed through. Former state Sen. Douglas Barclay of Pulaski chaired President Bush's upstate campaign in 1988 and was named to the Overseas Private Investment Corporation. Former north country Rep. Robert McEwen was appointed by President Reagan to one of the joint U.S.-Canadian commissions. Former Assistance Education Secretary Donald Laidlaw was an Ogdensburg native.

Another official, former Republican National Committee Executive Director Albert (Ab) Herman, had played professional baseball in Watertown. Emory wrote a story about him, and Herman began hearing from old friends long forgotten. ''He was a fabulous political source from then on,'' Emory recalls.

In the 1950s, the federal government used to publish a book listing the home congressional district of numerous federal workers. Anyone hailing from the north country's congressional district could expect a call from Emory.

''I would leaf through that book, call them up and do interviews,'' Emory says. ''These people nobody had every been in touch with before. They started getting mail from old neighbors who saw their write-ups in The Watertown Daily Times. Also, it gave me all kinds of contacts. If the individual didn't have the answer, he could lead me to someone who did.''

A U.S. senator named Hubert Horatio Humphrey became a source as well. Humphrey and Emory's mother, Ethel Epstein, served together on the board of the liberal Americans for Democratic Action.

Emory lists Humphrey and former Michigan U.S. Sen. Philip Hart as his two favorite politicians. He came to know Hart after an aide to New York U.S. Sen. Herbert Lehman joined the Michigan senator's staff.

Among contemporary politicians, it is Cuomo, who Emory landed as the speaker for the 1988 Gridiron show, who is his favorite. Cuomo sent him a note a couple of years back for his 70th birthday.

Had Cuomo run for president, he might have been the chief executive accompanying Emory to the Gridiron dinner next March. But Emory says he's not surprised Cuomo never went for the White House.

''I was never totally convinced that he wanted to undergo the battle,'' Emory says. ''He would have loved to be president but he would have hated to be a candidate.''

UNITED STATES TRADE SANCTIONS ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. THOMAS. Mr. President, over the weekend the administration announced its decision to impose trade sanctions beginning on February 26 on the People's Republic of China in retaliation for the latter's dismal failure in safeguarding U.S. intellectual property rights. As the chairman of the Subcommittee on East Asian and Pacific Affairs, I fully support that decision.

Since 1992, the PRC has failed to live up to its obligations under the Memorandum of Understanding on Intellectual Property Rights. Factories throughout China, especially in the southern and eastern provinces, continue to mass-produce pirated versions of American computer software, compact discs, CD–ROM's, and video and audio cassettes mostly for sale abroad. The USTR estimates that piracy of audio-visual works runs close to 100 percent, while piracy of other technological items such as computer software runs around 94 to 100 percent. In addition, piracy of trademarks is rampant.

This piracy is much more than a minor nuisance. The sale of these pirated items has cost U.S. businesses more than $1 billion, a sum which threatens to increase exponentially as the number of pirated products swells. It endangers American jobs, as well as our primacy in software innovation.

What makes the manufacture of these illegal goods even more galling, however, is the fact that their production is tolerated, if not actively encouraged in some instances, by Chinese municipal and provincial governments as well as the central authorities in Beijing. The USTR has complained repeatedly about the problem and United States-China negotiators have been meeting for more than a year and a half in an effort to resolve it. Still, the Chinese refuse to stem the flow of these goods out of the PRC.

Certainly, the Government cannot claim ignorance of the problem. Even if the USTR had not been so thorough in documenting the problem, this is hardly a case of a few small ''mom-and-pop'' concerns operating covertly in an open, unregulated economy. Rather, these are large factories—some, enterprises run by governmental entities such as the People's Liberation Army—operating in a Communist country with an economy that is still largely command-based. The likelihood that, for example, the estimated 75 million compact discs produced illegally in China each year—of which 70 million are exported—could escape the attention of the government is about nil.

Mr. President, I realize that this is an especially sensitive time in Sino-American relations, and that this is not the only thorny issue with which we are presently grappling. Human rights issues, trade barriers, Taiwan, the proliferation of weapons to such rogue nations as Iran all complicate our relationship. What's more, with an ailing Deng Xiaoping apparently no longer in complete control of the party or the government, and the hold of Jiang Zemin and Li Peng on the reins of power less than firm, we face a possibility that taking a strong stand on any of these issues with the Chinese could aid in bringing in power reactionary hardliners inimical to a beneficial relationship between our two countries.

Despite this concern, I believe that the time has come to take a firm stand with the PRC on this issue. In the 1960's, Mao Zedong was fond of referring to the United States as a ''paper tiger,'' a fierce countenance but no substance to back it up. In Wyoming we'd say ''all bark and no bite.'' In my view we have, unfortunately, all too often lived up to that assessment. It is hardly in our own interest to be perceived as a paper tiger on this issue. Intellectual property is one of the fastest growing areas of the world economy. The PRC is not the only country we are having this problem with: Brazil, India, and others are sources for concern with the USTR. By taking a firm position now with the Chinese, I believe we help head off similar problems elsewhere in the future.

While I will be the first to acknowledge the importance and desirability of a strong relationship—both diplomatically and economically—with the PRC, such a relationship should not be built at the expense of America's businesses, or America's reputation for resolve. This administration, I believe, has been too quick to hold us hostage in the present in favor of the mere expectancy of an economic benefit in the future.

Later this week, I will be meeting with Ambassador Li Daoyu. While I intend to reaffirm with him our desire to maintain a strong relationship with Beijing, I also hope to discuss the importance of resolving this issue before advances can be made on other fronts. I support free trade, as long as it is fair trade. In my view, a failure on the part of the PRC to do so would indicate to me they do not desire a level playing field. Consequently, I would be hard pressed to continue to support the present trade relationship with the PRC.

Mr. President, the Chinese have a saying: ''Either the East Wind prevails over the West Wind, or the West Wind prevails over the East Wind.'' It seems to me, though, that we should both strive for that preferred state where neither wind blows: Calm.

Mr. President, I yield the floor.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE 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 Congress, both House and Senate, have never up to now even toned down the deficit spending that sent the Federal debt into the stratosphere and beyond.

We must pray that this year will be different, that Federal spending will at long last 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 Friday, February 3, the Federal debt stood—down to the penny—at exactly $4,804,726,503,001.28. This means that on a per capita basis, every man, woman, and child in America owes $18,238.82 as his or her share of the Federal debt.

Compare this, Mr. President, to the total debt a little over 2 years ago—January 5, 1993—when the debt stood at exactly $4,167,872,986,583.67—or averaged out, $15,986.56 for every American. During the past 2 years—that is, during the 103d Congress—the Federal debt increased over $600 billion.

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.

COMMENDING THE CHOIR OF ST. OLAF COLLEGE

Mr. GRAMS. Mr. President, I rise today to honor the St. Olaf Choir, from St. Olaf College in Northfield, MN, and welcome its members to Washington, DC.

For more than three-quarters of a century—since 1912—the St. Olaf Choir has been Minnesota's musical ambassador, performing concerts in the United States, Europe, and Asia that have earned it a reputation for artistic excellence and have brought these talented young people international acclaim.

During its 83-year history, the St. Olaf Choir has garnered a considerable list of achievements. In 1970 and 1972, it became the only college choral group ever invited to perform at the world-renowned Strasbourg International Music Festival in France; it was one of only five choirs to sing at the 1986 Olympic Arts Festival in Seoul, South Korea; and the St. Olaf Choir celebrated its 75th anniversary season with a month-long tour of Japan, Taiwan, and the People's Republic of China.

Under the direction of Anton E. Armstrong, the St. Olaf Choir is performing this week at Washington's Kennedy Center. I welcome them to our Nation's Capital, and I thank the St. Olaf College Choir, its students, and instructors for serving as Minnesota's musical voice to the world.

LANETT'S CENTENNIAL CELEBRATION

Mr. HEFLIN. Mr. President, I rise today to commemorate the recent 100 year birthday of Lanett, AL, a small textile city located on the bluffs of the Chattahoochee River in Chambers County. Lanett—named for Mr. Lafayette Lanier, an early councilman and president of West Point Manufacturing Co., and Mr. Theodore Bennett, a Bostonian who served as the selling agent for West Point Manufacturing Co.—is a town rich with history.

On December 7, 1865, the Alabama Legislature convened in general assembly and passed the act of incorporation for the town of Bluffton, AL. Twenty-eight years later, a new charter was sought. Bluffton had grown, and the citizens of the town deemed it appropriate to change the town's name. On February 1, 1895, a charter for the newly named town of Lanett was approved by the State legislature.

The new charter provided means by which the town clerk could assess taxes and sell property of delinquent taxpayers after a proper notification. Police were given jurisdiction over areas 1 mile beyond the town boundaries. Road and street work, which previously was demanded of every male over the age of 18, could now be exempted upon payment of a $3-a-year street tax.

The city of Lanett struggled in its infancy for financial survival. Early records show the city had to borrow money at 8 percent interest in order to pay its bills. Happily, in the year of 1902, the treasurer reported for the first time that income exceeded the town's debts and that there was even a balance on hand at year's end.

Other problems beset the first few years of Lanett. The smallpox epidemic of 1903 had a grave impact on the city. Dr. S.H. Newman was paid $10 a year by the city to treat the patients. After a long bout with this disease, a fumigation and vaccination program was begun.

The city of Lanett has come a long way over the past 100 years. Today, it is a healthy city of over 9,000 residents. It owns and operates its own electrical, natural gas, water, an sewage treatment systems. It has a street department and collects its own garbage. Furthermore, it has one of the most modern police, fire and emergency medical service departments in the State. As you can see, Mr. President, Lanett has a lot going for it.

The centennial celebration committee has chosen as its theme, ''Remembering the past as we prepare for the future.'' Mr. President, I believe that

Lanett, AL, is evidence that small town America is alive and well.

VOLUNTARY SCHOOL PRAYER: IT MUST BE RESTORED

Mr. HELMS. Mr. President, the U.S. Senate, since the inception of the 104th Congress, has thus far participated in two significant debates. The first determined the role of the Federal Government in the affairs of the States; and the second will decide whether, after decades of insane spending of the American taxpayers' money, the U.S. Congress will finally get around to controlling itself with a balanced budget amendment to the U.S. Constitution.

All of us should recognize the importance of these significant issues. Certainly, I do. However, one wonders whether liberal politicians, who time after time have beaten back attempts to restore moral and spiritual principles to our society, are not content for Congress to focus its attention on the Nation's economic woes while spiritual issues—for example, protecting unborn life and restoring school prayer—are being sidetracked with harsh rhetoric such as extreme, worthless, and insignificant.

Mr. President, lest our leftward-tilted friends become too satisfied with the neglect of religious and spiritual values in America, they should be reminded of what our Nation's first President acknowledged—and what so many in Congress have disregarded—that our Nation's material and spiritual wealth is bestowed by the Creator only when we seek His guidance in our Nation's affairs. George Washington stated:

> * * * the propitious smiles of heaven can never be expected on a nation which disregards the eternal rules of order and right which heaven itself has ordained.

Mr. President, in 1962, the Supreme Court forfeited by judicial fiat the rights of millions of American children to invoke in their schools the blessings and guidance of God. Consequently, this act begat a popular culture, the values, discipline, and moral standards of which are devoid of God and laden with relativism. A greater crime against our children could hardly be conceived.

Today, all of us should take note of the desperate need to return to our Nation's children their constitutional right to voluntary prayer in the public schools. In this regard, a guest column published by the Charlotte (N.C.) Observer and authored by Dr. Norman Geisler, dean of Southern Evangelical Seminary in Charlotte, NC, is very worthy of broad consideration. Dr. Geisler titled it "10 Reasons for Voluntary School Prayer."

Dr. Geisler is a foremost theologian as evidenced by his impressive catalog of degrees and achievements. He has lectured and traveled in 50 States and 24 countries on 6 continents. Dr. Geisler has been honored and listed in many leading publications including "The Who's Who in Religion," "The Writer's Who's Who," and "Men of Achievement." He has authored or coauthored 45 books on a wide range of social, moral, and religious issues.

Mr. President, I fervently hope that all Senators will spend a few minutes reading Dr. Geisler's convincing defense of the right of children to pray in public schools. His defense of one of our Founding Father's rule(s) of heaven has never been more needed nor more eloquently stated.

I ask unanimous consent, Mr. President, that the January 30 guest column in the Charlotte Observer, "10 Reasons for Voluntary School Prayer," be printed in the RECORD.

[From the Charlotte Observer, Jan. 30, 1995]

10 REASONS FOR VOLUNTARY SCHOOL PRAYER

(By Norman L. Geisler]

There are many good reasons for a constitutional amendment to permit voluntary prayer in the public schools. Ten come to mind.

1. Our government was based on religious principles from the very beginning: The Declaration of Independence says: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by God with certain unalienable rights . . . ." Indeed, it speaks of God, creation, God-given moral rights, the providence of God, and a final Day of Judgment—all of which are religious teachings. Indeed, the Supreme Court affirmed (Zorach, 1952) that "We are a religious people whose institutions presuppose a Supreme Being." And school prayer has been an important part of our religious experience from the very beginning.

2. The First Amendment does not separate God and government but actually encourages religion. It reads: "Congress shall make no law respecting the establishment of religion, nor prohibiting the free exercise thereof." The first clause merely declares that the federal government cannot establish one religion for all the people. It says nothing about "separation of church and state." In fact, five of the 13 states that ratified it had their own state religions at the time. The second clause insists that the government should do nothing to discourage religion. But forbidding prayer in schools discourages religion.

3. Early congressional actions encouraged religion in public schools. For example, the Northwest Treaty (1787 and 1789) declared: "Religion, morality, and knowledge being necessary for good government and the happiness of mankind, schools and the means of learning shall forever be encouraged." Thus, religion, which includes prayer, was deemed to be necessary.

PRESIDENTS ENCOURAGED PRAYER

4. Early presidents, with congressional approval, made proclamations encouraging public prayer. President Washington on Oct. 3, 1789, declared: "Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favour, and Whereas both Houses of Congress have, by their joint committee, requested me 'to recommend to the people of the United States a day of public thanksgiving and prayer. . . .'"

5. Congress has prayed at the opening of every session since the very beginning. Indeed, in a moment of crisis at the very first Continental Congress Benjamin Franklin urged prayer and observed that "In the beginning of the Contest with G. Britain, when we were sensible to danger, we had daily prayer in this room for Divine protection.—Our prayers, Sir, were heard, & they were graciously answered. . . . And have we now forgotten that powerful Friend? or do we imagine we no longer need His assistance? . . . I therefore beg leave to move—that henceforth prayer imploring the assistance of Heaven, and its blessing on our deliberations, be held in this Assembly every morning before we proceed to business, and that one or more of the clergy of this city be requested to officiate in that service." Congress has begun with prayer ever since. If the government can pray in their session, why can't the governed pray in their (school) sessions?

6. Public schools had prayer for nearly 200 years before the Supreme Court ruled that state-mandated class prayers were unconstitutional (Engel, 1962). The fact that prayer was practiced for nearly 200 years establishes it by precedent as a valid and beneficial practice in our schools.

7. Since the court outlawed prayer, the nation has been in steady moral decline. Former Secretary of Education William Bennett revealed in his cultural indexes that between 1960 and 1990 there was a steady moral decline. During this period divorce doubled, teenage pregnancy went up 200%, teen suicide increased 300%, child abuse reached an all-time high, violent crime went up 500% and abortion increased 1000%. There is a strong correlation between the expulsion of prayer from our schools and the decline in morality.

8. Morals must be taught, and they cannot properly be taught without religion. There cannot be a moral law without a moral Law Giver. And there is no motivation for keeping the moral law unless there is a moral Law Giver who can enforce it by rewards and punishments.

SECULAR HUMANISM ESTABLISHED

9. Forbidding prayer and other religious expressions in public schools establishes, in effect, the religion of secularism.

The Supreme Court has affirmed that there are religions, such as "secular humanism," which do not believe in God (Torcaso, 1961). Justice Potter (Abington, 1963) rightly feared that purging the schools of all religious beliefs and practices would lead to the "establishment of a religion of secularism." In fact, the beliefs of secular humanism are just the opposite of the Declaration of Independence. By not allowing theistic religious expressions, the courts have favored the religious beliefs of secular humanism, namely, no belief in God, God-given moral laws, prayer and a Day of Judgment.

10. To forbid the majority the right to pray because the minority object, is to impose the irreligion of the minority on the religious majority. Forbidding prayer in schools, which a three-quarters majority of Americans favors, is the tyranny of the minority. It is minority rule, not democracy. Why should an irreligious minority dictate what the majority can do? The majority wishes to preserve our moral and spiritual values and, thus, our good nation.

"MEET THE PRESS"—FEBRUARY 5, 1995

Mr. BYRD. Mr. President, I ask unanimous consent that the transcript of the NBC News program, "Meet the Press," of yesterday, Sunday, February 5, 1995, be printed in the RECORD. The guests were Senator BOB DOLE, Senate majority leader, and Senator ROBERT C. BYRD. The moderator was Tim Russert of NBC, with panelists Robert Novak, of the Chicago Sun-Times, and

Lisa Myers, of NBC News, and roundtable guest William Safire, a columnist with the New York Times.

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

TRANSCRIPT FROM NBC NEWS ''MEET THE PRESS,'' FEB. 5, 1995

Guests: Senator Bob Dole and Senator Robert Byrd.

Moderator: Tim Russert, NBC News.

Panel: Robert Novak, Chicago Sun-Times and Lisa Myers, NBC News.

Roundtable guest: William Safire, columnist, the New York Times.

Mr. RUSSERT. Welcome again to Meet the Press. Our issue this Sunday morning: a constitutional amendment to balance the budget. Is it a good idea? Will it work? Will it pass? We'll ask our guest in his first Sunday morning interview in more than eight years. He's now serving his 37th year in the US Senate, the legendary Robert C. Byrd, Democrat from West Virginia.

Then we'll get the Republican view from a senator who would prefer to be president. We'll talk about budget, taxes, and presidential politics with Bob Dole, Republican of Kansas.

And in our roundtable, a look at the political landscape in China, Russia, and here in America with author and New York Times columnist William Safire.

And beginning today and every Sunday, we'll end our program with the Meet the Press Minute. We're going to share with you rare archival footage from our Meet the Press library. This morning you'll see young congressman John F. Kennedy talking about Harry Truman and Dwight Eisenhower. The date: December 2nd, 1951.

And joining me in the questioning today, Lisa Myers of NBC News and Robert Novak of the Chicago Sun-Times. And with us now, Senator Robert C. Byrd, Democrat from West Virginia.

Senator, welcome back to Meet the Press.

Senator BYRD. Thank you.

Mr. RUSSERT. We have a $200 billion deficit, a $4 trillion debt. Why wouldn't you be for a law forcing Congress to balance the budget?

Senator BYRD. You say, ''for a law.'' This is not a law. This amendment will amend the basic organic law of this country, which is above an ordinary statute. There are two reasons it's in the main: It is bad constitutional policy and it is bad economic policy. As to its being bad constitutional policy, the Constitution is a charter of government. It is a charter of certain basic, individual rights. It is decidedly not a charter of economic policy, and for the first time, if this amendment were adopted, it would be writing into the Constitution economic policy.

Also, this amendment would interfere with the majoritarian democratic control of the Congress. It would institute minority rule by imposing supermajorities, supermajority requirements on the development of fiscal policy. It would also tamper with all three parts of the tri-part constitutional structure of government that was set into place by the framers 206 years ago.

As to its being bad economic policy, it would severely damage the Nation's ability to develop a sane, sensible fiscal policy. It would cripple efforts to stabilize the business cycle in that it would create a severe fiscal drag on the economy at a time when the economy may already be weak.

It would hamper the capacity of the nation to make long-term investments in fiscal and human infrastructure. It would make it almost impossible for our nation to coordinate its economic policy with the economic policies of other nations. Moreover, it would put into the hands of the courts the management of macroeconomic policy. And finally, it would be devastating for a group such as the elderly. It would devastate Medicare, other programs that aid the elderly such as Meals on Wheels, veterans' programs, veterans' pensions, veterans' compensation, veterans' health care, and it would also be very destructive of environmental policy and other social policies which the nation—which are good for the nation and good for its people.

Mr. RUSSERT. Senator——

Senator BYRD. So these in the main are the fears that I have concerning this amendment. Now if it didn't do any of these—if it didn't do any of these, it would mean that it does nothing, in which case it would be but an empty promise in the Constitution, and that would undermine the faith of the American people and the Constitution.

Mr. RUSSERT. Senator Dole, our next guest, said that there'll be a vote within the next three weeks on the balanced budget amendment. Will there be?

Senator BYRD. I hope we'll not rush this matter. Sixty-eight percent of the Republicans, 77 percent of the Democrats and 83 percent of the Independents feel that the American people ought to know what's in this amendment before we adopt it. It takes time, and I hope that Mr. Dole will give the Senate time to inform the American people. Woodrow Wilson said that the informing function of the legislative branch was as important as the legislative function.

The American people don't know what's in this measure, and we senators who vote on it ought to also be told what the plan is, what the details are for achieving a balanced budget in seven years. The American people are entitled to that.

The American people are smart consumers. When they go to the store, they press and squeeze the tomatoes and the cantaloupes and the vegetables; they look under the hood when they buy a car, they kick the tires. They need to know what's in this amendment. They're entitled to know. We shouldn't distrust them. We shouldn't treat them like children, and we should let them know what's under the hood. They want to know that.

Mr. RUSSERT. Do you have the 34 votes necessary to block the amendment as of now?

Senator BYRD. It's a very close call right now. It could go either way, but I believe that if the American people are informed as to what's in this plan, they're going to be so concerned that, ''the knees of senators will buckle,'' in the words of one of the House leaders. So I think the American people are entitled to know, and we're treating them like children if we don't tell them.

Mr. RUSSERT. Will you use every tactic you know to stop this?

Senator BYRD. I'm glad you asked me that. I'm not interested in dilatory tactics. I'm only interested in the American people having the information that they ought to have. And I hope that we would debate this sufficiently for them to be informed. And I believe that Mr. Dole, the majority leader—and he's a very capable majority leader; I'm very fond of him—I hope that he will give the Senate ample opportunity to debate this matter so that the American people, who send us here, will be informed.

Mr. RUSSERT. What's ample opportunity? Weeks, months?

Senator BYRD. We've got to remember that the constitutional convention met behind closed doors. It met for almost four months to write this Constitution. Now surely we shouldn't be in a hurry to vote on something that is going to deliver irreparable injuries to the basic organic document. It would seem to me that anything less than 3 weeks for debate—from 3 to 4 or 5 weeks ought to be sufficient time in which to inform the American people and inform ourselves. We're entitled to know what the details are of the plan which would achieve this goal.

Mr. RUSSERT. Are you concerned, Senator, that by putting forth the Democratic Party as the party that blocks a constitutional amendment, you're going to give the Republicans a huge political issue in the presidential race in '96?

Senator BYRD. I'm not concerned in this instance so much about party as I am about the Constitution of the United States. And what this amendment will do to the institutions of government, the three branches of the government—it will impact on the executive, on the judiciary and on the legislative. And it will change forever. It's not like a statute which can be repealed later in the same year by the Congress. It's an amendment which will change the Constitution we'll be delivering to our children, a Constitution that is far different from the one which was handed down to us by our forefathers.

Mr. RUSSERT. Lisa.

Ms. MYERS. Senator, you have said that this amendment would mean radical changes in people's lives, that it would be devastating to the elderly, to the environment, to veterans, to a whole series of people. What about the devastation to your five grandchildren, though, of continuing to pile up these mountains of debt? Aren't these deficits that we're running today tantamount to stealing from them?

Senator BYRD. I agree that we have to do something about the deficits. We have to reduce them, and we have done something. I think we ought to stay on a steady, strong course such as the one we set in 1990 at the budget summit when we passed a bill that would reduce the deficits by $482 billion over five years, and again in 1993 when we passed a package with President Clinton's help that would reduce the deficit over $432 billion over the next five years, and it has done better than that.

And remember this, that in the case of the 1993 budget deficit reduction package, not one Republican in the Senate, not one Republican in the House, voted for that budget reduction package because it increased taxes some and it cut programs and it inflicted some pain. Now that's the course we should stay on: additional multifaceted budget deficit bills. And let's don't tamper with the Constitution, because I don't want to pass a Constitution on to my children that is a different Constitution, providing for a different form of government, than we have had in our time.

Ms. MYERS. Senator, President Clinton is sending up a budget tomorrow which projects $200 billion deficits as far as the eye can see, at least for the next decade. How soon are you willing to commit to balance the budget?

Senator BYRD. I began my commitment in 1990 at the budget summit under Mr. Bush and under a Democratic Congress. I continued my commitment in 1993 with the deficit reduction package that I've already described. We ought to stay on that course.

I'm concerned about the President's budget which will be sent to the Congress tomorrow. I'm not in favor of the $63 billion tax cut over a period of the next five years. I'm also not in favor of the $205 billion tax cut which is in the so-called Contract With America. I think we shouldn't be cutting taxes now. I must say that Mr. Clinton is going to pay for his tax cut with reductions in programs. But the monies that are saved from reductions in programs ought to go toward balancing the budget and reducing the deficit.

Now as to the Contract With America, let me tell you what my contract is. There's my

contract with America. This is the Constitution of the United States of America. That's the only contract I have with America. That contract was written 206 years ago. It didn't suddenly bloom in the last election. So I'm concerned about these proposed tax cuts. I think it's folly at a time like this when we ought to be doing everything we can to reduce the deficit to be talking about cutting taxes.

Ms. MYERS. Senator, one last thing. The Washington Post—I'm sure you're familiar with this headline—has called you ''the king of pork.'' Given your commitment to balance the budget, are you now willing to tell the people of West Virginia that they're going to have to settle for less?

Senator BYRD. I took an oath to uphold the Constitution of the United States 13 times in the last 48 years. I took that oath, I swore to God and I put my hands on God's Gospel when I did it. Now I am of a generation that believes in keeping one's oath. I'm talking about my oath to the Constitution in this situation here. I'm talking about this immortal document that was written by men. And I think it's somewhat a pretense for those of us in our generation to assume that we're wiser than the framers of that constitutional document who lived 200 years ago.

Mr. NOVAK. Senator Byrd, tomorrow the House of Representatives will pass a line item veto which would give the president authority to veto individual items in bills instead of the whole bills. You oppose that. Now you have said that when Robert Byrd does a filibuster in the Senate, you will make it clear that it is a filibuster. Are you ready to filibuster the line item veto?

Senator BYRD. Bob, there are people in this town who wouldn't know a filibuster if they met it on the street. I don't intend to engage in dilatory tactics, dilatory quorum calls and so on. Now that's the way of the old filibuster. But there is such a thing as an unlimited debate, and that's one of the two things in particular that makes the Senate the premier upper body in the world today, the right of unlimited debate and the right to amend. Now we owe it to the American people to debate these matters.

There are people, I think, who have the attitude, it seems to me, that if we debate a bill three days or a week or two weeks, that we're filibustering. Now a line item veto, again, would shift power from the legislative branch to the president. It disturbs the balances of powers, the separation of powers, the checks and balances in the Constitution. And we ought not to alter that Constitution lightly. So I will fight that, again, as I have fought it before. But I don't intend to engage in dilatory tactics, that kind of filibuster.

Mr. NOVAK. Senator Byrd, you have also said that you thought perhaps the Republicans, who have been in opposition in the minority much more than the Democrats, know how to be a minority party more in the Senate. Are you attempting to guide the new Democratic leader, Senator Thomas Daschle, in how to be an opposition party, because at times you seem more like the opposition leader than Senator Daschle?

Senator BYRD. Well, let me tell you about that. The two things that we've had up in the Senate, in which I've taken a little time on, were the so-called unfunded mandates. Now Congress can't bind the next Congress. Congress can change that law even in this Congress. And I felt that the Congress ought to take more time to debate. I'm not in favor of ramming things through just because there's a so-called charter, Contract With America, that somebody signed. I didn't sign it.

So I was on the Senate floor at a time when I wanted to stop that contract—so-called contract—from being rammed through, or one of its parts, and I also saw coming behind that this constitutional amendment on the balanced budget. And, no, Tom Daschle's doing a good job. I want to see him succeed. I want to help him. I think he's off to a good start. I walked away from the leadership. I could have had it again, I knew where the votes were. But I'm not interested in being the leader of the Senate. I'm interested in doing my job as a senator, which I came here to do.

Mr. NOVAK. Senator, you've been quoted, sir, as saying you thought the Senate has lost its soul. Why do you think it's lost its soul?

Senator BYRD. Well, one reason why I say that is that we seem to have lost our sense of history. We have no institutional memory in the Senate, it seems to me. We ought to understand that it is our responsibility to defend the institution, to defend the Constitution and to take the time to do it. I think sometimes we bend whichever way the wind blows. We don't realize that being a United States senator is the highest public office that this country can give. Presidents come and presidents go, but senators don't fade away very easily sometimes.

Mr. RUSSERT. Senator, is the Senate less civil now than it was?

Senator BYRD. Yes, it is far more partisan now than it was when I came here.

Mr. RUSSERT. Why?

Senator BYRD. I think there are too many who put party first, last and always. Party is important, but I don't rank it as the first thing in my life or in the history of this country. I believe that we have a duty to study as legislators, to try to know what we're doing and to try to do what's right for the country. And that's what I see, what I think is wrong. We're too partisan. There are some who seem to think that the Senate is a crucible that was intended to enable us to forge the party's fortunes for the next half-century. But I believe—getting back to this situation, I believe and hope that we'll have the time—we'll take the time to study this matter carefully. It's going to come to a final vote. It'll be voted up or it'll be voted down. I hope we'll take the time because it's far too important to rush through.

Mr. RUSSERT. Senator Robert C. Byrd of West Virginia, we thank you for joining us this morning.

Senator BYRD. Thank you.

Mr. RUSSERT. Coming next, Bob Dole. He wants to be your president. We'll find out why after this message.

(Announcements.)

Mr. RUSSERT. We're back with the Republican leader of the U.S. Senate, Bob Dole.

Senator, lots of speculation about you.

Senator DOLE. Really?

Mr. RUSSERT. The week of April 14, 1945, 2nd Lieutenant Bob Dole, 10th Mountain Division, trying to take Hill 913 in Northern Italy, wounded. Fifty years later, the week of April 14, 1995, what will Senator Bob Dole do?

Senator DOLE. Will probably make—well, we'll make a formal announcement that we're a candidate for president of the United States. Can't do it on the 14th, that happens to be Good Friday. But it will be that week.

Mr. RUSSERT. That week. And why are you picking that week?

Senator DOLE. Well, it will be warmer. It also, I think, has some—you know, that's a week that meant a lot to me a long time ago. And I think it puts a focus on America and what's happened in the past 50 years, some of us who were involved and where we intend to go from here. But, you know, we haven't picked a definite date, but I assume it's going to be that week.

Mr. RUSSERT. The week of April 14th. Will it underscore the difference in your military experience as opposed to Bill Clinton's?

Senator DOLE. That's not the purpose, but I assume some people might suggest that. But I picked it because I thought it was a fairly important experience in my lifetime, and it's not aimed at anyone else.

Mr. RUSSERT. You're going to challenge Bill Clinton for the presidency. It's an intensely——

Senator DOLE. Well, if I get the nomination. But if you want to bestow it on me today——

Mr. RUSSERT. I'm a registered Independent. I don't have that power, but——

Senator DOLE. That's all right.

Mr. RUSSERT. It's an intensely personal choice for a voter to make. How is Bob Dole different than Bill Clinton?

Senator DOLE. Well, I don't want to describe Bill Clinton, but I would just say as far as Bob Dole is concerned, if people are looking for someone with experience and someone who's been tested in a lot of ways and somebody who gets up every morning and knows that people can have difficulties—because I have a little difficulty dressing and things like that—that being sensitive, I guess, to people's concerns, who I think has a good record of conservative views on taxes and spending and—but also understands that we need to reach out as a party. You know, that's where I come from. Much like Jack Kemp, I must say, when dealing with black Americans, Hispanics, it seems to me that if we're going to be a majority party, it's going to be up to us to make that happen. That means we reach out to people.

Mr. RUSSERT. You're 71 years old. In 1996——

Senator DOLE. That's chronological. I'm probably about 55, otherwise. I know, I always subtract the four years I spent in the hospital, so that gets me down to 67 right there.

Mr. RUSSERT. In 1996 you'll be 73 years old, which would be the oldest for any man to begin his first term as president. In light of that, would you commit to the American people that you would only serve one term as president?

Senator DOLE. Well, I must say that's an option that people have talked about. But we haven't made a decision. I assume we will make that decision before we announce so the American people will know. Some people might like it; some might say, ''Well, you're a lame duck on day one.'' There have been a lot of one-term presidents in the past few years, in the past two decades or so, but it's a judgment we haven't made.

Mr. RUSSERT. You have been in Washington for 36 years?

Senator DOLE. I guess that's right. Not quite—34 years.

Mr. RUSSERT. Why wouldn't people say, ''Bob Dole, you created this mess. Who are you to suggest you can fix it?''

Senator DOLE. Well, I think basically I've tried to keep in touch with real people all the time I've been in Washington. I know where I'm from; I've never forgotten my roots in Kansas. And secondly, again. I think many of us have been fighting the battle. We're happy to have the replacements, the troops, the cavalry come riding in as they did last November. Now we have a majority in the House and Senate, we can really make these things happen.

Mr. RUSSERT. Lots of discussion about President Clinton and the so-called character issue. How big of an issue do you think that would be in a presidential race?

Senator DOLE. I don't know. I mean, I think the media, others—certainly we're all going to be subject to total scrutiny. But my

view is maybe it's an issue; I think the overriding issue should be where will this person—this nominee, whoever—take us or take America and does he or she have any ideas? So it's going to be a difficult race. We have a number of outstanding Republicans, you know, going to be involved in the primary process. So anybody who's thinking about it is going to have to give up about a year and a half of their life.

Mr. RUSSERT. Your wife Elizabeth Hanford Dole, former secretary of labor, secretary of transportation, educated at Duke, Oxford and Harvard Law. Will she be an activist first lady like Hillary Rodham Clinton?

Senator DOLE. Not in that sense—not in the policy sense. But Elizabeth certainly has her own career and would like to—you know, I haven't discussed this with her and you're going to get me in trouble. I mean, I can handle most things, but I want to be careful here. So it would be—obviously, she would want to be doing something, maybe more traditional first lady efforts. But she's been involved in the Red Cross. She likes it. It's a public service, making a difference in people's lives.

Mr. RUSSERT. But you don't think the first lady should be involved directly in policy formulation?

Senator DOLE. I think it's a very high risk. I said that when Hillary Clinton was assigned health care. It's a high risk. If it fails, A, and, B, if it—to keep it from failing, how much do you give way? I think it was a mistake then and I think it would be a mistake for any future first lady or first man.

Mr. RUSSERT. One issue that is going to be on the ballot in 1996 in California, you were talking about the politics of inclusion, reaching out to black Republicans, like Jack Kemp, is a proposition or referendum which is going to say that, ''Race or color will not be a criteria for either discriminating against or granting preferential treatment to anyone.'' Would you be in favor of such a referendum or proposition?

Senator DOLE. Well, right now we've asked the Congressional Research Service to send us all the bills that involve—with preferences, and we're looking at it. I mean, it—again, with my record, I think I can look at it with some credibility. Has it worked? Has it had an adverse or reverse reaction? Why did 62 percent of white males vote Republican in 1994? I think it's because of things like this, where sometimes the best qualified person does not get the job because he or she may be of one color, one—and I'm beginning to believe that may not be the way it should be in America.

Mr. RUSSERT. So that this referendum, which would, in effect, eliminate affirmative action, is something that you could support?

Senator DOLE. Well, you know, I haven't read that. It's something that we're looking at. Let me say that. I want to be fair. I want people to have opportunities in America by creating more jobs and not having to struggle every time. If you have somebody that wants a raise, ''Well, what's your color? What's your ethnic background?'' You know, the people in America now are paying a price for things that were done before they were born. We did discriminate; we did suppress people. It was wrong. Slavery was wrong. But should future generations have to pay for that? Some would say yes. I think it's a tough question.

Mr. RUSSERT. Lisa.

Ms. MYERS. Senator, the balanced budget amendment—you just heard Senator Byrd.

Senator DOLE. Yes.

Ms. MYERS. Why don't Republicans just get it over with and lay out a seven-year plan on how you would accomplish a balanced budget?

Senator DOLE. Well, we were sort of hoping the president in his budget would give us some clues on a seven-year plan. He didn't give you any clue on anything. He didn't cut spending. It's—doesn't even cut the deficit. All he does is extend these caps and there's no real spending cuts. But I'm going to say a thing about Robert Byrd. He's the master of the game. And I say that with admiration. He knows the Senate rules. He knows it will not have a—vote very soon on a balanced budget amendment because he knows every trick in the book; in fact, he wrote the book. So I believe it will pass by a very close vote. And we'll lay out all we can. We'll be as specific as we can. But it's like a seven-year weather forecast. You know, we don't know what's going to happen. What may sh—we don't know what economic—maybe there'll be some calamity somewhere in the world, maybe some conflict we're involved in.

But that—in my view, this is a way to, in effect, skirt responsibility. If we don't do anything, we're going to increase spending in the next—the deficit by 18 percent in the next 20 to 30 years. We're never going to have a balanced budget. We have to make tough decisions. It's going to affect everybody, and we ought to be prepared for it.

Ms. MYERS. When will you lay out as much as you can?

Senator DOLE. Well, Senator Domenici, chairman of the Budget Committee, is working on that now.

Ms. MYERS. So the Republicans will have at least an outline on how you balance the budget over seven years?

Senator DOLE. Well, we'll have as much information as we can, but with the und——

Ms. MYERS. While the amendment is being debated?

Senator DOLE. Sure, with the understanding that, you know, we can't be certain of anything.

Ms. MYERS. Right.

Senator DOLE. These are all economic assumptions. The economy may go up or down. But I think we'll do the best we can and this so-called ''right to know'' amendment—we've offered an amendment called the ''need to lead'' amendment. It's about time the Democrats started some leadership around here instead of trying to scare people on Social Security or veterans or everything else. We'll never have a balanced budget if everybody is going to be exempt.

Ms. MYERS. All right. Let's talk about the nomination of Dr. Henry Foster to be surgeon general, President Clinton's choice. Are you troubled by the fact that Dr. Foster now says he performed as many as a dozen abortions?

Senator DOLE. I'm troubled by the fact that we were not—more troubled by the fact that we were not given that information before the nomination was sent up. I think the administration, maybe they should have known; they surely asked the question. That troubles me almost as much as knowing they've sent up this nomination. Will it be in some difficulty? Yes.

Ms. MYERS. How much difficulty?

Senator DOLE. I don't know yet. It depends on—I know Senator Coats, of Indiana, a member of the Labor Committee, has indicated strong opposition. We haven't had a discussion of it, a so-called ''conference level'' where all Republicans were present.

Ms. MYERS. Will you oppose the nomination?

Senator DOLE. I'm not certain. I don't like what I hear or what I read. I haven't met with the nominee.

Ms. MYERS. But you don't like it because he performed a dozen——

Senator DOLE. That's right. I think it's one thing to be an obstetrician, but, again, it's sort of—I think again, it doesn't show—well, I think they should have checked it more carefully.

Ms. MYERS. But even though that Dr. Foster says that he—most of these abortions, less than a dozen over, I think, some 30 years of practice, were performed in cases of rape——

Senator DOLE. Right.

Ms. MYERS [continuing]. Incest or danger to the life of the mother.

Senator DOLE. Again, let's get him on the record and let's see what the testimony is. My view is, we shouldn't shoot down somebody before they've even had a hearing, and you may decide that based on everything that is laid out and his record in other areas, his record on teen pregnancy—he's done a lot of good things, don't misunderstand me—that maybe he should be confirmed. The general rule is that the president is entitled to his nominees. And that's been the general rule around here forever.

Ms. MYERS. So you do not agree, then, with some anti-abortion activists who say the very fact that he performed abortions is a disqualifying factor?

Senator DOLE. I may turn out to be that way, but, again, I—since I get to vote and they don't, I want to see the evidence.

Ms. MYERS. Well, if you feel that strongly about it, if you're elected president, would you then promise to never appoint anyone who favors abortion rights to any judicial position?

Senator DOLE. Well, I'd rather wait until I get elected to answer that, but——

Ms. MYERS. But if you feel that strongly about it, Senator, doesn't it carry over——

Senator DOLE. No, I feel strongly about hearing the facts. I mean, it's—I know it's not—a lot of precedent for it in this town, but I'd like to have the facts laid out—everything he's done. If that one thing disqualifies him, we'll see what happens.

Mr. NOVAK. Senator Dole, since neither you nor any other Republicans leaders are planning to do anything on abortion in this Congress, which would satisfy the strong pro-life constituency you have, critics say that taking off on Dr. Foster is a cheap way out of that predicament, instead of trying for a human life amendment, which you probably couldn't get through the Senate at all, you can just satisfy the pro-lifers by attacking Dr. Foster. Is there some validity to that?

Senator DOLE. Well, I must—I haven't thought of that. I mean, I happen to be pro-life. I think we agree with Ralph Reed when they ask about prayer in school and these other issues, and he's the executive director of the Christian Coalition, that we need to address jobs and welfare reform and tax cuts. This should be our priority. It doesn't mean we're not going to address these issues some time in the next two years.

Mr. NOVAK. Senator, you have been known for scathing criticism of supply side, as you once said that—had a little joke with the——

Senator DOLE. That wasn't my joke. I repeated it and it became my joke.

Mr. NOVAK. But the—the good——

Senator DOLE. Good news, bad news.

Mr. NOVAK. The good news was, a bus full of supply siders crashed; the bad news was some of them survived. With that background——

Senator DOLE. No, there were three empty seats.

Mr. NOVAK. Three empty seats, all right. Well, you can tell it better than I can.

Senator DOLE. Yeah.

Mr. NOVAK. With that background, sir, how can you hope to get support from the supporters of Jack Kemp who has now dropped out of the presidential race?

Senator DOLE. Well, we've already picked up his supporters in Iowa. Darrell Carney is

on the Dole team. He was Kemp's chairman. We're going to pick up a lot of support of Iowa. Plus, I think, people looking at Jack Kemp and Bob Dole's records, they find them fairly consistent, plus the effort to reach out to other people to broaden the party. But I must say, if you look back when we were saying those things—and that was not my joke, but—pretty good—always got a laugh, so I kept repeating it. Bob Hope still uses some of his stuff he had 25 years ago. So what we were saying then is what Republicans are doing now.

Ten years ago when we had to fight and win by one vote, the budget battle is 1985, House Republicans were saying, ''We don't want to cut spending, just cut taxes.'' Now they're saying. ''Cut spending first.'' That's been my position ever since I've been here. So I think its consistent. I don't think—I think it's going to appeal to many people who say, ''Cut spending first before we have a big tax cut.''

Mr. NOVAK. In line with Mr. Russert's question about whether you would only serve one term, there's also been speculation that you might name your selection for vice president and run as a tandem as Ronald Reagan did with Richard Schweiker in 1976. Are you considering Jack Kemp for that?

Senator DOLE. Well, certainly Jack would be on any list I put together, along with Pete Wilson and Colin Powell and——

Mr. NOVAK. In advance of the convention?

Senator DOLE. Well, if I did that, we have—again, that's a decision that hasn't been made. I think some think it's a plus and some think it's a minus and some haven't thought about it.

Mr. NOVAK. But it's possible?

Senator DOLE. Yeah.

Mr. NOVAK. And you also had—who else——

Senator DOLE. You know, it's not really a short list. It includes a number of people. We have a number of outstanding governors—Governor Voinovich; Tommy Thompson, who's thinking about running; Jim Edgar; Bill Weld; Governor Whitman. You've got this whole list of people that I think would be outstanding running mates. And some may run for president.

Mr. NOVAK. You would include General Power on that list, though?

Senator DOLE. Oh, yes.

Mr. NOVAK. Colin Powell.

Senator DOLE. I had a good visit with him two or three weeks ago. We didn't talk about this specific thing, but——

Mr. NOVAK. Did he say he was a Republican?

Senator DOLE. No. But he—the thing that encouraged me—he did know that polling was going on in America and that his name was in the polling.

Mr. NOVAK. Let me ask you two quick questions on issues, sir.

Senator DOLE. Thank you. He knew he was running ahead of me.

Mr. NOVAK. Let me ask you two quick questions on issues. The minimum—President Clinton has asked for an increase in the minimum wage; Speaker Gingrich and the House leadership is against it. You have now taken a position. Do you see any kind of a tradeoff where the Republicans support an increase in the minimum wage and the Democrats support a cut in the capital gains tax?

Senator DOLE. I knew that would occur to you. I haven't thought about it fully—might be a good trade. But I think first we want to take a look at the minimum wage. He goes back and says, ''Well, Bob Dole and Newt Gingrich supported one before.'' But we also had a sub-minimum wage—a training wage and we also excluded certain size companies. Where has he been the last two years with the increase in min—why did we wait until now? Maybe because he made the deal with Mexico and there's all the criticism with that, he thought maybe he ought do something for low-income people.

My colleague, Senator Kassebaum, is very wary of increasing the minimum wage. She thinks we ought to have, if anything, a targeted minimum wage that goes to low-income people, that most of this is not going to people in the poverty level, it's going to go to, you know, job entrants, young people and some whose families make $50,000, $60,000 a year.

Mr. NOVAK. But you don't rule it out. You don't rule out supporting it.

Senator DOLE. With the deal you've suggested, I'd—you know, that throws some new light on it. That might make it very attractive.

Mr. NOVAK. One last thing. You wrote in a letter—you and several of your colleagues wrote a letter to Secretary of the Treasury Rubin a couple weeks ago asking, ''What was the role of the U.S. Treasury and the International Monetary Fund in the devaluation of the Mexican peso, which has led to all this trouble?'' Are you going to pursue that? Are you going to ask for hearings? Just what do you have in mind? Is there some scandal involved there?

Senator DOLE. Well, we don't know. I mean, there could be because there's a feeling that somebody was feasting off these devaluations around the world forever. It might be some of the big concerns on Wall Street. We don't know the facts, but we're going to try to find out.

Senator D'Amato is very determined, and he told Secretary Rubin just last week, he's going to monitor this almost on a daily or weekly basis. And we're going to continue to push to sort of peg the peso to the dollar at 3.52.

Mr. NOVAK. You are going to push for that?

Senator DOLE. Sure.

Mr. NOVAK. When will those hearings be held, sir?

Senator DOLE. Well, I know—whenever—I know Senator D'Amato and Secretary Rubin met last week. I think it's going to be an ongoing thing at a staff level and at the necessary time maybe have hearings.

Mr. RUSSERT. Finally, Senator, our colleague Mark Shields, talking about Newt Gingrich the other day, said, quote, ''Imagine a Republican leadership team comprised of a good guy and a bad guy and Bob Dole is the good guy?''

Senator DOLE. That shows you can finally make it in this town.

Mr. RUSSERT. Has Newt Gingrich's rhetoric softened Bob Dole?

Senator DOLE. I don't think it's so much that, it's been—everybody's been comparing Gingrich and Clinton, and I've been able to be the spectator and people have sort of forgotten about me. And they say, ''Gee, well, it's not the same fellow I met last week.'' So maybe some of the things that have been said—but I think it's been more the comparison. Let's face it, Newt is in line to be president. He's in the line of succession, which is more than most of us can say. And he and Clinton—the speaker is very powerful, the most powerful speaker we've had in a long, long time; doing a good job and we're working closely together.

Mr. RUSSERT. Should he temper his rhetoric?

Senator DOLE. Well, I think things are settling down. I've noticed a little different—you know, I look down the hall now and then from the Senate over to the House and I don't hear anything. Used to be able to hear it, just putting your hea—so I think it's settling down on the House side.

Mr. RUSSERT. In 1976, When Bob Dole ran, he was described as a hatchet man, and accused the Democrat wars—World War I, World War II, Korea, were Democrat wars.

Senator DOLE. It was in my briefing book.

Mr. RUSSERT. Well, it—in 1988, you said to George Bush, ''Stop lying about my record.'' In 1996——

Senator DOLE. See. I only made two mistakes.

Mr. RUSSERT. Well—but in 1996, will there be a different Bob Dole running for president?

Senator DOLE. I think—well, I hope so. I mean, you try to—if you don't try to learn from your mistakes, you ought to get out of the business, whatever it is, whether it's media or politics. And certainly I've said things I shouldn't have said. Now I've never been more relaxed about what I'm doing now. I mean, it seems to me that, you know, I'm at sort of peace with myself. I know what I want to do. I'm not going to be around criticizing any of my running mates or—not running mates, but anybody out there running on the Republican side. I've never personally attacked President Clinton or Mrs. Clinton. I gave that up. I had a round of that several years ago.

Mr. RUSSERT. Senator Dole, thanks for joining us.

Senator DOLE. Thank you.

Mr. RUSSERT. And we'll see you in Russell, Kansas, in April.

Senator DOLE. I hope so. That's right, Meet the Press will be there, right?

Mr. RUSSERT. Well, I lost the Super Bowl bet; I'll be there.

We'll be right back with William Safire.

(Announcements.)

Mr. RUSSERT. Welcome back to Meet the Press. With us now, William Safire.

Bill, welcome. We have a trade war with China?

Mr. SAFIRE. Yeah. We weren't able to apply human rights to the Chinese, and so the Clinton administration said, ''We'll do anything you want, we'll give you MFN, we'll trade with you,'' and that policy has been a big flop. And what has happened is now American business has said, ''Well, we can't fight on human rights grounds, but we're certainly ready to fight on CD grounds.'' And I think that's kind of sad to see. We should be standing for principle rather than just saving $300 million on a—on the trade war.

Mr. RUSSERT. Who's going to lead China in the next century?

Mr. SAFIRE. Big question. It can go any one of four ways. If it goes the establishment way, Xiang, then China will hold together the way it is now. I don't think that'll happen. He's a transitional figure. If it goes to Lee, he's the tough guy of Tiananmen. And then you would have repression and a very tough dictatorship. If it goes to Xu Rangzhi—he's the economist; he's more the good guy, looks like Mayor Koch actually, but a sound citizen. And then there's a dark horse, Xiao Zhou, who is the Newt Gingrich of China, the head of the legislature there, and nobody knows what he stands for.

Mr. RUSSERT. Who's going to lead the United States of America in the next century?

Mr. SAFIRE. In the next century——

Mr. RUSSERT. Well——

Mr. SAFIRE [continuing]. Are you talking about—you skipping over 1996 and——

Mr. RUSSERT. All right, we'll start at '96. I was trying to let you off the hook, but got to '96, Safire.

Mr. SAFIRE. OK. We see Dole, who is awfully good as a majority leader, and that's the big weakness. He's a compromiser. And when you asked earlier, what about a one-term commitment, the very fact that they're talking about that, and he's allowing the talk to continue, suggests that perhaps he's better off in the job he's in. He looked over his shoulder sort of on today's program and

I think mentioned Pete Wilson out there. So if Gingrich goes for it, that would weaken Gramm and help Dole. It's a wonderful business.

Mr. RUSSERT. We have to take a quick break. We'll be back with more Bill Safire after this.

(Announcements.)

Mr. RUSSERT. Bill Safire, we've talked with you about Russia quite a bit on this program. President Clinton said at the State of the Union, ''American children go to bed now and there's no nuclear missiles from Russia aimed at them.'' But what is this real situation in Russia?

Mr. SAFIRE. Things are in terrific turmoil at the moment because of the Chechnyan war. Boris Yeltsin's popularity has gone right into the tank. I mean, he's in single digits. He's below—you know, way below any other major leader. That's because the reformers have deserted him, or they think he's deserted them. And the Zhirinovsky nationalists have also deserted him, because he's brought discredit on the armed forces, and he's got nobody, except he's got himself surrounded with about 70,000 or 80,000 soldiers who answer directly to him around Moscow. The big question—here we are talking about American elections and who's going to be the candidate. The question in Russia is: Will there be an election in 1996?

Mr. RUSSERT. Well——

Mr. SAFIRE. There are some good men around, Yavlinsky and—you know, it's coming along. But if the popularity of Yeltsin stays so low, he may not want to have an election.

Mr. RUSSERT. And cancel the election.

Mr. SAFIRE. And postpone it for a few years, and that will be terrible.

Mr. RUSSERT. A chilling thought to end our roundtable this morning. Bill Safire, Bob Novak, Lisa Myers, thank you very much. We'll be right back with our Meet the Press Minute.

(Announcements.)

Mr. RUSSERT. Deja vu: December, 1951, President Truman was in the third year of his term, there was widespread speculation about another Democrat challenging him. And the big unknown: the plans of General Dwight David Eisenhower. Let's take a look.

(File footage from December 2, 1951).

Mr. ERNEST LINDLEY. Who, in your opinion, would make the strongest Democratic nominee for the presidency next year?

Representative JOHN F. KENNEDY (Democrat, Massachusetts): Well, as—I've only heard of one or two men discussed, and as it seems fairly inevitable that if President Truman is a candidate for reelection, he will receive the nomination. I would say that he would be probably the strongest. Now there's been some talk of General Eisenhower running. I don't know whether General Eisenhower's a Republican or a Democrat.

Ms. MARTHA ROUNTREE. You're not convinced that he is a Republican, though, are you?

Representative KENNEDY. I have no reason to be convinced he's a Republican or a Democrat, as he's ignored politics for a long time, quite rightly, in his military career. But there are those who say they know, and in view of that, perhaps we can accept their opinion.

Once General Eisenhower takes off his uniform, leaves a very critical situation in Western Europe and takes a position on issues like civil rights and labor legislation, etc., and becomes a candidate and runs for office, I think we'd get a better idea of whether he is going to be able to sweep the country or not.

(End of footage.)

Mr. RUSSERT. Hmm. General Colin Powell, are you listening?

That's all for today. Join Giselle Fernandez later tonight for the ''NBC Nightly News.'' And tomorrow on ''Today,'' continuing coverage of the O.J. Simpson trial. Tomorrow night on the ''NBC Nightly News'' with Tom Brokaw, remarkable advances in the treatment of strokes.

We'll be back next week when our guest will be another presidential hopeful, former Vice President Dan Quayle. If it's Sunday, it's Meet the Press.

(Announcements.)8se Law,

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of House Joint Resolution 1, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

Pending:

Daschle motion to commit the resolution, with instructions to report back forthwith, with Daschle amendment No. 231, to require a budget plan before the amendment takes effect.

Dole amendment No. 232 (with instructions to commit), to establish that if Congress has not passed a balanced budget amendment to the Constitution by May 1, 1995, within 60 days thereafter, the President shall transmit to Congress a detailed plan to balance the budget by the year 2002.

Dole amendment No. 233 (to amendment No. 232), in the nature of a substitute.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I want to say a few words about the amendment filed by the distinguished minority leader Thursday or Friday of last week. Actually, he called it the right-to-know amendment. I call it the right-to-stall amendment because that is what it amounts to.

The balanced budget amendment represents the kind of change that the American people asked for last November. The American people know the Federal Government, they know the bureaucrats who run it, and they know that those bureaucrats need to be put on a fiscal diet.

In contrast, the proposal offered by the distinguished minority leader, with all due respect, is offered in defense of the status quo and business as usual. If my colleagues supporting the Daschle proposal had been in the first Congress, we never would have adopted the first amendment of the Bill of Rights. Just imagine James Madison defending the free speech clause of the first amendment to some of our colleagues today:

''Does this mean you can't yell 'fire' in a crowded theater,'' they would ask?

''Does it protect obscenity? If not, what is the line between obscenity and protected free speech? We cannot accept the free speech clause without these details spelled out,'' they would say.

''Does the free-speech clause protect the American flag from desecration? If so, we cannot accept the first amendment.''

Some of my colleagues made that very clear when they turned down the flag amendment twice a few years ago.

What about the religion clause, the free-exercise clause and the establishment clause of the first amendment, would the supporters of the Daschle proposal, had they been in the first Congress, have demanded an accounting of just when and how the Government can aid religious schools?

Would they have insisted on knowing all of the circumstances under which citizens or local governments can put a menorah or a creche on public property?

Would they have turned down the first amendment because the first Congress would not fulfill the ludicrous task of answering these questions? Or would they have accepted the principles contained in the first amendment and have allowed those principles to develop as they have over the years?

Just imagine if the following clause in article I, section 9 came before the Constitutional Convention of 1787 in Philadelphia:

No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; * * *

''Oh, no,'' my colleagues of today would have said had they been there, ''tell us how much the appropriations will be over the next 7 years or we cannot adopt this provision in the Constitution.''

What about the clause in article I, section 8 giving Congress the power to regulate foreign and interstate commerce? ''Oh, no,'' some of our colleagues, had they been in Philadelphia in 1787, would have said, ''we cannot give Congress the power to regulate commerce until we know the tariffs and the interstate regulations Congress will enact over the next 7 years.''

Here and now let us adopt the principle of a balanced budget with the careful exceptions of wartime or when a supermajority consensus is reached for a pressing national purpose on a rollcall vote. Then, after we adopt the principle, we can implement it over the next 7 years, adjusting the budget to take into account changing circumstances during that time.

Yesterday, on the Frank Sesno show on CNN, I debated with Alice Rivlin. It was interesting to me that at the very time that we are making the case on the floor that the Federal Government is not serious about balancing the budget, that unless we have a balanced budget constitutional amendment, we will not get to a balanced budget by the year 2002, the President is filing his

budget for this next year, a budget which, by the way, proves our case.

By their own reckoning, that is those in the White House—and Mrs. Rivlin did have a difficult time really supporting their position—by their own budget, we will face deficits for the next 12 years that average no less than $190 billion a year. There is no desire to get to a balanced budget by the year 2002. In fact, they say by the year 2005, 2006, or 2007, the average deficit will be $190 billion a year. In fact, the President's own budget will increase the national debt from $4.8 trillion to a little over $6 trillion in the next 5 years. If there ever was a case made for the need for a balanced budget amendment, it has to be this budget which has been delivered today.

How ironic it is that they would deliver that budget at the very time when we are arguing that the only way to get to a balanced budget by the year 2002 would be to put some fiscal mechanism into the Constitution that will help us to get there.

What do we face? Why, we have an amendment filed by the minority leader that is so defective that it is even constitutionally unsound. In fact, some authorities are now calling it unconstitutional because it would add to section 5 of the Constitution another reason, another debate before we could have a constitutional amendment.

I just have to say, after all, this is the Constitution that we are amending, not budget legislation. In fact, as I read the Daschle proposal, it requires that we pass a resolution laying out the details of a plan starting in fiscal year 1996, even though that requirement would be contained in an amendment that does not become effective until the year 2002, ignoring the fact that there will be three intervening Congresses before we get to the year 2002.

To require that a constitutional provision be fully implemented before it is adopted puts the cart a long way before the horse. After all, the whole problem is that Congress has not been able to balance the budget in the absence of a constitutional requirement to do so. For 26 years, Congress has failed to balance the budget. Mrs. Rivlin said on that program yesterday—and I have admiration for her, she is a fine woman. If she had her way, she would get to a balanced budget by the year 2002, but she was unable to get this administration to do it. Mrs. Rivlin basically said yesterday we just simply should do it.

I remember the distinguished Senator from West Virginia saying we should just do it. It is odd to me how those who are always saying we should just do it right here in the Congress, we have the power to do it now, it is odd to me how many of those who are saying that are people who are opposed to the balanced budget amendment and, in the process, are dedicated to the same old order that has put us in this financial difficulty that we are in right now—$4.8 trillion in national debt, going to $6.3 trillion in just 5 years under the President's so-called deficit reduction plan.

I do give the President some credit for at least trying. He is consolidating programs; he is recommending cutting out some programs. But those are minuscule efforts in comparison to what needs to be done and what will be done if we pass a balanced budget constitutional amendment.

To require that a constitutional provision be fully implemented before it is adopted is really, really something that nobody should be deceived by reading. It seems to me that the people who really have the burden of showing us how they will balance the budget are the ones who claim we do not need the balanced budget amendment. We say the budget cannot be balanced without a constitutional requirement. It is that simple, and the President's budget makes our case.

To those who think we can balance the budget without the balanced budget amendment, I say to them, ''Show us how; you tell us how you want to do it. If you cannot show us the way to a balanced budget without the amendment, this suggests one of two things: Either you agree with us that it cannot be done without the constitutional requirement or you are simply against balancing the budget at all.''

Now, if the truth be known, there is a lot of mouthing about balancing the budget, but the very people who are doing it most of the time are those who are against the balanced budget amendment, except those who want a balanced budget amendment so we can get to a balanced budget.

Now, that brings me to the President. If President Clinton gets his way and defeats the balanced budget amendment this year as he did last year, what is his purpose? Does he not want a balanced budget? Does he stand for the status quo of ever-higher taxes and ever-higher deficits? Or is his point that we can balance the budget without the constitutional mandate?

The fact is, his own budget will increase the deficit by $1 trillion over the next 5 years, and that is assuming the optimistic economic assumptions in that budget will remain optimistic and will actually occur.

Or is his point that he can balance the budget without the constitutional mandate? If so, I would expect him to release his plan for a balanced budget this week.

Well, his plan is anything but a plan for a balanced budget. For the next 12 years he admits that under his budget, as much as he has tried—and I give him credit for that—we will have an average of a $190 billion deficit every year for those 12 years—again, if all the economic assumptions they make are correct, and they have never been correct yet. It is always higher.

Where is this Presidential leadership we have been hearing about? I guarantee you there will be no efforts, really successful efforts made without a balanced budget amendment and without both the President and the Congress working together to get there. And that is what the balanced budget amendment will bring about. It will force us to work together to get a balanced budget by the year 2000.

The President's deficit reduction tax plan has failed to control even the growth of annual budget deficits which continue to rise during the latter years of the plan, surpassing $200 billion as early as 1996. And if his old plan is correct, they would reach the record level of $297 billion in the year 2001 and would top $421 billion in annual deficits in the year 2005.

Now, he claims this new budget, by cutting some programs and consolidating others, will get it down to only a $190 billion deficit each year through the year 2005. That is 10 years from now.

The President's so-called deficit reduction plan, which included massive tax increases on working people, retirees, and other Americans, neither stops the growth of the national debt nor balances the budget. The fact is that if House Joint Resolution 1 passes in its current form, we can and will balance the budget. It is not the lack of plans that has prevented us from balancing the budget. It is the lack of will.

We do not claim to have the perfect, painless way to balance the budget, but there are quite a number of options for us to examine and draw from, at least in part. In fact, over the last few years, we have seen a number of plans released from both sides of the aisle from both bodies and from outside organizations. I will just hold up a few:

The Concord Coalition zero deficit plan, the Republican alternative to the fiscal 1994 budget, the Congressional Budget Office's illustration of one path to balance the budget in their Economic and Budget Outlook 1996–2000, just to name a few. There are others.

Senator DOMENICI has said that if we would allow the Government to only grow 2 percent a year—now, 2 percent of $1.5 trillion is still a lot of billions of dollars. We would still be increasing spending, but if we would only allow it to grow 2 percent a year and you totally exclude Social Security from any cuts and keep it just totally inviolate, we would reach a balanced budget by the year 2002.

So the fact is we have the way to get there, a variety of ways of getting there. We just do not have the votes right now without a balanced budget constitutional amendment. Even the current White House Chief of Staff Leon Panetta submitted a balanced budget proposal during his tenure in the House, but they have not been able to do it since his tenure in the White House.

Like I say, other ideas include limiting the growth of spending to 2 percent without touching Social Security or cutting just 4 cents a year off every

dollar of planned spending except Social Security. That would get us to a balanced budget in the year 2002.

Unfortunately, a lot of the people who are arguing that we ought to lay out in detail how we get there in 7 years are the people who would vote against that type of an approach as they are voting against the balanced budget amendment. Furthermore, there are many proposals out there to reduce spending significantly and reduce the deficit: the Dole 50-point plan, the Penny-Kasich deficit reduction plan, the Brown-Kerrey bipartisan cutting plan, the prime cuts list prepared by Citizens Against Government Waste, the Kasich budget alternatives for fiscal year 1994 and fiscal year 1995, and the Brown deficit reduction plan by our distinguished Senator from Colorado, who made that point in the last year or so.

Now, I do not think that any one of these proposals is necessarily the ultimate solution, yet they all have some ideas worth considering. I certainly believe that we could evaluate and analyze proposals in these plans as well as other ideas that I guarantee will be forthcoming from both sides of the aisle if we pass this balanced budget constitutional amendment.

Let me say it one more time. The problem is not the lack of ideas. It is the lack of will. House Joint Resolution 1 in its current form will provide that will.

Now, the Daschle proposal itself raises more questions than it would answer. We are talking about this amendment that now has been amended twice by Senator DOLE, or at least has two amendments pending against it. For example, the Daschle amendment would require a statement of new budget authority and outlays only on accounts which were over $100 million in 1994.

Well, what about accounts that were under $100 million in 1994 but have grown? What about new accounts? The Daschle proposal would also require an allocation of Federal revenues among major resources of such revenues, but what qualifies as major?

The Daschle proposal would further require a detailed list and description of changes in Federal law required to carry out the plan. Such information is currently in a document separate from the budget resolution. That document for President Clinton's 1993 budget plan was over 1,000 pages long. Do we really want to increase the already mammoth budget resolution? Besides that, I really do not understand the Daschle provision. Are we supposed to predict over the next 7 years not just the changes in law Congress may ultimately pass but the date upon which Congress will pass them?

The Daschle proposal creates additional problems by making constitutional references to statutory law. It incorporates section 310(a) of the Congressional Budget Act of 1974 by reference. Now, what happens if Congress amends that section? The balanced budget amendment, it would seem to me, would allow that amendment any time Congress chooses to do so, which, of course, makes the balanced budget amendment totally worthless. I guess that is, after all, what the Daschle proposal is trying to do, make it so it is impossible for us to ever balance the budget.

If Congress amends that section, would that qualify as a constitutional amendment itself or does it qualify just as an amendment within the constitutional amendment that is permitted because section 310(a) is merely mentioned by point of reference in the balanced budget amendment? That is, if Daschle would pass. And I cannot believe anybody would be serious about voting for something like that.

Similarly, the Congressional Budget Office is explicitly referred to in this proposal. That means that the Constitution would now refer to four branches of Government—the Congress, the Supreme Court, the Executive or President, and the Congressional Budget Office. What constitutional thinking is that? How in the world could they put that into the Constitution? We know the Congressional Budget Office has been wrong more than it has been right. So we are going to write it into the Constitution? We will if the Daschle amendment is passed. I cannot imagine anybody really voting for an amendment that would put the Congressional Budget Office into the Constitution.

Now, here we are in the new Congress trying to reduce the Federal Government, the Federal bureaucracy, and the Daschle proposal attempts to enshrine a part of it in the Constitution.

Those of us on both sides of the aisle who have worked for years to pass this constitutional amendment have consistently heard from our opponents that we are trivializing the Constitution with budget matters. Talk about trivializing the Constitution—the Daschle proposal would have us add a new section to the Constitution, longer and extraordinarily more detailed and technical than the proposal that has been the subject of hearings, a committee debate and vote, and a committee report. It adds new terms to the Constitution like ''aggregate levels of new budget authority.'' What does that mean? It means whatever Congress says it means. I guess that is the genius of this proposal. Because Congress will make it very clear they are never going to get serious about a balanced budget until it is defined.

The first term on that list is ''aggregate levels of new budget authority.'' This phrase, like many of the terms on this list, is technical budgetary and accounting jargon. This proposal asks us to put into the Constitution a phrase that means the total levels of new spending Congress will allow for the next 7 years.

Can you believe that? Determining new budget authority is a part of the budget and appropriations process we go through every year. This is not the type of timeless language that enunciates broad, immutable principles as does the language of the Constitution. Adding this type of language will only demean and trivialize the Constitution.

But look at the next one. Here is another one: ''major functional category.'' Functional categories are part of the system we use to classify budget resources and activities to reflect the national priorities and needs being addressed. The proponents of the Daschle amendment, or proposal, appear to be asking us to freeze one portion of our current budget policies and national priorities by adding them to the Constitution.

Mr. President, balancing the budget is not a one-time event. It is a dynamic process. This amendment asks us to put one or two 30-second spots from a 2-hour movie into the Constitution. This is not the purpose of our Constitution.

But look at this one: ''account-by-account basis'' is going to be written into the Constitution. This is another of the technical accounting terms used to define our budget. These accounts represent agencies and programs that reflect our national spending priorities. This type of language may be wholly appropriate for implementing legislation but it is wholly inappropriate for inclusion into our Constitution.

Look at this one: ''allocation of Federal revenues.'' This is just another way to define and present our budget information. I feel a bit as though I am repeating myself, but this is not the type of language we should be adding to our Constitution. I cannot believe that the proponents of this proposal could mean to use this type of language to drive constitutional policy. Nor can they mean to freeze current budgeting terms and techniques in the Constitution.

What about this one: ''reconciliation directives''? These are all part of the so-called Daschle amendment. These ''reconciliation directives'' are the tools used during the budget process to instruct the committees to report legislation changing existing laws or pending legislation in order to bring spending, revenues, or debt limit into conformity with the budget resolution. Can you imagine the games that could be played with that? This amendment calls for a budget resolution extending out to the year 2002. Are we really going to ask our committees to change current or pending laws that far out into the future? Again, I remind the Senate that the budget is a process which proponents of this amendment are asking us to significantly slow down and freeze. This just does not reflect reality.

Look at this one, No. 6: ''section 310(A) of the Congressional Budget Act.'' This ''reconciliation directives'' is a serious issue, but this is even more

serious, and it is raised by the reference to section 310(A) of the Congressional Budget Act. This could have far-reaching implications. Not only do we have the unprecedented step of referring to a statute in the Constitution, but a particular section of that statute. This raises a serious question about our ability to reform the budget process through legislation. Will this proposal of having that written into the Constitution constrain our ability to amend that statute or that section through legislation? Or would we need a constitutional amendment to do so? Would this proposal lock Congress into the budget process status quo?

A lot would argue it would. There has been a lot of discussion about reforming the budget process to streamline it and make it more responsive to national priorities. I would hate to see us constrain ourselves to such a point that this would be next to impossible, by writing section 310(A) of the Congressional Budget Act into the Constitution.

What about this one? ''Omnibus reconciliation bill'' is mentioned in the Daschle constitutional amendment language. The reference to omnibus reconciliation bill once again puts a budgetary process into the fundamental charter of our Nation.

Once again, I want to say this type of language does not belong in the Constitution. This is coming from those who say we are trivializing the Constitution? Ms. Rivlin, the leading budgeteer in this administration and a person for whom I have great admiration, said that she does not think we should put these types of things—she is against the balanced budget amendment because it puts, in her eyes, some economic matters into the Constitution. She must be sick at heart at what they are trying to do here.

Look at this one: ''Congressional Budget Office.'' This is perhaps my favorite of all of the references in the Daschle amendment. Here we are, in this Congress, trying to cut bureaucracy, and the Daschle proponents are attempting to enshrine the bureaucracy, the Congressional Budget Office, in the Constitution of the United States of America.

We now have four branches of Government, if they get their way: the executive, legislative, judiciary, and the accountants. If they get their way. The Congressional Budget Office? Will that be the fifth branch of Government? What about the FDA? Should we not enshrine the FDA in here and make it the sixth branch of Government? This is what the folks who are pushing this mean. Of course, we will have to say no. No, that will simply not do.

Look at this one: ''Economic and technical assumptions.'' Once again, we have the example of technical jargon being put into the Constitution. ''Economic and technical assumptions'' are the tools used in determining the basis of our budget activities. They are vital in determining forecasts of our future events. Yet, I do not think they belong in the Constitution. This phrase, indeed this whole proposal, is better addressed in implementing language which could be changed by a simple majority vote. It just does not belong in our Constitution; and that is why we have implementing language.

So when you hear them saying we should exclude Social Security from the balanced budget amendment, I say how could anybody really seriously argue that? The balanced budget amendment should be written like a constitutional amendment, which it is, the House resolution. It is, and we should not trivialize it by putting all kinds of jargon into the Constitution.

My friend, Senator DOMENICI, may like this last one. It is a reference to the ''Committee on the Budget.'' It may mean that his committee now has constitutional status and cannot be eliminated without a constitutional amendment. I fear he may be pleased with the committee's new power to trigger constitutional law.

But, seriously, I hope we will all agree we should not be enshrining congressional committees in the Constitution by reference. They are established by internal rules and can change title or function, or even cease to exist, as we have already seen in this new Congress. Would this proposal make us pass a constitutional amendment just to change the name of a committee? This is what I call really trivial stuff.

Mr. President, just look at that, ''constitutional language?'' Aggregate levels of new budget authority? Major functional category? Account-by-account basis? Allocation of Federal revenues? Reconciliation directives? Section 310(A) of the Congressional Budget Act? Omnibus reconciliation bill? Congressional Budget Office? Economic and technical assumptions? Committee on the Budget? All to be enshrined into the Constitution in what will be one of the largest constitutional amendments in history.

I notice Senator DOMENICI is here. Let me just finish my remarks with just a couple of other comments.

I daresay that James Madison and the Founding Fathers must be turning over in their graves. They must be.

In testimony by Alice Rivlin before the Senate Committee on the Judiciary, where she said she was against the balanced budget amendment on behalf of the administration, she had this to say:

> Consequently, the administration continues to oppose the effort to write fiscal policy into the Constitution. The Constitution should establish principles that are basic and necessary at all times, not fiscal policies like a balanced budget that may not be appropriate in every year under every condition.

One can only imagine what she thinks of the Daschle amendment. At least a constitutional amendment to balance the budget is written in constitutional language, language that would get us all there, if we have that fiscal mechanism in the Constitution.

So to write all of this other stuff in is to trivialize and demean the Constitution of the United States. And, frankly, I hope all of our colleagues will vote to keep that out.

I notice the distinguished chairman of the Budget Committee is here. We look forward to hearing his remarks.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Chairman HATCH for yielding.

Mr. President, I thought he might be interested in my analysis of the President's budget. If there is anything that ought to convince us that we need a constitutional amendment for a balanced budget, it is the President's budget that he put out officially this morning.

It is hard to have all the details. But I would like to state for the Senate and for the American people just a few observations and perceptions about this budget which the President has presented.

First, I want to say that, to the extent that we can, we ought to work with the President. We ought to try. Normally, President's budgets have been declared dead on arrival. When the Republicans were in the White House the Democrats said that.

I do not want to say that. But I would say that this budget is on life supports. There is no question about that. It is not dead, but it is on life supports. There are a few concepts in it that we ought to build on. There is no deficit reduction of any significance; nothing for our children at all. The President in his remarks on this says this is good for the American dream, and then proceeds to talk about middle-class Americans who will be helped, et cetera. But he forgets to say this budget is an antichildren of the future of America budget.

Right now we believe every man, woman, and child is indebted $18,000 for the debt that we have been incurring without regard to their future—man, woman, and child. This deficit produced in 5 successive years, as he puts them together—the added deficit—will add $2 trillion, I say to the occupant of the chair, to the debt; $2 trillion. We think by that time the children of America will be saddled with a $24,000 to $26,000 debt. So let us use $26,000. It is $18,000 now. It will be $26,000 because of this budget, and worse than that—which is ignored in the comments from the White House today—while the deficit stays steady but does not go down, it will go skyrocketing up again. And whose responsibility is it to address that? Do we wait for our children to address that, or do we address it now? There is no question that the deficit of the United States by the year 2002 will be back up to $321 billion.

So that is what this amendment on the floor is about. Remember we were going to have a balanced budget by 2002. Under the President's budget it will be $321 billion. The President talks about getting the deficit down, and since I was on the floor for maybe 5, 6, or 10 days—I do not even remember talking about the budget which the President produced the last time—in 1993 when he takes credit for getting the deficit down—my projections then are now coming true. The nightmare that I predicted is true. It is upon us. What was the nightmare? The nightmare was that we will raise taxes on the American people, the largest tax increase package in history, and we will not get the deficit under control. That is true. Most of the deficit reduction heretofore are tax increases and defense spending cuts. What about the rest of Government? There were no cuts then, and no cuts now.

First of all, the President had a good handle when he ran for this office, a good fix on the deficit. In 1993, when he talked to the American people about getting it under control, he understood it very well for he said we will never get the deficit under control until we get the health-care programs of the U.S. Government under control. That was true then. That is true today.

The President's budget, which I have just indicated while not dead on arrival certainly takes a walk on the important issues of our day, takes a walk on the importance deficit reduction issues of our day because none of the health-care programs of the Government are addressed. There are no reductions in them of any significance. They are left to carry right on growing at somewhere between 10.5 and 11.5 percent a year. So why should anyone believe that this budget is a good budget for America?

Frankly, in the midst of a solid recovery, when the signs are there everywhere that we have to have major reform, that we have to reduce the size of our National Government, the President proposes in his budget that we ought to put 300 programs together and block them into 27 programs. Will not one think that there would be an effort to streamline Government, and what else? Save money? Actually, the block grants go up. Unless I can be informed to the contrary, the best I can find is after going through this exercise and streamlining of Government—which is not much streamlining because you still have 27, you do not give many of them back to the States—but even it is supposed to be an efficiency in delivery of service measure. To improve the delivery, you ought to get some savings out of it. It goes up.

Let me go through and quickly talk about a couple of other things because, obviously, we want to have a very constructive year. We do not want to have a year when all we do is argue. But I do not believe we should leave some of the things that the President talks about already, and in his budget, I do not believe we should leave them unanswered, for when Republican Presidents issued budgets the opposition party was quick to talk about what was wrong with them.

So I repeat. This budget is a white flag on entitlement spending. Surrender, or at least it says, as the President of the United States, ''I do not want to do it. It is too hard. Maybe you ought to do it, Republicans.'' I think those commenting on it are already sort of saying that. The President said, ''I do not want to do anything that is tough. Why don't you do it, Republicans? Then we will negotiate.''

I submit that one is contrary to what this President says all the time. I mean he talks about leadership. Where is the leadership when you put a white flag up to surrender to that part of the budget that you know you must get under control and in doing that you kind of hoodwink the public that you are really getting the deficit under control?

Let me move on.

You know, there used to be the magic asterisk, the question of veracity; the question of, How truthful is the budget? I would like to just raise a question of veracity in this budget.

First of all, significant problems occur in the President's budget proposal related to a concept that has worked heretofore. Everybody acknowledges that there is a new portion of the budget called pay-as-you-go procedures and savings adjustments from adjusting and extending discretionary spending limits established in the current budget. So what the President has done relates to this pay-as-you-go. Let me talk about it.

The President's budget does not reduce direct spending programs enough. I spoke of that on the white flag of surrender. So let me talk a minute. He will claim there is $28.7 billion there to offset reductions in tax receipts of $54.7 billion. Instead, it attempts to close this gap with what I will call creative accounting, $101 billion in discretionary spending cuts, creative accounting as to $101 billion in discretionary spending. In truth, the $101 billion savings is overstated by nearly $90 billion. Mr. President, he takes credit, through creative accounting, for $101 billion in discretionary spending reduction, and $90 billion of that is overstated. Following current budget rules, the net result of the President's budget is not a reduction in the deficit claimed as $80 billion over 5 years, but rather is an increase in the deficit of between $15 billion and $20 billion over that 5 years.

Current law defines pay-as-you-go enforcement procedures that apply to direct spending and receipts. The President's budget assumes the law is changed to include discretionary spending in the definition of pay as you go to offset reductions in taxes. Even so, the discretionary cuts are significantly overstated from inflating spending caps from 1996 to 2000. Let me repeat. Savings from discretionary spending cuts are overstated from inflating spending caps from 1996 to 2000.

You see, if you have in place caps at this level and those caps as a matter of law expire, the President lets it go back up and then claims the savings. And that is $90 billion of the $101 billion. So, in essence, they go up and he reduces them back to where they are, and through creative accounting, that is the big savings in the budget.

We will get that from the Congressional Budget Office. We will ask them for that. It is not Senator DOMENICI who ought to be saying this, it is officials who have at least as much prowess as the President's experts but are neutral and not part of any political presentation of a budget.

So creative accounting has created a very big credibility gap in terms of whether or not there are any cuts in this President's budget.

Let me wrap this up again by saying the deficit, under the President's proposal, will increase each year, and the public debt—which we are talking about in the constitutional amendment—will go from a 1995 level of $4.9 to $6.6 trillion—from $4.9 trillion to $6.6 trillion—and the debt on each man, woman, and child will go from $18,000 to $26,000. The dream of our children and for our children is getting stepped on once again. No action now because it is too tough; action later when it is too late, when the children are bearing the burden when we leave them little of a legacy because we do not have the courage to do what we ought.

Frankly, without the President's leadership, I do not know where we are going. Frankly, I have told this Senate and the public in the United States that you will not get a balanced budget unless the President wants to cooperate with the Congress. I can tell you unequivocally, unabashedly, you cannot get to a balanced budget without the leadership of a President. Second, you cannot get there without both parties participating. It is too tough, really and politically.

So when you have a President who takes a walk and opposes the constitutional amendment for a balanced budget, it would seem to me that the expectations and hopes of the American people that we might finally have arrived at a point in history when we are serious about this, when we might get the deficit under control, get a balanced budget, I want to warn them that the will may be there on the part of many of us, but we may indeed not win this constitutional amendment that would have made the President join in the team that wants to get it done. Obviously, some Members on the other side and this President do not choose that. I think they do not choose it for a number of reasons. But I tell you unequivocally, absolutely, when they say they will not choose it, we will never get there, and certainly we will never get there with budgets like this one.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. CRAIG], is recognized.

Mr. CRAIG. Mr. President, we have just heard Senator DOMENICI from New Mexico, chairman of the Budget Committee here in the Senate, outline for us what many of us feared we would hear from this President as he presented his budget to the Nation which will now be presented today—statistics and facts and figures that I do not think any of us wanted to hear or that the American people can even begin to fathom as it relates to what it all means.

Certainly, this chart I have with me reflects exactly what the Senator from New Mexico, the chairman of the Budget Committee, said. From a debt structure for our country at the end of fiscal 1995 somewhere in the $4.9 trillion mark to, by this President's own admission with the submission of his budget today, a deficit out here in the outyears around the year 2002 of $6.6 trillion. What does all of that mean?

I find it also very unique that as we debate the balanced budget amendment here on the floor—as we have been now for well over a week, and as we will, maybe, for the next several weeks—that the leader of the Democratic Party would come to us with an amendment that, in essence, says: Submit a budget in all of the detail of how you want to balance the budget, and if you do not, we cannot submit a balanced budget constitutional amendment as a matter of principle to the people for their consideration.

I say that is an interesting combination, Mr. President, because as our colleagues on the other side of the aisle are now saying that, the very leader of their party has presented a budget today that looks like this as it relates to debt structure. Not even their President was willing to talk about a reasonable approach toward the kind of deficit reduction that he himself pledged to us as a country but 1 year ago. In less than a year, this President has moved away from the very premise he ran on, on the very budgets he proposed, on the very premise by which he pushed through one of the largest tax increases in the history of the country, and that is, that we would have continually declining deficits toward a balanced budget, with a progressive reduction in the rate of debt growth for our country.

Mr. President, what happened? Where are you? Why did you forsake us? Why did you say one thing in one budget year and now come forth with an entirely different approach in another budget year?

Well, I may sound a little hard on the President this morning. Let me back off a little bit and say I guess I am not surprised, because for the last two decades, other Presidents have been making similar promises, and many of those Presidents have been Republican Presidents. Yet, we saw the deficit and the debt structure of our country grow from 1990, where we had a debt of around $3 trillion, now to a President walking before the cameras and talking to the American people and, in a straight-faced way, suggesting that this budget projected outward will produce a $6.6 trillion deficit.

This morning in the Wall Street Journal, Stephen Moore, who is the director of fiscal policy at the Cato Institute here in Washington, tried to put these kinds of analyses and projections in perspective for the American people. I recommend to my colleagues that they read that article, because it begins to cause us to focus about why we are here on the floor of the U.S. Senate and will be here for the next 3 weeks debating a balanced budget amendment to our Constitution.

I ask unanimous consent that that article be printed in the RECORD.

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

[From the Wall Street Journal]

IF YOU BOUGHT 2 TRILLION COPIES OF THIS PAPER * * *

(By Stephen Moore)

Today, President Clinton releases his fiscal 1996 budget. Already the Associated Press is reporting that officials claim the budget ''proposes to abolish or consolidate hundreds of government programs, reducing federal spending by $144 billion over the next five years.'' No doubt the president will firmly insist that this is the most tight-fisted, penny-pinching budget in 20 years.

Why is this so predictable? Because this is what every president since Richard Nixon has said. But 20 years ago the federal budget was $370 billion. Today, Mr. Clinton will request almost $1.6 trillion. Even adjusting for inflation, the federal budget is twice as large as it was during the last years of the Nixon presidency. Besides, without the sleight of hand of baseline budgeting, President Clinton's new budget calls for a $50 billion increase in spending from the current budget. And that was $70 billion more than was spent the year before that. Yet the budget-busting news is bound to be greeted with a national yawn of unconcern.

Why is there more public outrage when we learn that Washington wastes $100 on Al Gore's famous ashtray than that it wastes nearly $1.6 trillion on everything else? Much of the problem seems to be that 1½ trillion is an incomprehensibly large number. So here are some simple ways to picture how enormous the U.S. government is today:

One trillion dollars—$1,000,000,000,000.00. That's 12 zeroes to the left of the decimal point. A trillion is a million times a million. It would take more than 1½ million millionaires to have as much money as is spent each year by Congress.

One of the highest-paid workers in America today is basketball superstar Shaquille O'Neal, who reportedly earns about $30 million a season in salary and endorsements. He is rich beyond our wildest imaginations. But he'd have to play 33,000 seasons before he earned $1 trillion. It would take a Superdome full of Shaquille O'Neals to have enough to pay all of Congress's bills each year.

Here's an experiment. What if we were to try to pay off the $4 trillion national debt by having Congress put one dollar every second into a special debt-buy-down account? How many years would it take to pay off the debt? One million seconds is about 12 days. One billion seconds is roughly 32 years. But one trillion seconds is almost 32,000 years. So to pay off the debt, Congress would have to put dollar bills into this account for about the next 130,000 years—roughly the amount of time that has passed since the Ice Age.

Even if we were to require Congress to put $100 a second into this debt-buy-down account, it would still take well over 1,000 years to pay the debt down.

Try this one on for size. Imagine a train of 50-foot boxcars crammed with $1 bills. How long would the train have to be to carry the $1.6 trillion Congress spends each year? About $65 million can be stuffed in a boxcar. Thus, the train would have to be about 240 miles long to carry enough dollar bills to balance the federal budget. In other words, you would need a train that stretches the entire Northeast corridor, from Washington, through Baltimore, Delaware, Philadelphia, New Jersey, and into New York City.

Former Office of Management and Budget Director Jim Miller calculates that if a military jet were flying overhead at the speed of sound and spewing out a roll of dollar bills behind it, the plane would have to fly for more than 15 years before it reeled out 1.6 trillion dollar bills.

Here's a challenging one: If you laid $1 bills from end to end, could you make a chain that stretches to the moon with 1.6 trillion? Answer: without a sweat, with billions and billions of dollars left over. In fact, they would stretch nearly from the Earth to the sun.

The newspaper tabloids report that O.J. Simpson is paying some $55,000 a day in legal fees. The trial would have to last 26 million days, or almost 100,000 years, before the lawyers earned $1.6 trillion.

This year the White House want to spend three times as much as America did to win World War I, which cost roughly $500 billion in today's dollars. Adjusted for inflation, the combined cost of defeating the Nazis and the Japanese in World War II and winning World War I was $4.5 trillion. This is what Washington will spend in peacetime in just the next three years to continue losing the war on poverty, drugs, illiteracy, homelessness and so on.

So far, we've just been counting the amount Washington spends each year. When state and local expenditures are included, total annual government spending now surpasses $2.5 trillion. That's more than $23,000 of government for every household in America. In constant dollars government spends twice as much per household as it did in 1960—though most Americans believe that government services have deteriorated since then.

With the $2.5 trillion government spends each year, you could purchase all of the farmland in the U.S. (market value: $725 billion), plus all of the stock of the 100 most profitable U.S. corporations today ($1.6 trillion). You would then still have just enough money left to pay the advance on Newt Gingrich's book deal.

All of this points to one conclusion: The budget that Bill Clinton is presenting today is not lean; it is not efficient; it is not frugal. It is a monstrosity. It should be greeted with heaps of ridicule and scorn. No matter how you stack it, $1.6 trillion is a whole lot of money—even in Washington.

Mr. CRAIG. Mr. President, let me take from Stephen Moore's article this morning some of the examples he used as to what all of this means, because I really do believe that every Senator has been lost in the woods of trillions and trillions and trillions of dollars and no longer do we really understand

what it means for this President to come forth with a budget of $1.6 trillion. And we turn and say, Mr. President, what does that mean? What kind of impact will that have on the economy of this country? What does it mean to every American? Well, you heard the chairman of the Judiciary Committee say it meant a debt structure per capita in this country, per individual citizen, going from $18,000 to $26,000.

Here is another figure: A $1.6 trillion budget is representative of spending $23,000 for every household in America. Can you imagine that this President is saying to every American who owns a home or household—and that could be an apartment—that this Government is going to spend $23,000 per household? Well, that is what this $1.6 trillion budget represents. Here is another fascinating figure. We are all riveted—at least some are. In all fairness, I am not too riveted to the television set these days watching the O.J. Simpson trial. But we are told that O.J. is paying something like $55,000 a day in legal fees, at least that was a figure that came out several days ago.

Well, here is an interesting figure—$55,000 a day, that is what O.J. apparently is paying his lawyers. Compare that to a $1.6 trillion budget, the American people would be privileged to watch O.J.'s trial for how many days? Twenty-six million days to get to a $1.6 trillion price tag. Again, that is 100,000 years of watching O.J. and the trial. Does that begin to focus what our President has just announced or will be announcing today with a $1.6 trillion budget? Twenty-six million days of O.J., 100,000 years at $55,000 a day.

Have we lost our senses? Have we lost our perspective? Yes, we have. And that is why the House 2 weeks ago, by a very large and historic vote, passed a balanced budget amendment to our Constitution. And that is why myself, the Senator from Utah, the Senator from South Carolina, and others for so many years have led the issue on the balanced budget amendment. And it is why we introduced House Joint Resolution 1 here on the floor and we are debating it today, because this Congress and this Government has lost its perspective. We do not know what a $1.6 trillion budget is all about or what a $6.6 trillion debt is all about.

One trillion—12 zeros behind the deficit figure. That is equivalent to 1.5 million millionaires all giving up their fortune for 1 year of Federal budget. That is another perspective that Stephen Moore put in his article that I think begins to cause us to focus on what this budget is all about.

Now, here is another good example. I am using these this morning because I think the American public's eyes glaze. They hear us talking about section 3, subsection (a). They hear us talking about the kind of language that the Daschle amendment has in it—''aggregate levels of new budget authority.'' I have a feeling that they do not understand that. Frankly, not many of us understand it.

How about ''major functional category''? I doubt that they understand it. But, believe it or not, that is what the opponents to a balanced budget amendment want to put in the Constitution of our country today.

Now here is an analysis that the American people will understand. Again, it is an analysis of what $1.6 trillion means. Imagine a train, a freight train, 50-foot boxcars, crammed with $1 bills, each boxcar 50-foot long, crammed with $1 bills. How long would that train have to be to house $1.6 trillion or President Clinton's budget?

Well, here is an interesting statistics. You can get about $65 million in a boxcar. Now if any of you are quick with mind and calculate that, you may well be ahead of me. But my calculations and the calculations of Stephen Moore of the Cato Institute suggest that that is a train that is 240 miles long.

So, in other words, if you are thinking of the Northeast corridor here of our rail system—that is from Washington, DC, through Baltimore, through Delaware, through Philadelphia, through New Jersey and into New York City—one train all hooked together, not moving, each boxcar 50-foot long, crammed with $1 bills, $65 million per boxcar, and Mr. President, you got your budget—$1.6 trillion.

Now, I think the American people understand that analysis. I do not think they understand ''aggregate level of budgetary authority.'' I doubt that they understand ''account by account basis.''

Many Americans have read our Constitution and they understand what a beautifully simple and clear document it is. They understand the purpose of why it is clear, so that it cannot be reinterpreted and misinterpreted and reinterpreted again. And what is also very important is that every word that is in that Constitution does not allow the Congress, on a daily or yearly basis, to change the game plan or the definition of the words or the description of the program or the policy that might be enshrined within the Constitution.

And, of course, that is exactly what the amendment that has been presented and is now known as the Daschle amendment does. And that is why there is no doubt that this Senate has to vote it down. We cannot trivialize our Constitution. We must stay on focus as to why the American people sent us here and to what they so profoundly said on November 8 of last year.

Well, let me give you another analysis. If you do not understand what $1.6 trillion is all about, what $6.6 trillion of debt is all about, what a debt per every American of $26,000, as their share of the national debt, or a budget that spends $23,000 per American household is all about, here is a quote from the former Office of Management and Budget Director Jim Miller, who I believe headed that up under Ronald Reagan.

He calculates that if a jet airplane were flying overhead at the speed of sound and spewing out a roll of $1 bills behind it—that is, all connected together, open up the side door and drop it out and let it roll out across the skies of America—what would happen. Well, that plane would have to fly more than 15 years nonstop, airborne, constantly spewing out those $1 bills all connected together to get to $6.6 trillion.

Well, people are probably beginning to say, ''Senator CRAIG, we have had enough of that.'' But I think those are important visuals for the American people to begin to understand what we are talking about and why a balanced budget amendment to our Constitution is so critically important.

Now let me for the next few minutes talk about the kind of impact that this will mean to the American people, our ability as a Government to establish priorities and to determine those areas where Government does have a legitimate role and a responsibility to spend the tax dollars of this country for a variety of purposes and priorities that the American people believe are necessary and essential.

Here is one of the greatest problems we have today with a constantly mounting debt. This chart represents interest on the Federal debt through the year 2005. Yes, we do borrow money and, yes, that money is debt. It is real money. We owe it to someone. They expect a return from the money that we have borrowed from them. We do pay interest.

This year in the budget that the President has just proposed, $1.6 trillion, that ''.6,'' ''.3 of the .6'' is interest on debt, now the second largest item in the Federal budget. It is now crowding out defense, crowding out discretionary spending, like the management, running of our Forest Service, our Department of Agriculture, and a variety of other programs that a lot of Americans think are pretty important and pretty essential. It is just interest on debt.

It is not buying any program. It is not putting any food in any poor child's mouth. It is going out to pay for the amount of money that the Federal Government has already borrowed. That figure, as we know it, is today around $300 billion annually. Of course, with the growth from 4.9 to 6.6 in Federal debt, as this President has now sanctioned, that figure will progressively grow over the next good number of years.

The gross interest payment exceeded, as I mentioned, in 1994, nearly $300 billion. This is the greater of the total outlays of the Federal Government in 1974. That is an interesting piece of history: That the interest on debt in 1994 was greater than the total outlays of the Federal Government in 1974. Is there any reason to try to understand why the American people spoke in the election of November of last year with

such alarm, why they rejected those who were there running again for reelection, who tried to defend the status quo?

I believe the American people are growing frightened of this kind of a debt structure, fearful that their Government and its spending are out of control, and that there is no way to rein it in and; as a result of that, we could risk out here, at a $6.6 trillion debt, loss of our ability to control our Government or our ability to pay interest, if not principle, on debt.

Those are very real facts. That is why I believe the balanced budget amendment passed so soundly in the House for the first time in history, and why I believe it can pass here in the U.S. Senate.

There is no doubt that we have our work cut out for Senators. As we watched some of the leaders of the Senate talking on national television in the news shows yesterday, one of them, strongly opposed to this, said he will speak weeks and weeks on the floor, convincing the American public that what we are doing is OK, that somehow we ought to just keep on doing what we are doing; while he, of course, recognized that reduction in deficit and control of debt was important and he said we ought to try to do that, too, and we ought to work toward that, and he even suggested that all of the successes of the last several years were producing a substantially better budget.

Well, I am sorry, that Senator was not right. He was wrong, if we use the example of the very budget that the President is producing today, which is a reflection of the spending programs of the last several years. In other words, anyone who stands on this floor in the next 3 weeks and opposes a balanced budget amendment to our Constitution or, more importantly, the right of this Senate to agree with the House and send out to the American people a balanced budget amendment for them, the American people, to decide whether it ought to be a part of the Constitution, and whether it ought to control or bring into control the growth rate of our Federal budgets, what those people are simply advocating is the status quo. They are trying to avoid the people of our country taking their Government back. They do not want to give up the power they have: The power to spend, the power to go home and say, ''Look what I have done for you.''

Well, I think the message is changing. I think the American people are saying something entirely different from what they have said in the past. The reason is very simple: They now see, as far as the eye can see, the red of debt; or as far as the plane can fly, billions of dollars spewing out of it, year after year. Or to imagine that $1.6 trillion budget really is beyond the ability of any Member to imagine how much that kind of money really is.

We are talking about a fundamental change in the course of our country that can be produced if the Congress of the United States is willing to address the demand of the public they were sent to represent. That, of course, is to pass a balanced budget amendment, and to send it forth to the States, and to begin a national debate across our country in every capital city of every State as it relates to the ratification of that amendment, where every citizen and every State legislator will begin to understand exactly what the Federal budget is all about and the kind of impact it has on the general economy of our country.

Those are the issues. Over the next several days, as we look at the President's budget, as we hear the rhetoric from the other side, saying, ''We don't want a balanced budget amendment. We want business as usual,'' and more importantly, ''We want you to show every cut you would make to balance your budget.'' We cannot even get from this President the commitment that he told Members he would honor last year and the year before with his budget messages, and that was to reduce the deficit and to keep the deficit declining. Even this President has begun to walk away from it, so reflected by his proposal and by the budget that he is now presenting.

There will be adequate time for me to discuss other issues over the course of the next several weeks. Several other Senators are joining me on the floor, and I certainly hope our colleagues from the other side will find it today in their ability to come to the floor and defend their amendment, their motion to recommit, their motion to duck and run from a balanced budget amendment, their motion that would muddy up the Constitution of our country with language like ''aggregate levels,'' and ''major functional categories,'' language that has no business in the Constitution.

But, more importantly, the American people cannot even begin to understand. We know what the American people understand. They understand that every day and every week and every month and every year, they have to balance their checkbooks. Their budgets have to balance. They have to pay their bills, or they are in trouble. And they are now growing fearful that our unwillingness to do so could bankrupt our country, their country, their future.

Now, that is very simple, and the American people clearly understand the importance of that kind of basic economic simplicity—balancing budgets, controlling debt, spending within your means.

I am sorry, Mr. President, your budget just does not get it.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington State.

Mr. GORTON. Mr. President, I wish to express my admiration to my colleague from Idaho on the quality and clarity with which he has outlined both what the President proposes to Members, and the way in which that proposal illustrates better than almost anything we can say the need for this constitutional amendment.

Last week, Mr. President, we ended the week in a debate over a motion by the distinguished leader of the Democratic Party that would have the effect of adding to this constitutional amendment for a balanced budget a detailed set of requirements, the net result of which would be to mandate that the Congress pass binding laws which would lead to a balanced budget by the year 2002 before the amendment itself would be submitted to the States.

Those requirements themselves were to become, according to the distinguished Democratic leader, a part of the Constitution of the United States. Thus, they would preempt to this Congress not only the statement of a general principle, but an outline of the precise blueprint by which a balanced budget would be reached, taking that power away from three Congresses that are to convene between now and the year 2002, and ignoring totally whatever dynamic changes may and will take place both in our economy and in our situation in the world during that period of time.

The proposal was an improvident and unreasonable proposal, in any event. The illustration as to why it was so unreasonable is best drawn by the budget submitted by the President of the United States since the Daschle motion was laid before this body.

The view of those of us who favor the constitutional amendment, of course, was that it was more the duty of those who defend the status quo, those who feel that Congress has operated responsibly, along with the President, over the course of the last many years, those who feel that the situation is not broke, that we do not need dramatic change, that it was more their duty to tell us how they would reach a goal to which all of them give lipservice—the goal of a balanced budget—without any fundamental change in the Constitution than it was for those of us who feel that the situation is flawed at the present time, that the discipline that will lead to a balanced budget will not be imposed internally by either the President or the Congress of the United States and that, therefore, we need to change the Constitution itself to mandate that all of us—Republicans and Democrats, conservatives and liberals, Presidents and Members of Congress—work together to reach a balanced budget.

We attempted to make that position clear last week. I think to a certain extent we did so. But the President has ended that argument for us by the submission of his budget. His budget, for all practical purposes, never, never, never will result in a budget with a deficit of less than $200 billion. And using the figures of the Congressional Budget Office, which all agreed to use earlier

during the course of this year, that deficit, in fact, will increase very substantially, upward of $400 billion either at or not long after the time that this constitutional amendment will become effective if promptly ratified by the States.

So we now have before us two starkly differing views of the fiscal and financial future of the United States: First, represented by those who back this constitutional amendment, whose view it is that as difficult as it may be it is important 7 years from now to have reached a balanced budget or at least to make it more difficult thereafter to vote an unbalanced budget, as against those whose view it is that the Federal debt can keep on increasing by $200 billion a year, $300 billion a year, $400 billion a year to infinity. These are the two distinctly different points of view represented in this body that will be validated, that will be evidenced by votes on final passage on this constitutional amendment.

Once again, it is important to point out that even this amendment, should it be enshrined in our Constitution, will not under any and all circumstances require that the budget be balanced every year. It will simply make it considerably more difficult to vote for an unbalanced budget because that unbalanced budget will have to be, under almost all circumstances, at least bipartisan in nature; that is to say, it will have to get a 60-percent majority vote in both Houses of Congress and, of course, be approved by the President.

But the opposing point of view was outlined by the distinguished senior Senator from Idaho magnificently in his remarks, as it was by my senior colleague from the State of New Mexico. The opposing point of view is essentially: Let us give it up; let us pass a budget which does not deal with entitlements in any respect whatsoever; let us pass a budget which admits that even if everything comes out as favorably as the administration hopes, there will never be a deficit significantly less than $200 billion a year.

To this Senator at least, that strips away the disguise that opponents to this constitutional amendment do wish for a balanced budget but just feel that to require it by passing an amendment to the Constitution is too drastic a remedy. In fact, those who will support the President's budget this year will be ratifying his decision that a balanced budget is not necessary, is not appropriate, never needs to come into being at all.

I may be overstating the case. It may very well be that there are opponents to this amendment in this body who themselves disagree with the President's budget. If so, I hope that during the course of this debate they will tell us how they disagree with the President's budget and how they propose to bring the budget into balance without the discipline of this constitutional amendment.

So far, no one has spoken up to that point of view. Nothing more than lip service to fiscal responsibility has been heard from our opponents. Maybe, perhaps there is an outside chance that we will hear how that can be done without this joint resolution having passed, but in the meantime, while our opponents have the opportunity to come up with their contrasting ideas, in the meantime, we are dealing with the Democratic leader's motion to recommit and to send back out to this floor not just the constitutional amendment for the balanced budget, but two additional pages of material, Mr. President—two whole additional pages of material—which are to go into the Constitution of the United States with topical references to the Budget Act of 1974, with specific requirements related to statutes—not constitutional provisions—but statutes on the books at the present time, outlining in detail how the Congress must reach the goal of a balanced budget by law, by changes in our fiscal policies today that will be impossible or at least extremely difficult to change at any time during the next 7 years before this constitutional amendment is even submitted to the people.

Leaving aside, Mr. President, the aesthetic considerations of whether such purely statutory material should ever, under any circumstances, be included in the Constitution, a proposition which I find to be outrageous and which I believe most constitutional scholars would find to be outrageous, leaving that aside, the proposal of the distinguished Democratic leader is itself unconstitutional on its face.

As I did on Friday, I should like to leave with this body the specific provisions of article V of our Constitution which deal with the way in which constitutional amendments are to be added to that document. Article V, and its material portions, reads as follows:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution * * * which shall be valid * * * when ratified by the Legislatures of three-fourths of the several States * * *.

Mr. President, that provision does not allow for conditional constitutional amendments. This motion proposes a conditional constitutional amendment. It envisages, it imagines that both Houses of Congress with two-thirds votes will pass a long, long constitutional amendment, far longer than any other amendment to be found in that document, but that it would not be submitted to the States until Congress had passed, and the President had signed, another law—a very long and complicated law, a reconciliation bill—thus bringing the President into the process of amending the Constitution, something which the people who wrote the Constitution specifically ignored, specifically barred.

This proposal says that the constitutional amendment will not be submitted to the States until that complicated reconciliation bill is passed, signed by the President and becomes law. That, Mr. President, is a clear, open and blatant violation of article V. Under article V, the Congress of the United States passes a constitutional amendment. The States ratify it. Nothing happens in between, no conditions subsequent, no statement that this amendment will not really go to the legislatures of the several States unless we do something or someone else does something in between.

Mr. President, not only does the proposition that we should include such language in the Constitution offend the sensibilities of everyone deeply concerned with that document, it is in and of itself unconstitutional. I believe that it should be dealt with by a constitutional point of order. I am convinced that not only will all of the supporters of the constitutional amendment in its present form uphold that constitutional point of order, but I think many of the opponents to the constitutional amendment would do so as well because they have a deep respect, a deep respect which they have spoken to eloquently and at length on this floor, for the Constitution, and I cannot imagine that they would wish to engage in such a blatantly unconstitutional procedure and clutter up our magnificent founding document with such language.

Mr. CRAIG. Will the Senator yield?

Mr. GORTON. I will be happy to yield to my friend.

Mr. CRAIG. Let me thank the Senator from Washington for his very clear explanation of why so many of us are frustrated by this motion by the Democratic leader and the rewriting, almost instant rewriting of an amendment that the Senator from Washington and I and others have spent almost a decade with constitutional scholars writing to make sure that it was extremely accurate and that it fit the mode and the style of our Constitution, an amendment that was thoroughly reviewed by the Judiciary Committee of both Houses and now all of a sudden this massive new amendment with all kinds of language in it.

I truly appreciate, first of all, the Senator's legal mind and the clarity with which the Senator has spoken to this issue and pointed this out. I am amazed, and I think most Senators that are now examining this motion are extremely amazed, as to why would they do something like this. It is not even a very good diversion. It is a tragically poorly written document, and they are proposing by its presentation that it become a part of the Constitution. So I thank the Senator very much for that explanation and going into that kind of detail. I think it is terribly frustrating to the American people but, more importantly, I think now Senators on this floor are becoming extremely frustrated over why this kind of amendment.

Mr. GORTON. My friend from Idaho is entirely correct. I think in recap we

have to say about this motion, first, the motion proposes that the Congress of the United States act in a profoundly unconstitutional manner. Second, it proposes that we add to the Constitution of the United States language which no serious person could ever consider ought to be a part of our fundamental document of Government. Third, it proposes a course of action which is irresponsible. We are dealing with a general principle that budgets ought to be balanced. Obviously, if Congress and the States put that in the Constitution, everyone—Presidents, Democrats, Republicans—together will have to work to meet that constitutional obligation. The details of one particular method of reaching that goal, when there are a multitude of such matters, should play no role in this debate.

But, fourth, it seems to me it was designed to hide what many must have known would be the President's total and abject failure to come up with an alternate method of reaching this goal without a constitutional amendment. We now know that the alternate method is never to have a balanced budget—in fact, never to get the budget deficit significantly below $200 billion a year.

Mr. CRAIG. Will the Senator yield again? Is it not true that as we write proposed constitutional amendments, the one concern we have is that the wording that goes into those amendments is not something that falls within the purview of the Congress on a daily basis? By that I mean they could simply rewrite or change a law and it would change the meaning of it. The Constitution, as we know it and as we are certainly pledged to uphold, is a document that we are constantly trying to comply with instead of change.

The language that is put in the Daschle amendment used, as I mentioned earlier, and as the Senator has mentioned, and the Senator from Utah mentioned—the word ''aggregate'' sums, and it used a variety of other words that, is it not true, every year the Congress could pass by a majority vote here in the Senate and the House and change the definition and therefore change the approach of the amendment itself?

Mr. GORTON. We could certainly do so, and undoubtedly we could provide employment to numerous constitutional scholars and courts to either interpret what we had said in the constitutional amendment and what we said in the later statute, or whether or not the two corresponded with one another. We have examples of this kind of Constitution writing in many States which have constitutions that did go into statutory detail that are 4, 5, 10 times longer than the Constitution of the United States and are universally criticized as not stating general principles.

The original House Joint Resolution 1, on which the Senator from Idaho has worked so diligently over the years, is cast in Constitution-type language. Members can agree or disagree with the fundamental principle that it establishes, but it does deal with a fundamental principle. This proposal by the Democratic leader deals with nothing at all that is fundamental, and it takes its language out of a statute which has been changed several times since it was originally passed in the mid-1970's. It does not belong in the Constitution of the United States.

Mr. CRAIG. I thank the Senator for yielding and responding.

Mr. GORTON. And I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, one message that Tennessee has conveyed to me in very clear terms over the past years and most recently over the weekend as I traveled in east Tennessee is that they want a balanced Federal budget, and they believe and they know that the only way to accomplish this is through passage of the balanced budget amendment.

Tennesseeans and the American people in general understand full well today the consequences that will result from further irresponsible deficit spending—rising long-term interest rates, lower productivity, and deteriorating living standards. They understand full well that with Federal spending on auto pilot, the debt continues to grow, interest rates will continue to escalate, and we cannot guarantee that in the future there will be enough money to fund Social Security.

Gross interest on the debt is now the second-largest single Federal spending item after Social Security. Mr. President, the American people understand full well that balancing the Federal budget will not be easy; there will be tough choices to make. But their message to Washington is that they as individuals make tough choices every day. They balance their own budgets and they expect the Federal Government to do likewise.

Mr. President, this is not a problem that will disappear. It must be addressed now, by this Congress. The last vote on the balanced budget occurred in March 1994, just last year. Since that time, just a year ago, the national debt has increased by more than $160 billion.

We spent almost six times as much on net interest payments on the debt in 1994 as we did on total outlays on all Federal job training, education, and employment programs combined.

Mr. President, we have two choices. We can continue the reckless and destabilizing policy of deficit spending as we have seen in the President's budget as proposed today, or we can reverse our course and begin pursuing a responsible fiscal agenda. The first important step toward restoring fiscal discipline is to adopt a balanced budget amendment.

But there are those who oppose the balanced budget amendment. They say if our Founders had intended a constitutional requirement for a balanced budget they would have put it in the original document. This argument ignores history. The writings of some of our early leaders like Thomas Jefferson revealed that paying off the Federal debt and balancing the budget was critical to them. It was second nature. It was something they took as a given. They did not and could not anticipate the gross fiscal irresponsibility of future generations of Congress. If they had, I believe they would have included in the Constitution a requirement that the Federal budget be balanced each year.

Still others who oppose the balanced budget amendment say, ''Well, first tell us what you will cut before we vote on it.'' But this argument misses the point. If Congress had the discipline to decide and agree upon where the cuts would be made without being forced to do so, the budget would be balanced today and we would not need a balanced budget amendment. That is precisely the point. Congress cannot agree and Congress does not have the discipline and the American people today recognize that. That is why they demanded that the balanced budget amendment be passed. Moreover, we will learn as we go. We will determine what reforms work, which programs should be repealed. The plan will be flexible, designed to deliver Government services as efficiently as possible. We should not tie our hands before we decide to pass the balanced budget amendment.

I spent the last 18 years of my life in medicine, transplanting hearts and lungs into patients who were dying, whose futures had been destroyed. Many of my heart transplant patients recognized that they, too, faced a choice. They could undergo an enormously difficult surgery, endure tremendous pain and a long and difficult recovery but they would have a chance at a good future. They would have the opportunity to live. Or, on the other hand, they could decide to forgo surgery and die—with no future, no opportunity.

Those patients did not ask me to describe to them what would happen on each day of that difficult recovery period after surgery, after their operations. They knew it would be tough. And they knew they had no choice if they wanted that new opportunity, if they wanted a new future. They first made the decision to undergo the operation. Then they dealt with the day-to-day hardships of recovery.

Our situation today is somewhat analogous. Our country is literally hemorrhaging from the enormous debt under which we labor. We are threatening future generations. We are threatening the future of our children. We are threatening our Social Security system. And we are threatening our ability to lead the way in the global economy of the 21st century.

Individual Americans and most State governments live with a balanced budget. It is time the Federal Government do likewise.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise in support of the balanced budget amendment, not only because I favor the concept of a balanced budget amendment but because, it seems to me, it is one of the building blocks of the kind of change that American voters asked for in November; a procedural change that not only will change the specifics of what is done but, over time, will change the character of this Federal Government and will deal with the basic question, How do we achieve less Government and a less expensive Government? It is one of the procedural changes I think is necessary, one of the procedural changes that will have to be dealt with—some of which we have already dealt with.

We need a balanced budget amendment to put some honesty and truth back into our budgeting, too, to deal with the question of whether or not it is morally right to spend more than we take in. The answer, of course, is it is not.

The other, of course, is unfunded mandates, which this body has dealt with, as has the House. We will soon be reconciled in conference committee.

I think a line-item veto is another of these building blocks, along with congressional accountability, which has also been passed here. So we are making real progress toward fundamental change, the kind of change that will have long-range impacts on this Government, that will have a long-range impact on the transfer of power to local and State governments, that will have a long-range impact on transferring power to individuals as this Government was set up to do.

So I rise in favor of this as one of the building blocks. It is not a new idea. It is something many of us have favored for a very long time. It is basic to change. We can talk a lot about the details, as the Senator from Tennessee pointed out. The real question, of course, is should we balance the budget? Should we be fiscally responsible? Should we pass along debts to our children and our grandchildren? Or should we be responsible for them ourselves? Should we take account of the fact that our credit card is maxed out and be responsible for the decisions we make? Should we be forced to have a cost-benefit ratio on the issues we talk about? If they are worth having, they are worth paying for. If we are only willing to put them on the credit card, then we cannot do that. That is what balanced budget amendments are all about, to bring about the fundamental change.

However, and I take a little from Bill Bennett when he said: We, now, in this new Congress, are allowed to consider the concept that everything that is worthwhile, everything that is good has to be controlled and funded by the Federal Government. That is a concept that has slipped into our society that does not need to be there.

So I rise in strong support of the balanced budget amendment. We hear, of course, it is not needed. The evidence is that it is. We hear, of course, there are tools there to accomplish that without a balanced budget amendment. There is no evidence of that, even in the President's budget, which was made public today. There is no evidence of that.

One of the things we seem to lose sight of as we talk about the deficit—and talk about it we should—is the fact that spending has increased each year. Spending increases to $1.6-plus trillion under the President's budget. The President talks about the administrative efforts to reduce the deficit, which have been useful. Nevertheless, spending has continued to increase all throughout that. We seldom hear the reduction in deficit is generally a one-time proposition, where there was a revision of some projected spending that gave us most of the deficit reduction. So people ask for change. People want less Government, less spending, and lower taxes. This will help do that.

We hear we need more time. This is not a new idea. This is one we have talked about for years. Most people have known this has been necessary for years. I have no objection to full discussions. I begin to wonder whether this is full discussion or simply delaying. Nevertheless we are here, prepared to do that.

We hear occasionally if we have an amendment, judges will be setting the budget. There is no evidence of that. I think 49 States have balanced budget amendments. My State of Wyoming has a balanced budget amendment. It has a balanced budget amendment in the constitution. It is very simple. In section 1 of article 16 it says:

> The State of Wyoming shall not in any manner, create any indebtedness exceeding 1 per centum on the assessed value of the taxable property in the State * * * except to suppress insurrection or to provide for the public defense.

It has been very satisfactory. The legislature knows this is your income, this is your expenditure. You have to make it fit.

The balanced budget, I believe, was one of the primary reforms we were sent here to consider, that we were sent here to pass. We are not moving toward it without the balanced budget amendment—$1.6 trillion in spending next year more than last year, with a projected deficit of approximately $200 billion until the year 2002 with no appreciable change of where we have been. This is not the kind of change that people asked us for when we were sent here in November. Those of us who just ran this year I think have a particularly clear picture of what voters were talking about. There are 11 new freshmen in this body, all 11 of whom support the balanced budget amendment. I think that says something about it.

Mr. President, I hope we continue to work on this issue. I hope we come to a resolution before long. I think there is a limit to the productive discussion and debate. We need to consider those things that are real. We do not need to spend a great deal of time simply postponing a decision that needs to be made, and which needs to be made for the good of this country.

There are additional Senators on the floor.

I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I wish to congratulate the Senator from Wyoming for his excellent statement on the issue of a balanced budget amendment. It is one which I hope Senators will listen to closely. The Senator has I think outlined some critical issues that this Senator is discussing as we move down the road to determine whether or not we are going to pass this critical piece of legislation.

I want to rise on an ancillary issue dealing with the balanced budget amendment, dealing more importantly with the budget which we are going to have to pass this year as the Senate and as a Congress.

Today, the President laid before the American people his budget proposal, and, to say the least, it was not a document that would excite a whole lot of interest or enthusiasm from a variety of different quarters, including many within his own party it appears.

It is difficult to presume that here in the late 20th century a President of the United States could be deemed irrelevant, and certainly some of the pundits in the national media, however, have reflected on that question. I do not believe that can occur to a Presidency in the late 20th century; become irrelevant.

Yet, when you read this budget proposal that the President has put forward, you have to say that he has left the field of play on what is probably the most important issue which we have to face as a nation and as a people; that is, how we manage our fiscal house, and what we do for our children relative to managing our fiscal house, or, more appropriately, what we do to our children in managing our fiscal house.

As we all know, because this debate on the balanced budget has been going on for a considerable amount of time, and regrettably will probably go on for an additional period of time—a couple of weeks—the debt of this Nation has exploded. And it is a debt which is going to be borne by the next generation. As we allow it to expand further and further by each year running a Federal deficit, we put a greater burden on the next generation.

It is getting to the point where many of the economic scholars who are leaders in this country are concluding that as we move into the period 2010 to 2020 this Nation will face financial bankruptcy. Our children, instead of being raised in a country which is the force, the economic engine of the world, will find themselves in their earning years in a nation which is scrambling to keep up, a nation which is feeding itself from hand-to-mouth potentially. Potentially we could end up like Mexico is today, as a nation whose debts have skyrocketed so quickly that it is no longer able to service even an interest on its debts.

It is a fact that, if we continue to drive the debt, the present deficit which we have in the budget as proposed by the President is exactly what will occur: That some time around the year 2020 we simply will not be able to finance the Government of the United States because so much of the funds of the Government of the United States and revenues will be absorbed by interest costs on the Federal debt. Around the year 2015 or 2017 the revenues of the Federal Government will only be enough to cover four items in the Federal budget: Social Security, pension benefits, health care, and interest on the national debt. And all other functions within the Federal Government will not be paid for—national defense, education, caring for the sick, the elderly, caring for the less fortunate. All of those items will be beyond our means to pay for. We will as a nation be bankrupt.

If you are going to address that issue in the outyears, you have to address it beginning today. Yet, this President has consciously decided to put forward a document which makes absolutely no substantive attempt to address the deficit which we are confronting as a nation. Not only does it not attempt to address it and to reduce it, it actually accepts as a fait accompli that we will have deficits for as far as the eye can see of a dramatic nature.

The number that they use is $200 billion a year for 5 years every year; $200 billion a year. Even I, in my elementary level of mathematics, recognize that is $1 trillion of new debt that this President has decided is acceptable to pass on to our children. That is a huge cost and a huge burden to put on them. But worse than that, no attempt is made in the budget proposal of the President to address the underlying structural causes which are driving that debt. No attempt is made to address those elements of the Federal budget which are causing us to run the $200-plus billion deficits. As a result, when you get past that 5-year window that is the timeframe that budgeteers use around here, that $200 billion debt starts to geometrically progress, and we find that we have a deficit in terms of $300, $400 billion, potentially even $500 billion, as we move into the next decade because nothing is being done to slow that growth in the budget proposed by the President.

It was a conscious decision. That is I think what bothers me the most. It was a conscious decision made by the leader of this Nation to walk away from seriously addressing how we deal with this, the most critical issue that we as a nation have relative to passing on our concerns and well-being to the next generation. It was a conscious decision.

The President has decided—and I find this ironic because he has decided to do this in the context of raising the visibility of the baseball strike while he moves onto the back burner his budget plan. The President has decided to walk away from the budget process, the issue of addressing the deficit, and, as his smokescreen so that hopefully the public will not notice this most egregious act of malfeasance he has raised the visibility of his participation in the baseball strike.

Well, that is very nice. We all want to see baseball played again in the United States. I am sure we will, and we will probably see it sooner rather than later. But I have to say that for the children of this country who enjoy baseball, much more important to their future is their capacity to have a job, to raise a family, and to live in a prosperous nation when they reach adulthood. And by walking away from the field of addressing the budget deficit, the President has gone well down the road toward undermining the future of those children.

Baseball terms do come to mind when you think of what is happening here, when you think of what this administration is doing on the issue of debt, terms like ''walk,'' ''strikeout,'' ''whipped,'' ''misplay,'' ''wrong field.'' I think the one that probably most aptly describes it, however, is ''another down the first baseline.'' That is what this budget is, another down the first baseline—$200 billion of deficit being accepted as a fait accompli for the next 5 years, $1 trillion in new debt added to the Nation's already staggering debt for our children to pay. That certainly is not even a single. It is not even a double play. It is another down the first baseline of the budget.

Worse than that, they could not even come to $200 billion without using gimmicks. They claim $100 billion of spending cuts in this budget, with great fanfare. I heard the Director of the Office of Management and Budget today saying we have saved $100 billion in this budget, and we are going to take $63 billion, and we are going to give it to a tax deduction. Well, $100 billion is not saved in this budget. It is an accounting adjustment, a game of numbers shift. They take the caps off, then they put the caps on. These are technical terms, but basically what it is, is a shell game of maneuvering numbers around, which produces $90 billion in savings—allegedly.

They are not real savings. They are savings we are going to incur anyway. We have already taken credit for them, and as a practical matter we would take credit for them. The fact that they are scoring them is a reflection of their insincerity in the entire process, which I guess is driven by a desire of this administration for reelection, exceeding its desire to address the issues it was elected to address. That is unfortunate. Irrelevant? No, but clearly not participating in its opportunities to lead, would be a way to define this administration's proposal on the budget.

So what do we do? Well, we have a Republican Congress now and, obviously, the pollsters for the President have said to the President, let us just leave it to them, let them do it. Then we will play off the things we like and the things we dislike, we will attack and set up a political confrontation and, as a result, we will gain many points from the American people because we will be on the offensive against the Republicans, who are attempting to address the deficit responsibly.

I suppose our response in the Senate or in the House could be, well, we can play that game, too. We can put forth budgets which are structured on poll numbers versus being structured on the need for the future of our country and our children. But I hope we will not. I hope that, as a party, we will come forward with an aggressive budget and I expect we will because we have the type of leadership it takes to do that, leaders in the House and in the Senate. Senator DOMENICI and certainly the majority leader of the Senate, Senator DOLE, I do not think, are going to opt to bunt, hit a number, to balk, or leave the field. I expect we will come forward with a very aggressive proposal to try to address the deficit. It will be one which has to address, if it is going to be successful, the core issues of what is driving spending in the country today, as far as Federal accounts are concerned.

Fifty-five percent of the Federal Government today is represented by entitlements. Entitlements are programs where you have a right as a citizen to receive a payment under that program because you meet certain qualifications under the law. Discretionary spending represents a significantly smaller percentage of the Federal budget. You cannot balance this budget, or even make a significant downpayment on the need to balance the budget, or at least bring down the deficit, unless you are willing to address entitlement spending—something which the President has absolutely refused to recognize or acknowledge or do in his own budget, and which reflects the cynical, really, approach that his budget takes toward addressing the financial concerns of this country.

How do you address entitlements? Well, we have, for a variety of reasons, taken Social Security off of the table—probably the real reason is because every time it is put on the table, one side or the other demagogs the issue so

badly that somebody ends up a terrible loser in the fight over how you address Social Security. As a practical matter, Social Security is not driving the deficit, so there is no huge momentum to take it up. It is not like in 1983 when the Social Security trust fund was about to go bankrupt and we were able to put together a bipartisan effort under the leadership of President Reagan and Congressman Pepper and came forward with the Pepper Commission, which made the fund not only solvent but put it into a position of surplus, as it is today. Today because the fund is actually putting in more money than it is taking out, there is no immediate need to address Social Security. And we will not, for political reasons and because of that substantive reason, other than, I hope, we will look at the payroll tax, because we are generating these huge revenue surpluses and there is no reason to be subjecting people to what is one of the most regressive taxes we have in this country at its present level, when it is generating surplus. We should be considering reducing the payroll tax, at least for low- and moderate-income individuals.

But there are other entitlement accounts which have to be addressed. Look at them. Independent of Social Security, 55 percent of those accounts are health care accounts, 20 percent are pension accounts, about 20 percent are welfare accounts, and about 10 percent are the rest, including agriculture. There are significant things that can be done in all of those areas, which would dramatically reduce—especially in the outyears—the rate of growth of the cost of those programs and in many instances would also significantly improve the quality of those programs and the beneficiaries' lifestyle under those programs.

Take, for example, the issue of welfare. The Governors have come to us and said, essentially—this is a capsulization—all right, if you will give us control over the welfare programs, which have been an abject failure—has anything been more of a failure in the liberal welfare state than welfare itself? I am not aware of anything else, if it has. After 40 years of the most expansive Federal control over welfare, we have seen a society where we have more poor, more illegitimate births, more women living in poverty, where we have more bureaucracy, and where we have more disillusionment and lack of hope amongst those on welfare than we started out with 40 years ago. That has been a function of the liberal welfare state applying its largess and compassion to a system in a manner which has failed miserably.

So the Governors came to us and said: Give us these programs and allow us to manage them, give us flexibility, and we will take less dollars. That sounds like a pretty good deal to me. What we have now is not working and is costing a lot more. So let us take the Governors up on their offer.

Did the President do that in his budget proposal? No. Even the President, who is a former Governor and who made welfare one of his primary concerns, did not have the fortitude to take that step. Why? Because his pollsters probably told him: You are going to upset one of constituency groups, so let us stay away from that and let the Republican Congress handle that and make the tough decisions. If they come up with a program that works, we will put our imprimatur on it and get credit for it. If not, we will use it in the next campaign. That is not what you call leadership, to say the least.

As a practical matter, we, as Republicans, can take the Governors up on their offer. We can save considerable money, and I will guarantee you that a welfare program—at least in my State, administered by my State—free of Federal oversight, Federal regulation, bureaucracy and the incredible costs and inefficiency. The Federal Government will be able to deliver more dollars to the welfare recipient in a more efficient and better way than we do today. Welfare recipients will benefit dramatically from that system. We can take the issues of what we do in the future as part of the entitlement question.

Prospectively, programs can be changed around here to make them more cost-efficient. In the area of new hires coming into the Government, new hires coming into the military, we can change the retirement system to make it more reasonable and more in line with what the private sector has and save considerable money in the outyears.

In the area of health care, there is a great deal that can be done. I know we are going to have a lot of discussion about this. There is a great deal that can be done that will positively impact—especially the senior citizens who take part in the Medicare Program today—and still save money. Well, of course, everyone from the liberal camp says that cannot be; you cannot save money and positively impact somebody. Yes, you can. You can create incentives in the marketplace, which give senior citizens better health care, more comprehensive health care than they are getting today, which saves money for the senior citizen and for the Federal Government.

There will be proposals along that line. One that I happen to like is one where I have coined a phrase called ''choice care,'' where we actually give seniors significant choices. We do not take away any choices they presently have; we give them more choices. When they make choices that are cost beneficial to us and them, we do not allow them to lose their present health care plans. We add to them with this choice care. When they make those choices, we see savings, they see savings and better care, and we get some controls over the cost of the entitlements.

Well, how can that be? Because there are senior citizens who come from a culture of fee-for-service that is the most significant and expensive form of health care. To the extent we can change that culture and encourage our seniors, through incentive systems of better care and lower costs which they benefit from, to move into other forms of delivery than fee-for-service, we save money and we reduce the cost of entitlements.

And in the area of Medicaid, which goes to people who are essentially on welfare, as health care coverage, again we can join with the States as partners and Governors and come forward with a proposal and save a dramatic amount of money.

Again, the President has ignored all these fields of opportunity for the sake of putting forward a political budget.

In the area of farm price control supports, we can also do a significant amount, although this is not a large part of the budget.

In the area of pensions, we can do a significant amount, and we will. That is our purpose. We have an obligation to do this. If we do not do it, it will be our children who will pay the price and it will be a price which will be unconscionable, unthinkable to have passed on to them. So we must do it.

You know, over the last month, I have listened, from the other side of the aisle, to a number of presentations made very well and very eloquently, I think, especially from the Senator from North Dakota, who has come down here a couple of times with a number of charts and made extraordinarily strong presentations on the size and the projection of the Federal deficit. And it is staggering.

I say to those Senators, they must be embarrassed by this presentation by the President. Those folks who are trying to conscientiously raise the issue of how bad the deficit is and how something must be done about it must be embarrassed that the President of the United States would present a budget which essentially accepts $1 trillion of new debt over the next 5 years as an acceptable event passed on to our children.

The President of the United States would walk off the playing field of responsible activity in the area of trying to manage this deficit and, as the Wall Street Journal said, punt the ball. It is not really a punt. It is a punting punt. It does not even qualify as a punt; more like a missed kick. But it is inappropriate, whatever it is, because if this Nation is not going to be able to survive as a prosperous and decent place in which to raise and have a family, it is not going to be able to fulfill the American dream or even hold out the American dream to its people unless we address this deficit.

Regrettably, this President has decided that he, as the leader of this country, has no obligation to lead in this area. And that is a mistake

Mr. President, I yield back my time.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, the Senator from New Hampshire laid down eloquently the problems that we have with respect to spending. I think it is interesting and informative, however, to know that those are not new problems. Those are problems that were thought about by those who fashioned this Constitution.

Let me read a couple of quotes from Thomas Jefferson that seem to me to be relevant.

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

That question continues today. That is what we are talking about.

Further, he said:

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our Government to the genuine principles of the Constitution; I mean an additional article, taking from the Federal Government the power of borrowing.

Thomas Jefferson indicated that.

Mr. President, I yield back my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. THURMOND. 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 Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today to continue the debate on this historic opportunity to adopt House Joint Resolution 1, the balanced budget amendment.

Over the past week we have heard many eloquent speakers on the need to pass a balanced budget amendment and bring this Nation's fiscal policy under control. It has been especially encouraging to see our freshman colleagues take to the floor and urge this body to adopt a balanced budget amendment.

Mr. President, I am opposed to the motion to recommit with instructions offered by the minority leader, Senator DASCHLE. The language of his proposed substitute amendment would be a cumbersome addition to the U.S. Constitution. His proposed amendment to the Constitution reads more like Federal regulations or a statute rather than part of the great document which governs this Nation.

Undoubtedly, it is the desire of every Member who supports the balanced budget amendment to see the Federal budget deficit eliminated that we may begin to cut away at the Federal debt which currently stands at $4.8 trillion—I repeat, $4.8 trillion. Without a balanced budget amendment, there has been little pressure on the Congress to make tough legislative choices on Federal spending and the Federal deficit has continued to grow. With a balanced budget amendment as part of the Constitution, the Congress would understand the reality that there are a finite number of tax dollars available for public spending and various proposals would compete on merit and need, not popularity.

The balanced budget amendment would instill an urgent need for legislative accountability as Congress considers various proposals for increased Federal spending. Currently, there is no real check on runaway Federal spending, and there will never be a shortage of legislation creating new Federal programs or efforts to increase spending in existing programs. Without a balanced budget amendment, budget deficits over the long term will continue to rise and the Federal debt will continue to grow. The Congress has not shown the fortitude to address, in a meaningful way, the budget deficit and the Federal debt. There have been times when gestures were made to bring spending within our means but those efforts were short lived. Statutes to reduce Federal spending have not been enough. They are too easily cast aside and the Congress rolls along on its path of fiscal irresponsibility.

I am convinced that without the mandate of a balanced budget amendment, Federal spending will continue to eclipse receipts and the American people will continue to shoulder inordinate tax burdens to sustain an indefensible congressional appetite for spending. In 1950, an average American family with two children sent $1 out of every $50 it earned to the Federal Government. Today, the average American family is sending $1 out of every $4 it earns to the Federal Government. Under current budget projections, there is no reason to believe that these statistics will improve.

Mr. President, we can trace the debate on a balanced budget amendment back in our history for 200 years. A defining moment may well have been the appointment of Thomas Jefferson as Minister to France. Thomas Jefferson was abroad when the Constitution was written and he did not attend the Constitutional Convention. If Jefferson had been in attendance, it is quite possible that he would have been successful in having language placed in the Constitution to limit the spending authority of the Federal Government. Upon studying the Constitution, Thomas Jefferson wrote in a letter of a change he so fervently believed should become part of the Constitution. He wrote the following:

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our Government to the genuine principles of its Constitution. I mean an additional article taking from the government the power of borrowing.

Further, Jefferson stated:

> To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.

Another former President, Andrew Jackson stated the following:

> Once the budget is balanced and the debts paid off, our population will be relieved from a considerable portion of its present burdens and will find * * * additional means for the display of individual enterprise.

Preisdent Harrison described unnecessary public debt as ''criminal.''

Mr. President, early American Presidents and public leaders understood the dangers of excessive public debt. For almost 150 years, balanced budgets or budget surpluses were the fiscal norm followed by the Federal Government. The unwritten rule followed by Presidents and legislators until recently in our Nation's history was to achieve balanced budgets except in wartime. But the role and the size of the Federal Government has grown out of control. In the past three decades, the Federal Government has run deficits in every year except one. Further, the Federal Government has run deficits in 56 of the last 64 years.

Mr. President, during the 1960's, deficits were averaging around $6 billion per year. The following decade, the 1970's, saw deficits rise and they averaged $36 billion per year. In the last decade, the 1980's, deficits continued to rise and averaged $156 billion per year. So far, in the 1990's, deficits have averaged $259 billion per year.

The Federal debt has grown as deficits have continued to grow and the debt now stands at $4.8 trillion. It took this Nation over 200 years to run the first trillion-dollar debt yet we have recently been adding another trillion dollars to our debt about every 5 years.

I have been deeply concerned during my time in the Senate over the growth of the Federal Government. It has been too easy for the Congress to pass legislation creating new Federal programs and spending more tax dollars whenever there is a call for Federal intervention. Of course, the Federal Government has an appropriate role to protect the citizens of this Nation, but it is not realistic to believe that Washington should respond to every perceived problem with a new Federal approach. This Nation has drifted from its original foundations as a national government of limited authority. I believe the adoption of a balanced budget amendment will do much to return us to a more decentralized Federal Government of limited authority and the mandates of such an amendment will increase legislative accountability. A balanced budget amendment is the single most important addition we can propose to the Constitution to begin reducing the size of the Federal Government.

Mr. President, we have seen the national debt and deficits rise because in large part, the Federal Government has grown. The first $100 billion budget in the history of the Nation occurred in 1962. This was almost 180 years after the Nation was founded. Yet, it took only 9 years, from 1962 to 1971, for the Federal budget to reach $200 billion.

Then, the Federal budget continued to skyrocket; $300 billion in 1975, $500 billion in 1979, $800 billion in 1983, and the first $1 trillion budget in 1987. The budget for fiscal year 1995 was over $1.5 trillion. Federal spending has gripped Congress as a narcotic but it is time to break the habit and restore order to the fiscal policy of this Nation.

It is incumbent upon this body to send the balanced budget amendment to the American people for ratification. The vote on final passage on House Joint Resolution 1 could well be the most important vote we will face as Senators as its adoption is essential for protecting our liberties as a free nation. I hope we don't fail the American people on this historic opportunity and instead present to the States our proposed amendment to mandate balanced budgets. it is time to act to secure the future for all Americans.

I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. 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 Democratic leader is recognized.

Mr. DASCHLE. Mr. President, efforts have been made to portray the right-to-know amendment as constitutionally questionable. Those claims are driven by politics. The argument is not compelled by the Constitution.

The Constitution sets out two requirements for the approval of an amendment. It must be approved by two-thirds of each House of the Congress, and it must be ratified by the legislatures of three-fourths of the States.

The Constitution sets no other limits.

All we are proposing is that the Constitution be amended in the same way it has been amended 27 times before, with a two-thirds congressional majority in each House.

Ironically, the underlying proposal itself contains a clearly extra-constitutional provision: That if it is not ratified within 7 years, its provision will not take effect, no matter how many State legislatures thereafter desire to approve it. It is a time-limited proposal.

The time limitation is not a constitutional requirement. It is a customary requirement.

There is no warrant in the Constitution for such a time limit or against such a time limit. It has been used in this century as a way to ensure reasonably contemporaneous consideration of proposals to change the Constitution. It is a good idea, but it is not a constitutional requirement.

Indeed, if we look at the 27th amendment, having to do with congressional pay, which was revived and ratified by the States 200 years after first being proposed to them, and which is now part of the Constitution, it is quite clear that there is no constitutional impediment to ratifying an amendment outside the time constraints that have been common in our century.

Opponents of the right-to-know amendment claim that, by imposing a duty on Congress before the proposal is submitted to the States, it somehow contravenes the Constitution. At the same time, those opponents claim that imposing a time limit on the States after the proposal is sent to them does not contravene the Constitution. I do not think this argument holds up very well.

The right-to-know amendment falls squarely within the constitutional purview of the Congress, an article I power that permits each House to establish its rules of procedure.

The right-to-know amendment is an exercise in the article I power.

It in no way affects the ratification process. I think most people would concede that. It in no way affects the congressional approval process, and I think most people would concede that. Again, those are the only two constitutionally established requirements to amend the Constitution.

In fact, the right-to-know amendment, by requiring that the House and Senate first adopt a budget path leading to a balanced budget, and then send the proposal to the States for their consideration, impinges less upon the Constitution's requirements than the 7-year deadline contained in the language of the proposed amendment itself.

In short, this argument against the right-to-know amendment is a smokescreen. It is meant to shift attention from the issue, the question of specifically how to cut spending, to a dry debate over constitutionality. I am not a constitutional lawyer. In fact, I'm not any kind of a lawyer at all, but I can read.

The Constitution very clearly and plainly says, in language that can be understood by anyone, that there are two requirements to amend the Constitution when you choose the route of moving through the Congress: Two-thirds of the Congress must pass it, and three-fourths of the State legislatures must ratify it.

The Constitution says absolutely nothing else on this particular subject. All of the sophisticated arguments in the world will not change the plain language of our Constitution. The document speaks plainly, and where it is silent, it is silent. It does not, by implication, permit a time limit on constitutional amendments and then bar a prior congressional action. It is silent on both counts. I think that is an important issue. It does not, by implication, permit a time limit on constitutional amendments and then bar a prior congressional action.

The proposal before us has a time limit. I have not heard one Senator argue that this is unconstitutional because it is not mentioned in the Constitution. My amendment adds a prior requirement that doesn't interfere with either of the constitutionally sanctioned requirements or the extra-constitutional requirement of a 7-year ratification deadline.

If Congress can limit the time within which a proposed constitutional amendment may be ratified, nothing prevents Congress from adopting an internal procedure before we send a proposed constitutional amendment to the States in the first place. That is all that the right-to-know amendment seeks to do.

Each House of the Congress has parliamentary rules, established under article I, to expedite or retard the movement of legislation in various ways. All these rules have full force whether we are debating an annual appropriations bill or a proposed constitutional amendment.

The only thing the right-to-know amendment seeks is a prior congressional action before the proposal is forwarded to the States, under Article I rules. It does not impinge on the provisions that deal with a proposed constitutional amendment. It is well within the power of the Congress to determine that a prior action be taken. The conditions in the right-to-know amendment are no less constitutional as applied against the Congress, which is how they would apply, than a time limit applied against the States, which is how a time limit is applied.

The argument that the right-to-know amendment is in some way unconstitutional is not a serious argument. It is an effort to divert attention from the bottom line, and because we are talking about a balanced budget requirement, the bottom line is the only line that matters.

The right-to-know amendment asks that the Congress tell us how, over the next 7 years, it will reduce spending in 48 percent of the budget by enough to balance the budget in 7 years' time. That is all. It does not tie future Congresses to a particular line of action. One Congress cannot bind another. It simply asks the responsible Congress—this one, the one that would vote on the constitutional amendment to balance the budget—to tell the citizens and the States what the spending reductions must be to comply with the mandate that is being proposed to the States.

The mandate is to cut spending to reach budgetary balance in 7 years' time without cutting defense spending and without cutting Social Security. The only thing my amendment demands is that we tell the people, the States and the cities how we plan to achieve this goal. This is neither unfair nor onerous. When Congress debated the 14th amendment in the wake of the Civil War, Members of Congress were required to step up to the plate and give their views on what those proposals would mean.

Congressmen of the time did so. They stood up and said, plainly enough, that they did not intend that the 14th amendment be read to require voting rights for black Americans or integrated education.

A hundred years later, the Supreme Court ruled against them. What they said and meant did not stop the march of time. Neither will any words of ours. There is no need for exaggerated concern about the ability of some future Congress to steer its own course. The right-to-know amendment does not dictate to a future Congress, because that is impossible. It simply asks those who today claim we can easily and painlessly reach a balanced budget in 7 years' time to tell us how this is to be done.

Some of the most fervent advocates of this approach will be long gone from here when the time comes to bite the bullet, just as the writers of the 14th amendment were not around when the Supreme Court said we had to end de jure segregation.

I do not think that in 2002 voters should have a right to call up retired Senators and Members of Congress and demand to know what we were thinking in 1995. But I think it is eminently fair to ask those who are our contemporaries, who say this can be done now and that it is going to be relatively easy, to tell us how it can be done now, how it is going to be done easily. This is not an intellectual exercise in abstract economics. We are talking about issues that are going to affect the way real people live their lives—this year, next year, in the year 2002, and beyond.

I want to make it plain that I am a supporter of a balanced budget amendment. I have been for a balanced budget amendment for many years, because I believe Government can and should operate within its revenue base. I think it is doable. I think it ought to be done. But as we debate that issue, let us be honest with the people; let us tell them what this means, not in abstract, general terms, but in concrete, specific terms, because those are the only terms on which we can cut spending. There is no abstract, general spending in the budget. It is all concrete. It is all specific.

Past Republican budget proposals have gutted student loans, cutting them by over $12 billion. Middle-class parents planning to send their children to college or vocational school have a right to know whether we will eliminate student loans.

Republican budget proposals have slashed Medicare benefits by $30 billion. Senior citizens who count on Medicare have a right to know whether we will make it even more costly to get health care. Republican budget proposals have slashed spending on public education by $3 billion. American school children and their parents have a right to know whether we will limit their opportunity to learn and succeed. The American people have a right to know—and the majority has a responsibility to tell us—specifically what will be cut, who will be hurt, who will be helped, and how and when this will be decided.

That is the purpose of the right-to-know amendment.

The President's budget was submitted this morning. It contains $140 billion in spending reductions. It has been under attack by some Members of Congress beginning last Friday, when details first began to leak to the media. I understand the partisan desire to attack, I do not understand how people think they can posture on a balanced budget amendment, denounce the President's plan, offer nothing themselves, and still have credibility. We have been hearing since last November that there would be a Republican spending cut plan in the public arena shortly. It is now February. News reports now tell us that we're not actually going to get this plan until perhaps April or May.

We are being asked to pass unfunded mandates legislation, line-item veto legislation, a balanced budget constitutional amendment, all sorts of procedural proposals, but where's the beef? Where's the long-promised budget plan itself? We have a very modest proposal—the right-to-know amendment. It simply requires us to produce the beef, what we hear is that we are contravening the Constitution and ignoring the sacred trust handed on by the Founding Fathers. Perhaps some are protesting too much.

We are engaged in a serious enterprise. We are trying to remake a system inherited and modified over 200 years. We cannot guarantee that the next Congress will follow in our footsteps. But we can't be immobilized by that, either. Americans vote every 2 years. They expect each new Congress to deal with the problems that arise within each 2-year cycle. If we come up with a good plan, the next Congress is very likely to follow it. All we ask is that we come up with a plan. If the next Congress improves it, all the better. We cannot control the future. We can control what we are willing to do now.

The right-to-know amendment is targeted to now. The balanced budget amendment asks some future Congress, some years down the road, to do something. That is fine.

This amendment asks this Congress to do something now. That is the difference. Frankly, I do not understand the reluctance to act. I especially do not understand the reluctance based on the criticism of the President's budget. Clearly, all the critics have better plans, less costly, more effective, less painful, easier. That is great. Let us see these plans. Let us lay them out. Let us hear how the easy alternatives really are. I want to hear what, in detail, these painless cuts are. If we can learn this, we can go ahead with the right-to-know amendment because it will be painless.

I understand the effort to drag the Constitution into this. It is an effort to change the subject. The subject is still on the table, and it is very straightforward. Americans have the right to know what we propose to do because it will affect their lives. It will affect their State and local tax burdens. It will affect the environments of their cities and the kind of country their children will inherit. It will affect all of us—our futures. Given that, we cannot let this opportunity pass.

With that, Mr. President, I yield the floor. I thank the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Ohio.

Mr. GLENN. Mr. President, there is not a single Senator who can rise in this Chamber and come out solidly for an unbalanced budget, for going further into debt than we already are. Every person, including myself, knows that we have to get to a balanced budget. We cannot afford to keep on, year after year after year after year, going deeper into debt and, along with it, deeper into the interest payments, increased interest payments on that debt.

We have to resist what I would call ''secret agent'' budgeting. The proposal on the Republican side this year is you appoint me your agent, and I cannot tell you how I am going to balance the budget but in secret I will decide whether your Social Security is going to be cut, whether Medicare is going to be cut, whether your pension protections in the pension benefit guarantee are going to be cut, and on down with a whole host of things.

I desperately want to achieve a balanced budget, but a little later in my remarks here I will point out what the Democrats did back in 1993 when we faced up to, in advance, laying out exactly what we were doing, what the cuts were going to be, what the tax increases were going to be. It was honesty in budgeting. It was truth in advertising, honesty in budgeting.

I feel the only way to achieve a balanced budget, whether you have the balanced budget amendment in place or not, is to approach this difficult issue openly and honestly. How on Earth can we talk about the balanced budget amendment without talking about what is necessary to balance the budget?

Let us say we vote this out of here; we are going to put out a balanced budget amendment, have the two-thirds vote here, put it out to the States; the States within a couple of months come back—surprising speed for the States. They are allowed 7 years to consider this but instead of that they all right down the line 39 or 40 States—it takes 38 to approve this. But let us say they come right back to us in 60 days, 90 days. They say we voted for it. We think it is a great idea. We have to do that in our States. How are you going to do it nationally? And we approve it. It is now part of the

Constitution. We no longer have an option then. We have to balance the budget.

That is pretty straightforward, really. All the people of the country want to know how the balanced budget amendment will affect them if it is passed. What is it going to do to them? What services will be reduced? What taxes will be increased? That is what they want to know. What is really going to happen? In theory, do we all want a balanced budget amendment? Yes, we do. But in practice, how do we get there?

I do not think that secret agent budgeting is the way we should get there. The people of Ohio, the people of America are the taxpayers of this country and they deserve to know. If I go back home to the people of Ohio and I go to a discussion with some of the elderly people in our State, or I go to a nursing home or I go to a meeting of the AARP, the American Association of Retired Persons, and I point at them and I say, ''They are going to cut your Social Security, make no mistake about it,'' the first person up would say, ''Oh, no, wait a minute. They have guaranteed they are going to take that off budget. They are going to take that off budget. They are not going to touch Social Security over here.''

I say: ''Oh? OK. I am glad to know that. Let me tell you something. They are going to cut your Medicare.'' The next person up would say, ''Oh, no, wait a minute. They have guaranteed they are not going to cut Medicare. That is going to be off base over here.'' So we have those two things now, Social Security and Medicare, which are not going to be touched by our new budgeting procedures here. Then we add a couple of other things to that. We cannot ignore interest on the national debt. That is running over $100 billion a year plus—$200 billion a year now. So we say OK, the interest on the national debt. Here we have Social Security, Medicare, and we have interest on the national debt. Then we say, ''How about defense?''

No, we think we are a little thin on defense already. In fact, the Republican side is saying we have to add money for defense. We cannot get any further down. And I do not necessarily disagree with that. I am on the Armed Services Committee. It has given me some concern, too, about how far we have cut, particularly in the area of personnel. I am not sure we could take care of two emergencies, as we are supposed to be able to do, with regard to Korea and the Persian Gulf. I am not at all sure we could do those right with the forces we have right now. Yet, we are the only power in the world that could do that.

We have a lot of people who say, ''Yes but we are spending more than all the rest of the world put together on defense.'' And that is true, we are. But I also say we are the world's leader and we have greater responsibilities than anyone else, too.

So you take Social Security—that is off over here. Then take Medicare—that is off base. We cannot cut into those two things, Social Security and Medicare. We have to pay interest on the national debt. The good faith of the U.S. Government is behind those payments. Then we take defense off. OK. We have those four items off budget. I do not quarrel one iota with taking all those off budget. But where does that leave us?

I will tell you where it leaves us. It leaves us with everything else in the budget being cut about 30 percent. Everything else in the Federal budget has to average a cut of 30 percent if we are going to leave those four items off budget. Let me give an example of some of this. If you leave all spending programs on the table, the across-the-board cut for everything else is 13 percent, if you are going to achieve a balanced budget by fiscal year 2002; a 13-percent cut in everything across the board: Social Security, Medicare, defense, the whole works.

If you take Social Security off the table then cut across the board for everything else, it goes up to 18 percent. If you take defense off the table, the across-the-board cut for everything else is 22 percent. If you also assume the tax cuts that the House Contract With America proposed, if you put that in, the across-the-board cut for everything else is 30 percent. And if you also take all veterans programs off the table, an across-the-board cut for everything else is 31 percent. If you take military retirement off the table—which has been proposed by some people—it goes up to 32 percent, as a cut that would have to be taken on everything else. If you take civilian retirement off the table, it goes up to 34 percent. And if you add Medicare to that, you take that list I just named there and you add Medicare onto it, it means everything else in the Federal budget—everything has to be cut by 50 percent.

Let us go back just to the four basics I mentioned: Medicare, Social Security, interest on the national debt, and the defense budget. Just take those off and everything else in the budget has to be a 30-percent cut.

Let us look at that a little bit. Do you want AIDS research cut by 30 percent? Oh, no; we cannot cut that. We are going to put that off budget here so we will have to consider that, of course. We are not going to that. So that means something else has to be cut more than its 30 percent.

How about cancer research? No, we cannot cut cancer research.

Let us get over in another area. How about air traffic control? We all fly airliners on occasion, some of us more than others. How about air traffic control? Are we going to cut out 30 percent of the controllers; 30 percent of the budget the FAA uses for air safety? No, I think we have to exempt that.

How about the Food and Drug Administration? Do we want some more thalidomide tragedies contemplated in our future? Do we want to avoid those? Do we want the FDA to be cut by 30 percent? How about Alzheimer's research? Do you want that cut 30 percent? How about meat inspection, poultry inspection, salmonella prevention programs? Cutting out 30 percent of all agricultural research? How about your money in the bank? Do you want bank regulatory authorities to have their budgets cut by 30 percent? How about Americans on pensions? Do we want the Pension Benefit Guarantee Program that the Government has as a backup in case the pensions are not funded properly—do we want that to go?

If we are cutting all these things, too—you know, we just passed an unfunded mandates program here—how about the States out there? They get about $230 billion a year for environmental programs. That is going to be pretty attractive for cutting, it seems to me, if we are forced to go into a 30-percent cut on everything else.

We can name a whole host of things: Food stamps; highway money; higher education; Social Security for the blind and for the disabled; the Head Start Program; school lunch; the Special Supplemental Food Program for Women, Infants, and Children; all farm support; nuclear regulation—nuclear regulation for those places around the country where there are nuclear plants—nuclear cleanup; research funds; vaccines for children; dollars to track down the fathers of children of unwed mothers; veterans hospitals; eliminating deductions on mortgages—everything.

All the other functions of Government, all of those and far, far more—that is not even beginning to be a complete list—would have to be cut 30 percent. If they are not cut 30 percent, then something else has to make up more than their 30 percent change. And that is only if we put off budget Social Security, Medicare, interest on the national debt, and the defense budget.

No one will tell us what is going to be in this, what is going to be in the budget if we go ahead and pass a balanced budget amendment and it is placed into effect more rapidly than most people think. I want to know up front what is going to be cut. I think that is only reasonable. We did it on the Democratic side back in 1993, when we had the reconciliation bill on the floor. Yet the Republicans in 1995 tell us, ''Just trust us, somehow we are going to work this thing out. We are not going to name all these things, as Democrats did back in 1993.'' We named them in detail. We gave specifics of exactly how we were going to do this, including tax increases. We were honest about this thing. It was truth in budgeting.

There have been a number of estimates of just how this amendment will affect Ohio in specific terms. It is all speculation because Ohioans are not being told what is going to be cut.

I say to my constituents back home in Ohio who may be watching this today, they are not willing to tell us, on the other side, what will be cut or how much your taxes will be raised, or anything about either one of those issues.

We should be able to tell you back home how you are going to be affected by the balanced budget amendment. But we are not. Let me give you just a little bit of speculation on how this might impact Ohio. Here is the speculation.

The Contract With America calls for balancing the Federal budget by the fiscal year 2002 while cutting some taxes. Experts estimate that doing so without cutting Social Security or defense spending or raising taxes would require slicing all other Federal expenditures by 30 percent. Children's programs could suffer even more, if cuts in such programs as Medicare or veterans' services were limited, as is likely. Costs might be cut in several ways: By dropping groups of children from programs, putting them on waiting lists, and reducing benefits or quality of services. For example, by ending Medicaid coverage for some health treatment, cutting AFDC grants by 30 percent, or by requiring families to put up more costs through copayments and cost sharing.

Let me get down to the nut of this for Ohio. The following estimates how many children would be affected in fiscal year 2002 if costs were cut solely by reducing program enrollments. This is just Ohio alone. No. 1 on our list, 74,800 babies, preschoolers and pregnant women would lose infant formula and other WIC nutrition supplements; 183,350 children would lose food stamps; 291,800 children would lose free or subsidized school lunch programs; 284,400 children would lose Medicaid health coverage, those poorest of the poor, those who can afford to lose it the very least; 287,150 cases now served by the State child support agency would lose help to establish paternity or collect child support, something we all want to see happen; 141,900 children would lose welfare benefits under the Aid to Families with Dependent Children; 11,500 blind and disabled children would lose the help we give them under supplemental Social Security income; 10,150 or more children would lose the Federal child care subsidies that enable parents to work or get an education and training; 10,200 children would lose Head Start early childhood services; 20,950 children in child care and Head Start would lose child and adult care food program meals; and, 56,300 children would lose remedial education through title I.

We hear the screams obviously from the other side saying we do not want to cut those programs. Let me repeat again, those estimates are for programs to be cut just for my home State of Ohio. Those are not national figures. We have just under 11 million population in Ohio. Those figures are the ones that would apply to just our people in Ohio.

They say we are not going to cut all those things. All right, if you are not going to cut all those things, if they are off limits, tell us and tell us now so we do not have all the uncertainty that people have about which programs are going to be cut. Just tell us. That is all. Just be honest enough to do this up front. That is all we are asking.

If you do not cut Social Security, Medicare, interest on the national debt, and national defense, then you have the across-the-board 30-percent cut that I mentioned earlier. What does this do to a State like Ohio? If the same services are to be provided as are provided now—maybe some of those would be eliminated, I do not know—but if the same services are to be provided while we protect the programs at the Federal level, if Ohio is to pick up that difference, it would mean that the State taxes in Ohio would have to go up 14.4 percent to maintain services. If we are going to cut services, OK, those decisions would have to be made. But let us know in advance what we are doing so we know which people are going to be hurt.

Other States get hit even more than Ohio. Some are around 19 percent; New York 17.4; Tennessee, 19.5; Mississippi, 20.8 percent. Their State taxes would have to be increased just to maintain the services.

Mr. President, time and time again I have received letters from my constituents in Ohio asking why the Congress cannot act like the average citizens, why we cannot look at how much money we have, what the programs are, why we cannot in Congress sit down like the people do at home at the kitchen or dining room table and lay out all of the papers and act and decide how they are going to go about balancing the budget. Why cannot we in Congress in effect sit down at our table here and balance a budget and live within our means as every other person in this country has to do?''

If an average middle-class taxpayer can simply state that kind of a goal at home, like sitting there saying I want to pay off all my debts, I want to stop spending more than I am taking in and they look at all the papers in front of them on the dining room table. They say, ''Well, the first thing you have to do is—I am glad I sat down here. Now I have to plan out exactly where my belt is going to have to be tightened. I am going to have to decide where I am going to cut back. I am going to have to decide what my income is going to be, and then I am going to have to determine what sacrifices will have to be made so that I am planning for the future in a more realistic way than I have done in the past.''

Now, to carry out what the taxpayer sitting at the table back home has to do, the American taxpayers are really in a terrible debt. If they individually at home are in a terrible debt like the Federal Government and they individually end up in bankruptcy court, you can bet that taxpayer, he or she, will be forced to sit down and draw up a financial plan for the future. I would say today should we not do the same right here in the Senate? Should we be required to do exactly the same thing and not do it with blue smoke and mirrors, not hiding behind something that says we have to have a balanced budget amendment and then we are going to tell you how to balance this thing. Why not do it now?

The Houston Chronicle had a recent editorial that commented on this type of situation. They said a citizen purchasing an automobile might reasonably be expected to be informed of such basics as what type of motor the car has, if it has one at all, what color the auto is, the drive-out price, et cetera. ''Would we not take the same or greater care with our Constitution than we would in buying a car?

Mr. President, I have not given a commitment to either side in this issue about how I will vote on a balanced budget amendment. I frankly would like to be able to vote for it. But I would like to do it on an informed basis that tells me what is going to happen if the balanced budget amendment happens, if it comes back approved, if the States say yes, we want you to act this way. All the services that now we get from the Federal Government, are we going to cut those things out? Or are we going to alter them? And how are they going to be altered? If they would tell me ahead of time what is going to happen, I might assess that with regard to the whole country and my home State of Ohio and say, yes, maybe I can be for that balanced budget amendment. Maybe if that is where they want to cut and they specify those cuts and where the tax increases will be—and I have no doubt there will be some eventually—tell me what they are going to be before, not after I voted for it, tell me before so I know what I am getting my people of Ohio into. How could anything be more fair than that?

Going back to the Houston Chronicle article, I want to make sure before this amendment leaves the lot that we know if we have a real lemon on our hands. Let us have truth in advertising. Let us check the sticker price. Let us look under the hood; let us kick the tires. If everything checks out, we will move down the road to our final destination to a balanced budget, which I absolutely think we have to get to. Above all, Mr. President, let us not embark on this trip without knowing the direction we will take to get there. Let us not do it with blue smoke and mirrors. Let us not hide our intentions.

I think sometimes our fears are not well justified here. I do not think our knees will buckle if somebody says what we have to cut. We will consider it. I do not think the knees of the American people will buckle if somebody is honest with them and says:

Here is exactly how we are going to get to this laudable objective.

There is an old Shakespeare quote, and I do not know what play it was in, but it said:

Our doubts are traitors, And make us lose the good we oft might win
By fearing to attempt.

Never is that more applicable or more true than in our budgeting considerations here. We have to have guts enough to allay those fears and be willing to attempt a balanced budget by telling the American people exactly how we are going to get there.

Mr. President, here we are discussing the balanced budget amendment, and in the immortal words of Yogi Berra: It is deja vu all over again. The first time I was part of the debate on the balanced budget amendment here in the Senate was in 1982. That was the second year of our grand experiment with supply side economics. Remember that, where if we just cut taxes it was going to result in such an economic increase of our general economy in the country, the new revenue would more than make up the cuts in what revenue we lost with the cut. We reduced taxes 25 percent over a 3-year period; a 5-percent cut on income tax 1 year, and 10 percent each of the next 2 years. What happened? What happened on that was that the new economic level did not increase the way it was supposed to increase. We could not get those percentages changed through the years, and we wound up with another $3.5 trillion added to the $1 trillion in debt we had that had been accumulated from every single President from George Washington through Jimmy Carter. In the last 12 years, the deficit or the debt has gone up to a little over $4.5 trillion. That is what happened with supply side economics.

Even back then, when we were talking about all this, like today, there was a lot of talk about balancing the budget but almost no talk about how to get there. Instead, we preferred to talk about tax cuts. Cut taxes, smile, be happy, it is morning in America; in the city set on a hill, we can make no mistakes.

After 12 years of feel-good budgeting, we found ourselves with a $4.5 trillion debt; $4.5 trillion. It was a credit card. It was all done on a credit card, a great big national plastic credit card. Well, then what happened? We came along with the Presidential candidate who vowed to take the deficit seriously, not by talking about magical fixes, about supply side economics, about Laffer curves, and all the other things we heard about back in those days, but by presenting real options to reduce the deficit.

Luckily for our Nation's fiscal health, that candidate's message of truth-in-budgeting resounded with the American public, and that candidate, of course, now occupies the White House, President Clinton. President Clinton showed us that his campaign commitment on deficit reduction was not just election-year rhetoric.

I referred a little earlier here to what the Democrats did in 1993, contrasted to what the Republicans are proposing to do in 1995, and what happened. In the first year of the Clinton Presidency, he presented a clear agenda for deficit reduction. He offered us real specifics, but he offered us very tough choices, also. I mean, they were tough choices. Congress responded and assigned specific cuts, cut objectives, to the committees of the Senate here, in particular, and the committees went to work on this plan. We came up with a program at that time that was tough, tough, tough. And we made more tough voting decisions back in the summer of 1994 than almost any time since I have been in the Senate.

Why can the Republicans not do the same thing right now that we did back in 1993? They are not giving specifics. Our program back then gave specifics. It was not hidden. It did not say, ''Trust me and I will tell you later about how we are going to get to these ends.'' It was tough. Do you know what happened? The Omnibus Reconciliation Act of 1993 was a major component of President Clinton's overall economic strategy to reduce the deficit by nearly $500 billion, half a trillion dollars, in 5 years, to create jobs and invest in the American people. It was the largest deficit reduction package in history. The President's deficit reduction and economic growth package, as reported by the House-Senate conference we voted on, was the largest deficit reduction in U.S. history.

When the savings from this reconciliation bill were coupled with the savings on caps on discretionary spending and interest savings, deficit reduction would total almost $500 billion over the next 5 years.

These historic reductions were achieved through spending cuts and by asking wealthy Americans, those who benefited through the 1980's, to make their fair contribution to make sure of the Nation's economic security. Was there a tax increase? Of course, there was. But there were tax cuts, also, in trying to get at least toward a balanced budget.

The President's plan, though, as agreed to with the House and Senate conference, relied more on spending cuts than revenue increases. Under the plan, Federal revenue would be increased by $241 billion and Federal spending would be cut by $255 billion over a 5-year period, with every penny locked in a deficit reduction trust fund. The deficit reduction and economic growth package contained $88 billion in mandatory spending cuts over the next 5 years. In addition, with discretionary spending caps, there was a net savings of $102 billion through the regular annual appropriations process, and the resulting lower annual deficits and improved debt management will reduce interest payments by $65 billion over that same 5-year period.

Those were laudable objectives and we put them into effect. We made tough judgments in such areas as agriculture, nutrition, forestry, and they were assigned to that committee to report a savings of $3.2 billion over 5 years. And they did that. They met their goal—$3.2 billion out of one committee. They modified the so-called Pay-92 programs and had changed some of the cotton targets, dairy products, tobacco assessments, sugar, oilseed, peanuts, home loan rate, wool and mohair programs, refinancing and prepayment of Federal financing, bank borrowing to finance and prepay loans subject to certain penalties, Federal crop insurance, CRP enrollment, Forest Service recreation fees—those were all tough votes and they were taken in committee and brought out here for discussion on the floor. Some were contested on the floor, and we stood up and made our votes on those subjects.

The Armed Services Committee was assigned $12.63 billion over 5 years. That was tough to meet. We asked military retirees to forgo COLA's. That is a tough vote when you vote on something like that. It is very tough telling the veterans that, no, they are not like some other people who would get cost-of-living increases. We are asking them, in the interest of the national good, to forgo that for a little period.

The reason I am pointing out some of these is we are being asked to accept this proposal on the other side as a pig in a poke. The veterans would not know now what was going to happen to them.

The Banking, Housing, and Urban Affairs Committee was instructed to report savings of $3.31 billion over 5 years, and they met that goal. Depositor preference changes; transfer of Federal reserve surpluses; HUD–IRS income verification; Ginnie Mae REMIC's, the real estate mortgage investment conduits; and FHA premiums—all of these things were tough votes in committee and out here on the floor.

But we did them back in 1993 as part of that reconciliation package.

The Commerce, Science, and Transportation Committee. They were assigned $7.405 billion in cuts over 5 years and they achieved that goal, with some of the communications Spectrum auctions, as they are called, and user fees. And those are tough votes.

The Energy and Natural Resources Committee, they were able to report savings of $737 million over 5 years. They came out $77 million under the target that was set out for them, but they still made major cuts. And they made controversial votes such as on recreation fees in national parks; some changes in the hard rock mining holding fees; state royalty collection costs.

The Environment and Public Works Committee was assigned $1.254 billion over 5 years. They went into this on Nuclear Regulatory Commission user fees, the Army Corps of Engineers user fees, and a series of other things I will

not even mention here. NRC's operating budget was another one, requiring nuclear utilities to pay fees to cover all of NRC's operating budget.

The Finance Committee was given a big target and they had to make a number of changes. They did some of these in changing tax rates for high-income earners. They changed gift and estate taxes, meals and entertainment, club dues, executive pay, moving deductions, individual estimated tax simplification, Social Security benefit changes, corporate income tax changes affecting business, lobbying expenses changes, corporate estimated tax rules, treatment of passive loss, credits and AMT credits. And in international businesses, excessive accumulated foreign earnings; research and experimental expenses allocation changes; oil, gas and shipping income foreign tax credit. Transportation fuels tax increase, 4.3 cents a gallon on all transportation fuels currently subject to the leaking underground storage tank trust fund; extension of transfer of current 2.5-cent-per-gallon tax. Other intangibles, change of appreciation of intangible assets; change in charitable contributions, change in expanding the 45-day interest rules for tax refunds, denying business travel deductions for spouses, increasing withholding rates on bonuses to 28 percent.

They had more under the Finance Committee—education and training provisions, and extension of target job tax credit; research and development, R&D credit; targeted capital gains tax cut; real estate investment provisions: Permanent low-income housing credit, passive loss relief for real estate provision, exclusion for discharge of real property business debt. Luxury excise tax changes. Extension of the AMT, alternative minimum tax, provision. Changes in how we would treat empowerment zones and enterprise communities and some other changes also.

They changed some of the things in Medicare and Medicaid also as to how those programs were to be treated. All these under the Finance Committee. Medicaid, some of the changes were made there.

And let me add a couple others here. The food stamp program was changed. States had to match food stamp administrative costs; shelter expense; earned income tax credit. Human resources.

I read all these not to bore my colleagues or to bore those watching but to point out that there were hundreds, literally hundreds, of changes made, hundreds of changes made that we voted up front in committee and/or out here on the floor in advance letting people know exactly how their future would be affected by the votes that we are were going to make on that reconciliation bill.

Now, I submit to my colleagues and anyone watching or listening, if it was important enough on a reconciliation bill, just on a reconciliation bill, that we go through all that and let people know specifically how they were going to be affected and be up front about it on letting everyone know what the votes were, then that is the least we can do if we are taking up something so much more fundamentally important to our whole Government, our whole Constitution as a balanced budget amendment.

The Foreign Relations Committee was assigned a savings of a $5 million target over 5 years. They met it.

The Governmental Affairs Committee, which I chaired at that time, was assigned a $10.668 billion in savings. And I can tell you, we sweated over that one in committee and we made it. Once again we had to delay some retirement cost-of-living increases, the lump sum retirement option was knocked out for Civil Service employees, Medicare part B fee limits were changed, changed the extension of the proxy premium law, the D.C.-Federal Employee Health Benefits, payments by the U.S. Postal Service.

All of these things were tough votes, and I hate to keep just saying that, but they were, but we did it up front and let people know exactly what was going to happen to them.

Even the Judiciary Committee a $345 million target over a 5-year period, and they met that.

The Labor and Human Resources Committee, $4.5 billion over 5 years, and they met that goal. They brought up such things as student benefits and cost savings that came from the Federal student loan programs being administered differently.

The conference agreement also would require States to be responsible if a default rate for borrowing that attend institutions of higher education located in their State exceeds 20 percent. Those were hard votes—Home loan program changes.

In other words, I bring up all these—and this is just a sampling; this is not a whole listing of everything, but I bring these up to indicate the tough votes.

Now we put this whole package together. President Clinton led the way on this. He sent up where he felt we could cut; took the political heat for this. We joined him in taking the political heat for saying up front how we were going to vote on these things, laid it out. Everybody, all the special interest groups, crowded out here by the elevator, called on us in our offices and said, ''You can't touch this. You can't touch that.'' Yet we did. We made the tough votes.

And there were several hundred votes, either in committee or out here on the floor to put this thing into effect.

Let me come down to the bottom line. And here was what happened out of all that reconciliation bill. Here is what happened.

Our budget deficit, at the time we passed that, was approaching $300 billion, just the budget deficit. We put that reconciliation bill into effect. The next year it went down to somewhere around $250 billion. This year some of the original estimates were that we were going to be down to a budget deficit of only $168 billion. I think it is back up a little bit now. I think the refined estimate is about $190 billion. But we have gone from around $300 to $250 to $190 billion. That is heading in the right direction with the budget deficit.

You know, the last time that ever occurred, where we had 3 years where the budget deficit went down 3 years in a row, was under Harry Truman. Clear back to the time of Harry Truman, the last time we had the budget deficit go down 3 years in a row. It is working. That reconciliation bill that we made those tough votes on did have an effect.

Now some of the forecasts are that it is going to level off or it may even turn up again, but let us modify that. Let us take action to correct that. We have it heading in the right direction. Why would anybody want to throw that out now and say we are in effect going to put a gun pointed at us all and say we have to do something that may cut the things I have mentioned earlier.

Social Security, Medicare, no, those are off base; interest on the national debt, no, that is off base; the defense budget, no, that is off base. Take those four items off base and everything else in the budget has to average a 30-percent cut.

And we are not willing to tell people up front what is going to happen, as we were back in 1993. Now in 1993, I say there were tough votes.

When this bill went to conference with the House back in 1993, there were some changes made in the conference. When it came back out here on the Senate floor, it was one of the more dramatic moments I have seen in my 20 years here in the Senate. What happened over in the House was that not one single Republican voted for that conference package in the House. Not one single Republican.

What happened here on the Senate floor? Not one single Republican voted for that conference package that has resulted in the first 3 years of continual budget deficit reduction since the days of Harry Truman. Not one single vote.

The Vice President is the Presiding Officer in the Senate. He shows up quite often when there may be a close vote. That day there was a 50–50 tie. The Vice President voted as is his constitutional duty to do. He broke that tie, and so we had a 51–50 vote to put that reconciliation bill into effect.

We had been up front in telling people what the effect was going to be. What programs—all those that I went through. I did not go through all the litany of the committees here just to fill up time here on the Senate floor. I wanted to point out we went through things that affected every single man, woman and child in this country. We did it upfront. We did it to try and get to a balanced budget. We are trying to

do it without a balanced budget amendment.

Now we are told, ''We will not tell you how we will do it. We will not tell you what will happen. We will not tell you what the estimates are going to be, or how it will be implemented if the balanced budget amendment passes, and if it is ratified by the States. We will figure it out. Just trust us. Then we will figure out some things.''

Back in 1993 with that reconciliation bill we figured it out in advance and got it started on the right track, honestly and openly, and upfront, by telling every person in this country how they would be affected.

That reconciliation bill of 1993 became law despite the lack of bipartisan support. So we are now seeing our third year of declining deficits. There were dire predictions then by some of our Republican friends. I will not quote names but we have the quotes available. There was going to be a recession and massive joblessness, a dire thing for the economy, we would go downhill because of what we are doing, because we increased taxes in some areas just on that top 1.2 percent of the wealthiest of this country, I would add, was most of it. None of these dire predictions panned out. The economy recovered, remains in good shape, and in Ohio, my home State, as near as we can calculate it has meant over the past several years about an average of 43,000 new jobs every year.

Remember all the talk about how the cuts in that deficit reduction bill were not real? Over a quarter of a trillion dollars in spending has been cut. Has been cut. We are not talking about prospective. We are talking about what has happened. It has been cut.

Fiscal year 1994, 342 Federal programs were reduced before the prior year spending levels. Fiscal year 1995 just ended in October, more than 400 Federal programs were reduced below their prior year's spending levels and another 40 were eliminated entirely. People talk about downsizing Government. Starting to cut back on Government, cut down on the size of the Government.

Know what happened as a result of the programs voted back in 1993? We are doing that. The President set out a goal of cutting the Federal employment by 272,000 people. I thought that was a lot. In the Governmental Affairs Committee we oversee the civil service. We are the committee of jurisdiction that looks into matters involved with civil service. I thought when they talked about cutting back 272,000 people, that was a big cut. I did not quite know how we would do that. We went to work with the administration, at that time, when a lot of people were rolling their eyes and saying they would believe it when they see it. Well, just look at it now. People can believe it because they do see it. I think a lot of people still do not believe it.

Of that 272,000, just over 101,000 positions have already been cut. This is not prospective. This is not looking on down the pike someplace. They have been cut. I worked with them on setting up programs that would help accomplish that on Governmental Affairs Committee. We passed that legislation. It helped them achieve those goals. There are early buyouts, early retirements. All sorts of things we put in to help get to that end. We were very, very successful.

Know what else we did? We tailored that program at the time. And let me add a side bar: One of the problems in the Federal Government is that we have had too many bosses and too few employees carrying out the words of those bosses or the directions of those bosses. In private industry, across the country, the average is one boss for every 12 to 15 employees. What is it in the Federal Government? One to seven.

While we are getting people out, we tailored these so that the different branches and agencies and departments of Government had some leeway, had some discretion to tailor these programs for the GS 13's, 14's, and 15's. So we got more of those people out who are the bosses. So we are at the same time reducing the overall size of Government, we are correcting some of this imbalance on the ratio between the supervisors and the employees. That means a more efficient Government as we go down the road to the future.

So about 101,000 jobs have been cut from the Federal work force. We are ahead of schedule. We want to continue to work with the administration to make sure that the cuts continue and we get to the objective of 272,000.

All of these things were accomplished because we made the tough cuts. We made the tough votes. We did not ask people to say ''Well, just trust us and somehow we will get around to this in the future. Somehow we will get to this end eventually.'' No, we made the tough votes. We Democrats stood up and took the heat. I would repeat, all these programs that we put through in that reconciliation bill, we did not have one single, not one, Republican vote across the aisle. The Vice President had to break the tie.

There were probably a number of people, judging by what happened in last year's election, who stood up and made some of those tough votes who are not here today. It may have been a factor in why they are not here. I do not know. They had the political courage to stand up and tell people what was going to happen to their lives if we made the tax increases or made the cuts in programs that affect those people across the country. And they did it. And they had political courage, whether they are here today or not. We need to have that same kind of political courage today.

There has been a lot of criticism about the tax increases that were part of that program back then to balance the budget. There is a good article in the Washington Post on the first of February by Judy Mann, entitled ''Fiddling With the Numbers.'' I will not read the whole article.

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

[From the Washington Post, Feb. 1, 1995]

FIDDLING WITH THE NUMBERS

(By Judy Mann)

Gov. Christine Todd Whitman, the Republican meteor from New Jersey, had the unusual honor for a first-term governor of being asked to deliver her party's response to President Clinton's State of the Union message last week.

And she delivered a whopper of what can most kindly be called a glaring inaccuracy.

Sandwiched into her Republican sales pitch was the kind of line that does serious political damage: Clinton, she intoned, ''imposed the biggest tax increase in American history.''

And millions of Americans sat in front of their television sets, perhaps believing that Clinton and the Democrat-controlled Congress had done a real number on them.

The trouble is that this poster lady for tax cuts was not letting any facts get in her way. But don't hold your breath waiting for the talk show hosts to set the record straight.

The biggest tax increase in history did not occur in the Omnibus Budget Reconciliation Act of 1993. The biggest tax increase in post-World War II history occurred in 1982 under President Ronald Reagan.

Here is how the two compare, according to Bill Gale, a specialist in tax policy and senior fellow at the Brookings Institution. The 1993 act raised taxes for the next five years by a gross total of $268 billion, but with the expansion of the earned income tax credit to more working poor families, the net increase comes to $240.4 billion in 1993 dollars. The Tax Equity and Fiscal Responsibility Act of 1982, by comparison, increased taxes by a net of $217.5 billion over five years. Nominally, then, it is true that the 1993 tax bill was the biggest in history.

But things don't work nominally. ''A dollar now is worth less than a dollar was back then, so that tax increase of, say, $10 billion in 1982 would be a tax increase of $15 billion now,'' says Gale. In fact, if you adjust for the 48 percent change in price level, the 1982 tax increase becomes a $325.6 billion increase in 1993 dollars. And that makes it the biggest tax increase in history by $85 billion.

Moreover, says Gale, the population of the country increased, so that, on a per person basis, the 1993 tax increase is lower than the one in 1982, and the gross domestic product increase over the decade, which means the personal income rose. ''Once you adjust for price translation, it's not the biggest, and when you account for population and GDP, it gets even smaller.''

He raises another point that makes this whole business of tax policy just a bit more complex than the heroic tax slashers would have us believe. ''The question is whether [the 1993 tax increase] was a good idea or a bad idea, not whether it was the biggest tax increase. Suppose it was the biggest? I find it frustrating that the level of the debate about stuff like this as carried on by politicians is generally so low.''

So was it a good idea? ''We needed to reduce the deficit,'' he says, ''we still need to reduce the deficit. The bond market responded positively. Interest rates fell. There may be a longer term benefit in that it shows Congress and the president are capable of cutting the deficit even without a balanced budget amendment.''

Other long-term benefits, he says, are that ''more capital is freed up for private investment, and ultimately that can result in more productive and highly paid workers.''

How bad was the hit for those few who did have to pay more taxes? One tax attorney says that his increased taxes were more than offset by savings he was able to generate by refinancing the mortgage on his house at the lower interest rates we've had as a result. The 1993 tax increase did include a 4.3-cent-a-gallon rise in gasoline tax, which hits the middle class. But most of us did not have to endure an income tax increase. In 1992, the top tax rate was 31 percent of the taxable income over $51,900 for single taxpayers and $86,500 for married couples filing jointly. Two new tax brackets were added in 1993: 36 percent for singles with taxable incomes over $115,000 and married couples with incomes over $140,000; and 39.6 percent for singles and married couples with taxable incomes over $250,000.

Not exactly your working poor or even your average family.

The rising GOP stars are finding out that when they say or do something stupid or mendacious, folks notice. The jury ought to be out on Whitman's performance as governor until we see the effects of supply side economics on New Jersey. But in her first nationally televised performance as a spokeswoman for her party, she should have known better than to give the country only half the story. In the process, she left a lot to be desired in one quality Americans are looking for in politicians: honesty.

Mr. GLENN. Mr. President, I quote just a short part of this, talking about a writer who commented on this and said:

He raises another point that makes this whole business of tax policy just a bit more complex than the heroic tax slashers would have us believe. ''The question is whether [the 1993 tax increase] was a good idea or a bad idea, not whether it was the biggest tax increase. Suppose it was the biggest? I find it frustrating that the level of the debate about stuff like this as carried on by politicians is generally so low.''

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I hope, in addition to that, people can read the whole article.

I do not want my speech today to be taken wrong. I am not looking for a job in the President's communications office to try to put out rosy scenarios for the White House. I am trying to make a very simple point. We have seen the wrong way to approach balancing the budget, and we have seen the right way, the honest way, the straightforward way for the American people.

The wrong way led us to a $4 trillion debt, $4.6 trillion, I think, is the best estimate right now of what we actually owe. The right way of making the tough votes around here is such as we did in that reconciliation bill of 1993. That put us back on the track.

What are we being told on the other side today? ''No, we won't put out any figures, just trust me.'' We are going back into supply-side economics again, that which gave us an additional $3.5 trillion in national debt that we now have to pay interest on. We are going back to some reconsideration of the Laffer curve. It was a ''laugher,'' all right, the way it worked. We have a new name for it; now we are going to rely on dynamic economics. That is what we hear from the House side. We are going to rely on dynamic economics, which is supply-side economics revisited. It says the dynamism comes from the fact that if you cut taxes, it gives more money to the people who will invest, move on to a new, higher level of economics; we will recoup a lot from that, and that will help mitigate the tax loss to begin with. That is exactly what we went through—exactly what we went through—in the early eighties, only then it was called supply-side economics.

We are being asked today to vote on a balanced budget amendment without being told what the cuts are going to be, what the tax increases may have to be, what plans will be cut. Will it be Social Security, Medicare? ''No, those are off limits,'' we are told, ''we can't interfere with those.'' Interest on the national accident? ''Oh, off limits.'' Defense budget? ''Oh, off limits.'' And I favor that defense budget. I agree we probably cut a little further than I would like to see us cut on that.

Take those four things off and everything else in the Federal budget is going to have to be cut by 30 percent if we are going to meet the objectives. And yet we are not told, they refuse to tell us how we are going to do this.

If I ever saw peekaboo budgeting, this is it. Peekaboo budgeting. We just give you a little hint here that we are going to do dynamic economic modeling, or something, and that is supposed to quiet our curiosity, I guess, a little bit. Now you see it, now you do not. But we do not have any plan that lays out for us in this proposal, nothing that even comes close to the type of definition and specificity that we had the guts to vote back in 1993.

As we debate the balanced budget amendment, let us do it the right way. I would like to vote for a balanced budget amendment. I truly would. And I have not said yet that I will vote against the balanced budget amendment positively. But I cannot vote for a balanced budget amendment that just asks the American people and the people of Ohio and all of us to just somehow accept this without any definition whatsoever of how we are going to get there, what is going to be cut, what programs people rely on now are going to be axed out of the program, as we have to get into doing this.

So let us let the taxpayer know what is ahead. Let us lay out a 7-year plan. Let us present it to the American people. Let us make it in comparable specificity to what we did back in 1993, which had not one single Republican vote when we passed that. Then we will all know whether this balanced budget amendment is a good idea.

In 1993, the Democrats in the Senate showed that we could lay out a plan. We did the hard work in committees, we did the hard debate, the hard work here on the Senate floor.

In 1995, the process that is being proposed from the Republican side basically says they either cannot or will not give us any information on how we are going to achieve this balanced budget, if it passes. They say just, ''Trust us, we will somehow figure it out. We will force ourselves. We want a forcing mechanism here with a balanced budget amendment. We have to have that or we cannot get around to saying what the tough decisions are going to be and acting on them.''

And yet we have the history just 2 years ago in 1993 when we did this. We did have the guts to do it then. So it is possible in the Senate of the United States to have some political courage and say in advance what is going to happen.

But the saying goes, or what we hear all the time is, if we force ourselves with a balanced budget amendment, then I think we will have an excuse, we will have an excuse for cuts that we would not have the guts to make otherwise, and we would tell the people back home, ''I'd have liked to have kept your veterans' benefits, I'd have liked to have kept Social Security, I'd have liked to have kept your Medicare, but we had the balanced budget amendment and so it forced me to vote to do this to you.'' So we are looking for cover.

Do you remember the comedian Flip Wilson a few years ago? I remember him very well. I thought he was very good. He had this character called Geraldine. Every time Flip Wilson had something with this character of Geraldine that somebody was criticizing him for doing, he would say, ''Oh, the devil made me do it; oh, the devil made me do it.'' Remember that?

It seems to me that is a little of what we are talking about here. The Republicans seem to want this, and some other people, too—not just Republicans—they want this balanced budget amendment so when we have to tell the elderly that we may have Social Security cuts, may have Medicare cuts, defense, may have cuts in women's and infants' programs, may have cuts in a lot of other things, ''Oh, the balanced budget amendment made me do it.'' In other words, not my fault, we have the cover of a balanced budget amendment.

I do not think we need that for political courage here. That is sort of getting your courage out of a bottle or courage out of something false when we are not willing to say what the cuts are going to be, not willing to say what

we will do if a balanced budget amendment passes.

Let us say we pass it here and the States ratify it within about 2 months. Then what are we going to do? Where will the cuts have to be made? ''Oh, the balanced budget amendment made me do this thing.'' Supposedly that gives us political cover.

But I will say, in the meantime, let us not be reckless. I would like to call on my colleagues on the other side of the aisle to show some guts and tell us where you will cut, tell us how much taxes will have to be increased when the balanced budget amendment passes. Tell us now. Tell us up front. Let us be honest. Let the American people know. Let the States know what they are going to have to pick up on this if it passes.

Mr. HATCH. Will my friend yield for a question?

Mr. GLENN. Not right now. I am just about to end, and then I will take any questions.

If we are honest, I say let us get started and do it now. So why wait? Why do we need to wait for a balanced budget gun, in effect, pointed to force us to action? We can take that action right now.

So let us not be reckless. Our Constitution has been amended only 27 times in well over 200 years, and before we amend it again, we ought to at least know what the ramifications will be; for after all, none of us wants the 28th amendment to turn out like the 18th amendment did. I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Illinois.

Mr. SIMON. Mr. President, if I may respond to my friend from Ohio very briefly—and he is my friend and he is one of the most valued Members of this body. Digressing just a moment, if anyone ever questions JOHN GLENN's courage, take a look at that small little thing that he got into—''thing'' is the wrong word, but he knows what I am talking about—that went into space. It is incredible that anyone would get into that and get tossed into space.

But any way, I think there are some answers for the questions of my friend from Ohio. One is that we know from the General Accounting Office if we balance the budget—and they suggested by the year 2001. That is now 2002—that by the year 2020 we would have an average increase in income per American, inflation adjusted, of 36 percent—that is a huge increase—or, as they say, we are going to continue to go downhill.

Second, we do know some of the options. And we have not spelled them out in detail. One is the Concord Coalition put together a package. CBO has suggested—and they have the most conservative estimate in terms of what the savings would be on interest—the savings would be $140 billion on interest.

We could follow the present limitations we have through fiscal year 1998 and then put together for fiscal years 1999 through 2002 a combination of the last Bush package and the package that we voted for in 1993. I was pleased and proud to join the Senator from Ohio in voting for that. That is not that onerous. That is doable.

What I do favor—and I have discussed this just very informally with my colleague from Utah, who is the chief sponsor—I favor, once this passes, asking the two leaders to put together a task force to outline in broad terms where we are going so that the States can know with some more specificity. But I would add that you cannot—the Daschle amendment has us down to $100 million for 7 years out. That is just not realistic. But I think in terms of billions you can do that.

I would add the CBO figure on savings on interest is the most conservative. The Wharton School estimates the savings on interest will be 4 percent; Data Resources, Inc., says a savings of 2.5 percent. Their estimate is that half the savings that we will need by the year 2002 can come out of interest. This is Data Resources, Inc. They also estimate if we do it we will have 2.5 million more jobs in this country. How many that will be in Ohio and Illinois, I do not know. But it is a very substantial amount.

I would add two other points here. One—and my colleague from Ohio may differ with me as well as my colleague from Utah—I happen to think we would not be in a bidding war on tax cuts right now if we had a balanced budget amendment. I do not think it makes any sense, real candidly, for us to say let us give ourselves a little bit of a tax break and impose a further burden on our children and our grandchildren. I think that is a good example of why we need this. We are not going to be able to do everything we want. We are going to be forced to make some tough votes. But I think we have to be forced to do that. And I hope they will be bipartisan.

Let me just add one final point. Those who say we can balance the budget without a constitutional amendment have two things going against them. One is that for 26 years we have not done it. That is a pretty powerful record. And second, they are saying to us you spell out in detail what is going to happen, but they are not spelling it out in detail. And at least we have, by all estimates we are going to save a huge amount of money with interest. Whenever interest rates go down, employment goes up. So there is a revenue plus in addition to the interest savings.

So I hope my colleague from Ohio will continue to keep an open mind on this because I think it is really essential for the future of our country.

Mr. HATCH. Will the Senator yield?

Mr. SIMON. I yield to my colleague from Utah.

Mr. HATCH. We both value our great friend from Ohio, and I have to tell you that there is an offer by the other side and that is by the President. It is right here, the budget for this year.

I have to say I give him credit for certainly bringing the deficit down from the almost $300 billion that it was—$279 billion—to $190 billion. But from here on in, through the year 2005, this budget, using optimistic economic assumptions that we all know are going to fluctuate, is admitting that the deficits will be $190 billion at least for every one of those years over the next 10 years. So they are not doing anything to get down to a balanced budget.

If I could just add one other thing to my friend from Ohio. Back in the early 1960's, when President Kennedy said we need to put a man on the Moon, he set that as a goal. Nobody then was fully cognizant of what it was going to cost or what we were going to do to get that man there. But we also know that our friend from Ohio was one of the earliest pioneers in that field. He is a hero to all of us, to everybody who understands space and what it took to get there.

But if before the President could even set the goal, before the President could even get it done, Congress had said we have to know every detail on how you do it before we do anything, we would not be on the Moon to this day.

The fact of the matter is all we are saying here is that if we pass this amendment—and I appreciate my friend keeping his options open on this amendment. That means a lot to me. I know it means a lot to my friend and colleague from Illinois, and I think it means a lot to everybody in this body who is for a balanced budget amendment and maybe some who are not. But the fact of the matter is it is important that we not have to plug in every detail over three successive Congresses, which can change drastically on how we get there, when we have at least 10 programs that have been advanced and there have not been the votes for any one of those without a balanced budget amendment forcing the issue. And that is what this amendment does.

I just cite with particularity that sometimes we have to set the goal out there and provide the mechanism to reach that goal just like we did in space. Had we demanded that we have every detail of how you do it over three successive Congresses, we would not be in space to this day.

So I just cite that as an illustration that in budgetary parlance those who are criticizing the amendment by demanding to know now how we are going to get there—we can give you 10 plans—they are the very people who have never gotten us there for 26 years and who, it seems to me, are not going to get us there if the President's budget is any indication, and this is reality. This is tangible. This is something that all of us got today.

I happen to have Alice Rivlin's copy of this because she gave it to me last night. I did not use it until right now because I did want to use it without

her permission, but she gave me permission to use it once it was distributed.

Frankly, here is tangible evidence that they are not going to do it themselves. But if we put this balanced budget into place, we are going to do it. We will get it done just like we got it done in space.

They are not particularly analogous, I acknowledge that, but still I think there is a point that for three Congresses the only way we get there is to modify this, and the only way we are going to do that is if we have a balanced budget amendment that gives us the incentives to do the same.

I thank my colleague.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I appreciate the comments of my colleagues here, but I disagree on what happened. We have not gone 26 years without action. I disagree with that.

In 1993, we took action that headed our budget deficit downhill. We were up to almost 300, we went down to around 250, one estimate this year was for 168. It is back up around 190 now. But the point is we have cast tough votes. We took tough action. We told the American people in advance how we were going to do it so they knew how they were going to be affected.

We had things headed in the right direction. We can make all we want out of the President's budget that was submitted today, but let us continue on the track that we are on. And if there is to be, as my friend from Illinois says, a task force appointed to tell us how to do this, let us form the task force now. Hold up the balanced budget amendment. Let the task force get together and tell us where the cuts are going to occur it if it passes. Then I would be much more happy with this proposal.

I think we are reading so many things off the record here. I started out my remarks this morning by saying if I go home to Ohio and I point to somebody and I say, ''Your Social Security is going to be cut,'' they say, ''Oh, no, wait a minute now, the other side says we are going to put Social Security off limits. That is not going to be cut.'' Then I say, ''They are going to cut your Medicare.'' And they say, ''Wait a minute, Medicare is going to be off budget here. We cannot cut that.'' Then we say, ''Interest on the national debt, we cannot cut back on that because that would destroy the trust in our Government. And defense is not going to be cut—probably it is cut a little too far already given our worldwide responsibilities.''

If you take those things off budget, then everything else in the Federal budget—Alzheimer's, cancer, AIDS—everything else, unless you make up the difference, is going to have to be cut by over 30 percent. Those are the facts.

So back in 1993, I think we took real action. We took action that showed we can lay out these tough choices in advance and then have the political courage to enact them. And we did. Why do we say we cannot possibly make these decisions without a balanced budget amendment, when we did it 2 years ago?

So I say once again, I would love to vote for a balanced budget amendment, but I am not going to vote for a pig in a poke that may wreck the support system for a lot of people in Ohio and across this country without knowing the details of what we are voting for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I will just take a couple of minutes. I agree with my colleague from Ohio, to the great credit of President Clinton and to the credit of 50 Members of this body, we did start down the right path.

What I also would have to acknowledge, as our colleague from Nebraska, Senator KERREY, said, is that it was a first step. But we have not for 26 years balanced the budget. To go back to another time when, as was pointed out in your remarks, we had that kind of decline, you have to go back to Harry Truman's day. I think we have illustrated we just are not doing it on our own.

I finally point out we can change a lot of things in this body. We cannot change history. And the history of nations is, as they pile up this debt, they keep piling it up because it is politically attractive to do so, and then they end up monetizing the debt. They just start the printing machines running.

That is where we are heading if we do not adopt this amendment, in my opinion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while the Senator from Illinois is on the floor, I wonder whether he might be willing to engage in colloquy with me about the implementation legislation that would be required under this amendment.

Before I ask him about that implementation legislation, however, I was intrigued by his comment last time that we cannot change history. I agree with that. We can interpret history, but we cannot change it.

Part of the history of this body is that if we put the onus on future Congresses to do something instead of doing it ourselves, it is unlikely to get done. We pass legislation here—see, I remember in 1980—that says, ''Congress will balance the budget.'' I think it became law. We did not. It was in the law, the law that we obligated ourselves to comply with. We took an oath to uphold the Constitution of the United States and the laws created pursuant thereto.

The Senator from Illinois, who is a dear friend of mine, and I had a colloquy back in 1986, I believe—1986—about this same issue. This is about 8 years ago, 9 years ago, when a similar amendment was pending before us.

I asked the Senator from Illinois these questions.

> How would the monitoring of the flow of receipts and outlays be done to determine whether the budget for any fiscal year is on the track of being balanced? Would this require implementing legislation?
>
> Mr. SIMON. There would have to be monitoring, and future legislation would have to take care of the implementation of that monitoring.
>
> Mr. LEVIN. What exactly is the definition of receipts and outlays? Specifically, would the receipts and outlays of Bonneville Power Administration be receipts and outlays of the United States pursuant to this constitutional amendment? Would the answer to these questions require implementing legislation?
>
> Mr. SIMON. Implementing legislation will be needed on some of these peripheral questions, but the intent is clear.
>
> * * * * *
>
> Mr. LEVIN. * * * In an instance in which the President's Office of Management and Budget and the Congressional Budget Office disagree with each other on what a level of outlays is, how will the dispute be resolved so that it can be determined whether or not outlays exceed receipts?
>
> Mr. SIMON. Future legislation will have to take care of this.
>
> Mr. LEVIN. Who will determine the level of receipts and whether a revenue bill is ''a bill to increase revenues''? * * * My question is, What happens if the revenue estimaters in the Treasury Department say the bill is revenue neutral, and the Joint Committee on Taxation say the bill will result in a net increase in revenues? Whose estimate will prevail? How will the dispute be resolved?
>
> Mr. SIMON. That will also have to be determined through future legislation.

And on and on.

I am going to read into the RECORD, now, dozens of questions which have to be answered by implementation legislation which we are not going to answer, we are not going to adopt legislation which will answer them, but which are left up to a future Congress.

The Senator from Illinois and the Senator from Utah both said this is not a self-executing provision. This provision requires Congress to act sometime between the year 1995, or whenever we adopt it and the States ratify it, and the year 2002.

The Senator from Illinois has said over and over again courts cannot implement it, cannot enforce it. There is no impoundment here for the President to enforce it. It is up to us to adopt implementation legislation sometime in the next 7 years.

My question of my friend from Illinois, and I do not know he is going to be able to stay on the floor while I read through a whole host of questions which are not answered by this amendment—but which are similar to the ones which we talked about in 1986 is—would he agree that this amendment requires congressional legislation as a practical matter in order to be enforced?

I understand putting the language in the Constitution will make it more likely in his opinion that Congress will

act. He is optimistic Congress will read this language and do, by the year 2002, what it has not done up until now. I understand that he feels there will be a political onus of some kind that will be borne if some Congress does not put together a majority in the next 7 years to adopt that implementation legislation.

But specifically, does he not agree that in order for this amendment to have effect, implementation legislation is going to be required?

Mr. SIMON. Mr. President, if I may respond to my colleague, the answer is yes and no. The answer is the amendment itself has the requirement for 60 percent to extend debt. So that is self-executing. And if Congress would not pass a single bill to implement, that would be the power that is there. But there is no question that we have to pass legislation to implement. I would not wait for future Congresses to act. I think we ought to start right away. I see my new colleague from Maine nodding in agreement here.

But let me make one other point, and that is we can nitpick here and there on this. But the real important question and point is, that dialog took place in 1986. We missed by one vote, passing that in the U.S. Senate. At that point, the debt of this Nation was $2 trillion. Now it is $4.6 trillion. What if we had picked up one more vote? We would have more people working; we would have a higher standard of living; we would have lower interest rates; we would have more homes constructed; we would have a much lower trade deficit; we would have millions more jobs in our country. We would have millions more jobs in our country. And so we failed to act in 1986. There is no question.

There are things that we are going to have to work on. I know my colleague from Michigan well enough to know that even though he opposes this, if we have the votes, he is willing to dig in and work on the implementing legislation. He will be a valued Member in doing that. But we should not fool ourselves. We should not nit-pick here and not recognize the basic principle, and that is that we are doing harm to our country in not facing up to our problems.

I thank my colleague.

Mr. LEVIN. If my friend would again be willing to yield, obviously if we had adopted a constitutional amendment 6 years ago, or 60 years ago, which led to a balanced budget we would probably be in better shape than we are now depending on whether or not there was an opportunity during a recession to be flexible.

But the issue I am raising is the opposite of a nit-pick. The issue that I am raising goes to the heart of this amendment. This amendment does not assure us that we will achieve a balanced budget. That is not a nit-pick. That is a statement that goes straight to the heart of this amendment.

I want to get to the language that my friend from Illinois pointed to. The only language which the sponsor has pointed to that appears to be self-enforcing is in section 2, having to do with the debt of the United States. But section 2 says that ''the limit on the debt of the United States held by the public shall not be increased.''

Does the Senator from Illinois know whether or not we have adopted a statute which sets a limit on the publicly held debt of the United States?

Mr. SIMON. Mr. President, in response to my colleague, I think those terms are fairly clear. We had testimony on that very question from the former Attorney General of the United States, Bill Barr, who believes that language is very clear.

Mr. LEVIN. No. But my question to the Senator from Illinois—by the way, it is not that clear. But assuming for the moment it is clear as to what is meant by ''publicly held debt,'' assuming for a minute it is clear—I do not think it is; I will accept the statement—my question is: Do we have a statute now which sets a limit on the publicly held debt of the United States?

Mr. SIMON. We have a statute that limits the debt of the United States.

Mr. LEVIN. I understand. But my question is not that, because this section 2 does not say that limit of the debt of the United States shall not be increased unless three-fifths vote. The sponsors have gone over the words very carefully. This is an amendment to the Constitution. They have gone over each word. I assume that it is very clearly their intent that it not be the limit of the debt of the United States, but just a part of that debt which they say will not be increased except by three-fifths vote.

So my question again to my dear friend from Illinois is this: Is there currently a statutory limit on the debt of the United States which is held by the public?

That is my specific question.

Mr. SIMON. Mr. President, if we had changed the language so it just says ''debt'' instead of ''publicly held debt,'' there would be questions about that. Our intent is clear. When my good friend—he is my good friend—from Michigan implies that we are not going to pay attention to this, the Senator from Michigan, the Senator from Maine, the Senator from Wyoming, and the Senator from Illinois stood over there right to the left of the Presiding Officer. We held up our right hands and we took only one oath—to uphold the Constitution. I do not think this body is going to ignore that. I think that is the real question. I am not suggesting that my colleague from Michigan is not sincere. But we can nit-pick. The principle is clear. The language, constitutional scholars have told us, is clear.

I hope we move ahead and not get sidetracked on this.

I yield the floor.

Mr. LEVIN. Mr. President, let me answer my own question since my friend from Illinois has not; that is, there is no limit that I know of in statute on the publicly held debt. So when the Senator from Illinois points to that provision as being the self-executing provision of this language, and there is none other that could be pointed to, he is pointing to a limit which does not exist currently in law which would require the Congress to enact a limit. Each one of us upholds the Constitution of the United States within the best of our ability. We each have taken that oath. We each raise our hands. The Senator from Maine did it just a few weeks ago in this body. She has done it many times in the other body. We do not raise our hands as a group. It is not a group oath. It is an individual oath. We can carry out that oath while not agreeing with each other. As a matter of fact, we carry out that oath all the time while not agreeing with each other. If we always agreed with each other because we took an oath, there would be unanimity in this Senate instead of division. We do not always agree, although we have all taken the oath.

This constitutional amendment does not require us to balance the budget in a way which can be enforced. It simply requires us to try to pass a statute within the next 7 years. There is a lot of difference. It basically takes us off the hook for 7 years because it raises the suggestion, it purports to state that we are going to balance the budget by the year 2002 but has no enforcement mechanism in there to achieve it; none. So for the next 7 years we are off the hook, and then there is no hook.

The Senator from Illinois says, yes, there is because there is this language in section 2 which says that the debt limit will not be raised unless 60 percent of the whole Members of each House vote for such an increase.

That is not a hook for two reasons. No. 1, there is no debt limit for publicly held debt that is currently in law, and, therefore, the Congress is going to have to pass a statute setting a debt limit for ''publicly held debt.'' So even that language requires the Congress to establish a publicly held debt limit which is a subpart; by the way, a subpart that is in dispute as to exactly how much it is of the current debt limit.

But it is also not a hook for another reason; that is, that it simply suggests that somehow or other we are not going to pay our debts, that having run up debts, the Congress of the United States is not going to pay our bills. That has historically not worked, and it should not work because we should pay our bills. We should not default on obligations of the United States of America. Catastrophe would result if we did not pay our debts.

I quoted a colloquy between myself and the Senator from Illinois about the 1986 version in which repeatedly the Senator from Illinois, as always, is candid in saying that is going to require implementing legislation, and

that is going to require implementation legislation and that is going to require implementation legislation. There are a lot of other ''that's''; probably 30, 40, or 50 other important issues which would require Congress somehow or other to reach agreement as to how to do something.

What is the definition of ''receipts''? Do receipts include receipts from the Postal Service, TVA power savings, Medicare premium payments, receipts of government corporations, deposits in non-Treasury accounts? I am sure implementation legislation is going to have to be used for that.

What is the definition of ''outlays''? Do they include Federal loans, federally guaranteed loans? Do they include spending by government corporations, quasi-Federal agencies which pay for their activities out of user fees? It goes on and on and on. Will we use estimates or actual expenditures and actual receipts?

What happens if the OMB and CBO disagree with each other on what the level of outlays and receipts are? How is the dispute going to be resolved? What is a bill to increase revenues? It sounds easy. It is not. It is a very difficult question, as a matter of fact. At what point will it be determined that outlays will in fact exceed receipts, which triggers remedial action? Are we going to do it early in the year or in the middle of the year? The answer is we will resolve all that by 2002.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of questions, the answers to which I believe—but we will wait and see—will be left up to implementation legislation.

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

BALANCED BUDGET AMENDMENT QUESTIONS

1. What exactly is the definition of receipts? For example, do receipts include the receipts from Postal Service stamp sales and TVA power sales? Do they include Medicare premium payments. Do they include the receipts of government corporations and quasi-federal agencies which deposit money in non-Treasury accounts? Who will make this determination?

2. What exactly is the definition of outlays? For example, do outlays include federal loans and federally-guaranteed loans? Do they include spending by government corporations and quasi-federal agencies which pay for their activities out of user fees instead of out of Treasury accounts? Who will make this determination?

3. Will estimates or actual levels be used for receipts and outlays? In an instance in which the OMB and the CBO disagree with each other on what the outlays or receipts are, how will the dispute be resolved so that it can be determined whether or not outlays exceed receipts?

4. Who will determine whether a bill is 'a bill to increase revenues?' For example, what happens if OMB says the bill is revenue neutral, and CBO says the bill will result in a net increase in revenues? Whose estimate will prevail? How will the dispute be resolved?

5. At what point will it be determined that outlays will in fact exceed receipts, triggering remedial action? August 1? September 15? Who will make that determination—OMB or CBO?

6. At whatever point it is determined that outlays do or will exceed receipts, will automatic spending cuts or tax increases be triggered? When would that happen, and who would be responsible for making it happen? Will cuts affect all programs equally across-the-board, or will certain programs be exempt?

7. Would it violate the language of the amendment if Congress passes, with less than 60% of the votes, a budget resolution that is not balanced?

8. Would it violate the language of the amendment if Congress passes, with less than 60% of the votes, a bill to increase spending from some base level without offsetting spending cuts or revenue increases? Would it matter whether this was the last appropriations bill of the year, and would result total appropriations exceeding expected receipts? If not, how will we ensure that Congress does not increase spending without paying for it?

9. Would it violate the language of the amendment if Congress passes, with less than 60% of the votes, a bill to cut taxes without off-setting spending cuts or revenue increases? If not, how will we ensure that Congress does not cut taxes without paying for it?

10. What happens if Congress passes a budget resolution which is in balance, that enacts appropriations bills on the basis of that resolution, but part way through the year it appears that outlays will exceed receipts? Would Congress be required to vote separately on whether to authorize or eliminate the excess, even through it voted for budget and appropriations bills in the believe that the budget would be balanced? What mechanism would be created to ensure that such a bill would be considered?

11. At what point during the fiscal year would Congress be required to voter to authorize an excess of outlays or to eliminate that excess? What would happen if Congress did not approve either such measure?

12. Would the amendment be enforced through sequestration of impoundment? If so, when and how would that action take place?

13. What happens if Congress approves a specific excess of outlays over receipts by the required three-fifths vote of each House, but the projection turns out to be wrong—the deficit is greater than expected. Would a second vote be required to approve the revised estimate of the deficit? Who determines the dollar amount of excess that Congress will vote on in each case? Who determines that the estimated excess was wrong? How often would such determinations be made, and such votes be required? Who determines when the votes must take place?

14. The resolution requires that three-fifths of each House vote to approve an excess ''by law''. Does this mean that the President must sign a bill to approve an excess? What happens if three-fifths of the Members of each House approve a deficit, but the President vetoes the bill? On the other hand, what happens if Congress passes a reconciliation bill to balance the budget and the President vetoes it and there are insufficient votes to override the veto? For example, what if Congress votes to increase taxes to eliminate the deficit and the President says he prefers spending cuts and vetoes the bill. If there are insufficient votes to override the veto, who has violated the Constitution—the Congress or the President?

15. Could Congress shift receipts or outlays from one year to another to meet balanced budget requirements? For example, could paydays for government employees be put off a few days into the next fiscal year to achieve a balance between receipts and outlays? What mechanisms will prevent this type of abuse?

16. Section 2 of the resolution provides that ''the limit on the debt of the United States held by the public shall not be increased'' without a three-fifths vote. What is the current statutory ''limit on the debt of the United States held by the public'', if any? If there is currently no such limit, how will such a limit be established?

17. What does the debt of the United States held by the public include? Specifically, does it include the debt of wholly-owned government corporations (like the Commodity Credit Corporation and the Overseas Private Investment Corporation)? Does it include the debt of mixed-ownership government corporations (like Amtrak and the Federal Deposit Insurance Corporation)? Does it include loans guaranteed by the federal government, such as guaranteed student loans, guaranteed agriculture and export loans, or Mexican loan guarantees? If not, could additional government corporations and quasi-governmental agencies be created to conduct federal programs off-budget to evade the amendment? Could new government guaranteed lending programs replace government spending? How would this be prevented?

18. May the President transmit a proposed budget which is not in balance in addition to his balanced budget proposal? May the President transmit a balanced budget, but recommends against its adoption? Can he submit the balanced budget at any time before the fiscal year begins?

19. The Committee report states that the words ''bill to increase revenue'' covers ''those measures whose intended and anticipated effect will be to increase revenues to the Federal Government.'' Does this mean net revenue? Over what period of time would this be judged?

Would the revenue provision apply to a bill that increases revenues for three years and reduces revenues for the following three years, with a net change of zero over the six-year period? What happens if the amendment is repealed after three years, because it would result in a deficit?

Would a bill to increase the capital gains tax be exempt, since many argue would have the effect of reducing revenue in at least the early years after enactment?

20. Does ''revenue'' include fees? How do we tell the difference between a revenue measure increasing fees and a spending measure decreasing outlays by requiring users to pay for services provided to them instead of funding the services out of tax revenues?

What about a bill to raise the federal share of receipts from concessions in our national parks?

What if the bill simply required regular competition for national park concessions? Would that be a bill to increase revenue, since it would have the ''intended and anticipated effect'' of increasing the federal share?

21. Does revenue include tariffs? Would a trade measure which authorizes use of retaliatory tariffs in certain cases be considered a ''revenue measure'', since it would arguably have the ''intended and anticipated effect'' of increasing revenues? Who will make this determination?

22. Does revenue include civil and criminal penalties? Would a bill that establishes a new civil or criminal penalty be considered a ''revenue'' measure? How about a bill that indexes certain penalties for inflation? How about a measure to toughen enforcement of criminal or civil penalties? Would a bill to tighten enforcement of the tax laws or provide more personnel to the IRS be covered,

since it would have the ''intended and anticipated effect'' of increasing revenues? Who will decide what is covered by this provision?

23. Would a statute that requires a new, lower measure for inflation, be considered a bill to increase revenue, since by slowing the adjustment of tax brackets it would have the ''intended and anticipated effect'' of increasing taxes? Would the elimination of a special, targeted tax break be covered by this provision? Would it cover a bill authorizing the sale of buildings or land?

24. Sponsors of the amendment have said that the social security trust funds will be protected in implementing legislation and that the budget will not be balanced at the expense of the States. How will this result be ensured?

25. The term ''fiscal year'' is not defined in the amendment. The report indicates that Congress has the power to define the term ''fiscal year.'' Does this mean that Congress could change the effective date of the amendment by legislation, passed by majority vote, which changes the statutory time at which a fiscal year begins and ends?

Mr. LEVIN. There are about 50 questions here which will determine whether or not in fact this constitutional amendment can be implemented in a way to achieve a balanced budget.

I will submit a copy of these to the sponsors of the legislation so they can give us an answer to the question.

The bottom line for me, Mr. President, is that this proposed constitutional amendment does not balance the budget. It dodges the issue because it depends on Congress passing implementation legislation by the year 2002. What if it were fully implemented? The sponsors are optimistic that it will be fully implemented. I think they are overly optimistic, for all the reasons which I have stated and a whole bunch more.

It is going to be very difficult for Congress to agree on how to make cuts in legislation which will automatically sequester, which will determine who will make the cuts, which will determine what all of the hundreds of other decisions are that have to be made so that we can have a balanced budget assured. Let us assume for a minute that the sponsors' optimism is borne out and we kick the can down the road to the Congress 7 years from now and we say: You folks pass implementation legislation.

I do not think that is a responsible thing to do. In fact, I think what we are likely to do by kicking the can down the road to a future Congress, instead of acting ourselves on either the implementation legislation or the cuts, is to increase the deficit.

So the answer to my friend from Illinois as to whether or not we would not have been, 6 or 8 years ago, had we passed the amendment is probably we would be worse off because probably then we would have said, oh, they will take care of that in that future Congress. We would not have done the hard work necessary a couple of years ago when we finally decided to make some cuts in the deficit. We would have ducked and said, oh, the Constitution will take care of that. A future Congress will take care of that. That is what this amendment does.

But, for the moment, let us say that this legislation, which this amendment relies on—this implementation legislation—in fact will be passed, that somehow or other a majority of individual Members of the House and the Senate will be able to agree on a process to make the cuts that are necessary; what would be the impact? Should we know about them?

I was interested when the Senator from Illinois said: ''Well, after we pass the amendment, the leaders ought to get together and give us something of a roadmap—not too specific, but so the States will know what the cuts are.''

Why should we wait? The Senator from Ohio asked the Senator from Illinois: ''Why are we waiting for whatever roadmap and whatever specificity we are going to get from the leaders? Why do we wait for the roadmap until after we have voted on the amendment? Why not adopt it now and why not see it now? Why not have the benefit of knowing what the impacts will be now, again assuming that this legislation is going to be fully implemented?''

There was no answer to that question that was forthcoming, because I think the same logic that says that the States should have some idea as to what the impacts are would lead to the conclusion that we should know what the impacts are—again, under a very big assumption, the assumption being that this will indeed be fully implemented.

There are two problems with this constitutional amendment that have been pointed out—two big ones. One is that the cuts will be massive and should be known in advance. Another problem that others hold more closely is that in fact it will not be implemented. Neither one of those are particularly desirable outcomes. If it were not implemented, if this is a dodge, if there are so many loopholes in this language that it will not be fully implemented, it would be tragic to use the Constitution that way. We would then be using the Constitution as a way of avoiding our own responsibility of saying that Congress, by 2002, should do something that we are unwilling to do, thereby evading what we should be doing ourselves. I do not think the public is telling us to pass language in a Constitution which says to a future Congress, ''Do something.'' I think the public wants us to do it and not dodge it. That is my view as to what the likely outcome is of adopting this constitutional amendment.

But there is another view which also has a lot of support, it seems to me, behind it, which is that, yes, this thing could be fully implemented, and then we should know what the cuts are prior to our adopting the language of this constitutional amendment. We should know and the States should know before they are sent an amendment for ratification.

Whether we pass this amendment or not, it is still going to take a majority of the votes of the Members of each House to make the tough choices that are needed to cut spending and raise taxes. But unless and until we make these choices, we are not going to have a balanced budget regardless of whether we pass this resolution and regardless of whether the States ratify.

Saying that we have to balance the budget cannot make it happen. Unless and until we do the hard work of budgeting, or at least unless we adopt the implementation legislation, it is all a dodge. It encourages us to say that we have a cure before we have taken the medicine. That, to me, is the irresponsible part of this amendment, that it allows us to say that we have cured something before we have either taken the medicine or at least adopted the implementation legislation that will lead us to a certain result.

Every one of us in this body knows that we are not going to get to a balanced budget without real sacrifice. One plan which was put forth by some House Republicans last March would have cut spending on the environment by 44 percent, spending on agriculture by 72 percent, spending on energy by 65 percent, and cut the defense budget by $83 billion. I give those sponsors of that amendment credit for laying out what the impacts would be—at least what they were willing to support. They are entitled to credit, I believe, for what they did. But are we all willing to do that? I hope we have the same kind of courage. It may lead to different kinds of cuts or a different balance of cuts, but at least I hope we will have that courage.

Yet, the reason we are told we should not adopt this roadmap, that we should not lay out what the impacts will be in advance, was set forth by the House majority leader, Dick Armey, who said that once Members of Congress know exactly, chapter and verse, the pain that the Government must live with in order to get to a balanced budget, their knees will buckle.

Think about that for a minute. What he means is if you look at real-world numbers, if we level with the American people about what it will take to balance the budget, in his assessment, it will not pass. I think that is an ostrich-like way of legislating, and far worse. It is an ostrich-like approach to amending the Constitution. And we ought to be much more serious about the Constitution than to pass amendments which do not tell us either what the process will be to achieve it or at least have an enforcement mechanism to achieve it.

I do not know of any other provision of the Constitution—there may be one; I cannot find it—that is not enforceable, either in court or by the executive branch.

Now, we do not want this enforceable in court because we do not want courts deciding to raise taxes or making us do it, and we do not want it enforceable

by the executive branch. And we are sure we do not because we do not want to give the President impoundment authority.

If it is not going to be enforceable by either the courts or the executive through impoundment—which, by the way, I agree with that conclusion that we ought to make it very specific in this amendment that that cannot be, either have courts telling us where the cuts are, courts adopting taxes, or the President impounding—but if it is not going to do that, if the intent of the sponsors is that it not lead to either impoundment or court enforcement, it then totally depends upon Congress implementing and enforcing it. In that case, one of two things is necessary: Either it is not going to be implemented, which would be irresponsible and a misuse of the Constitution; or it will be, in which case the American people and the States should know what the impacts are.

It is one or the other. It either is going to be implemented by the Congress—and I do not share the optimism of my friend from Illinois that a Congress 6 or 7 years from now will adopt implementation legislation. I think it is wrong for us to pass the buck to them. But if it is not going to be implemented by them, it is wrong. If it is going to be implemented by them, we should know the impact and the American people and the States should know the impact.

We have been down this road before. This is not new, that we considered constitutional amendments before.

We actually put into our laws before that Congress shall balance the Federal budget by a certain year. We put in our laws the Gramm-Rudman mechanism which did not work, and it did not work because it did not have an enforcement mechanism which assured that we would get to a certain point by a certain time. It was left to future Congresses. Always future Congresses.

But what is unique about this legislation is that this is not a bill. This is a constitutional amendment which fundamentally says, ''Congress shall do something.'' It leaves it to a future Congress to pass the implementation legislation to do it instead of us doing it.

And, I must say, I am intrigued by reference to the Founding Fathers. It is unthinkable to me that those Founding Fathers of this country, in a constitutional convention, would pass language that says a future Congress should do something. Not that we should do it, not that we should take the responsibility, not that we should be accountable, not that we should act, but we should put into the document which is nearly sacred for every American, the Constitution, language which says ''Congress, by a certain year, should adopt a law which will achieve something.''

Would any of us vote for a constitutional amendment which reads something like this: ''Congress, within the next 7 years, shall adopt a law which will make racial, religious, or ethnic discrimination unlawful''? Would we put that in the Constitution? ''Congress, within the next 7 years, will adopt a law to prohibit religious, racial, and ethnic discrimination''? I cannot believe we would do that. I think we would pass the law to prohibit the discrimination. We would take the responsibility.

The Founding Fathers would take the responsibility for passing the law or they would put into the Constitution a right or a prohibition which is enforceable.

The Constitution is the place where we put in rights and prohibitions which are enforceable. They are not a place where we put in language such as this which allows us to kick the can down the road for 7 years which allows us to tell a future Congress to do what we are unwilling to do, either to make the cuts or to adopt a process which will lead to it.

There is no other constitutional amendment like this, and for a good reason.

We should face up to the obligation. We either should adopt the cuts or adopt the process. Either make the cuts or adopt the implementation legislation so we all know what it is. We should not simply say, ''We are going to amend the Constitution to tell a future Congress that they should do something,'' knowing full well the difficulties for any Congress to do it.

Now, Senator SIMON and others are optimistic that a future Congress will do it, much more optimistic in those future Congresses being able to do things that we have been unable to do, frankly, than I am. But their optimism should be tested now. We should adopt the implementation legislation. If a future Congress can do it, we can do it, and that is the test of their optimism.

In the absence of our doing it, either making the cuts or adopting the implementation legislation which their language requires a future Congress to do, this balanced budget amendment is, I am afraid, going to be little more than a feel-good amendment which purports to address the problem of Government spending and deficits without actually addressing the problem.

The people want us to move to a balanced budget. They want us to do that. They do not want us to push the responsibility off to a future Congress, as this amendment would do. They want us to do it.

The proposed amendment is full of loopholes and ambiguities. For example:

The implementation of the amendment depends on economic estimates that can be made overly optimistic if that is what is necessary to project a balanced budget. We have seen enough rosy scenarios in the budgets of both Republican and Democratic administrations to know how this game is likely to be played.

The amendment requires a balanced budget in each fiscal year. Throughout the 1980's Congress and the President artificially lowered the reported deficit and met Gramm-Rudman targets by shifting the timing of spending from one fiscal year to another. Under the proposed amendment, we can expect similar budgetary shell games.

States with balanced budget requirements have frequently avoided them by creating independent or quasi-public agencies and placing their expenditures off-budget. We did much the same thing in the 1980's with the costs of the savings and loan bailout. Because the amendment does not define key terms such as ''receipts'' and ''outlays,'' it is certain to lead to similar manipulations.

Costs could be shifted from the Federal Government to State and local governments by simply reducing funding for existing programs. Reduced grants to the States would shift the burden of the deficit from the Federal Government to State and local governments but would not shrink the overall gap between Government revenues and Government spending.

The authors of the amendment have acknowledged that the proposed amendment would be unenforceable without further legislative action by the Congress. If outlays exceed receipts, they say, neither the President nor the courts could step in to address the problem. I am not aware of any case in which we have enacted a constitutional amendment which the sponsors themselves claim to be unenforceable, but that is what the authors of this resolution have said.

This resolution does not tell us what an ''outlay'' is. It does not tell us what a ''receipt'' is. It does not tell us how Congress, which enacts appropriations and revenue measures, will regulate the precise level of outlays and receipts. It does not tell us how Congress will monitor the flow of outlays and receipts. It does not tell us who will determine the levels of outlays and receipts, whether it is CBO or OMB. And it does not tell us what will happen if outlays in fact exceed receipts.

The answers to all of these questions are left to a future Congress. But, Mr. President, amending the Constitution is far too important an undertaking to be done in the dark.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I think it is about time for us to start voting on this amendment. After a week of talking about the balanced budget, I believe that just about every argument against it is pointless, except maybe one. The opponents' arguments are just many different ways of saying, ''I don't want a balanced budget amendment, because I don't want a balanced budget.''

The one I had to research to respond to is that the amendment is nothing more than a gimmick. After the fourth or fifth time I heard this, I stopped assuming that I knew what a gimmick is and decided to look it up.

One dictionary says a gimmick is ''A trivial or unnecessary innovation added to enhance appeal.''

The opponents of this constitutional amendment say we are supposed to pass responsible budgets without constitutional requirements.

Now, how would you explain that, when we have run deficits in this country for 34 of the last 35 years? When were they planning to start being responsible? Mr. President, when were they planning to say we are going to be serious without a balanced budget amendment that says we are going to be serious and there is no wiggle room?

The opponents also say this amendment is a gimmick and we should not mess with the Constitution. The Framers expressly provided for constitutional amendments.

We have been debating this proposal for over 12 years. The entire Constitutional Convention took about 4 months in 1789. We are not proceeding recklessly. We are acting after careful deliberation. We passed a balanced budget amendment here in the Senate in 1982. We failed in 1986, 1992, and 1994 by a handful of votes. The House tried in 1990 and 1992.

A few days ago, with its new Members elected by a public demanding a real change in Washington, the House passed the amendment for the first time. With so many years of debate and preparation, Mr. President, we cannot throw away this opportunity to put America on a new course. I believe this is the most important vote that we will take in our terms in the Senate.

Now, the opponents say, ''We should not legislate on the Constitution.'' Well, I agree, we should not legislate on the Constitution. It is a framework for Government and it should not spell out particular policy choices. But the same opponents that make this claim also propose amendments to this resolution which legislate exemptions into the Constitution for high-priority items.

Such exemptions would, themselves, create gimmicks. Every possible program would get squeezed into the off-budget constitutional exception. Such exceptions, Mr. President, would require future Congresses and future generations to follow our priorities. They would have to use our programs instead of setting their own priorities and using their own plans, public or private, to address them.

Even the minority leader's motion to recommit with instructions provides for a balanced budget amendment that says, ''The directives required by subsection A–3 shall be deemed to be directives within the meaning of section 310(A) of the Congressional Budget Act of 1974. Upon receiving all legislative submissions''—now, does that sound like James Madison? It sounds an awful lot like legislation to me. It sounds like the Budget Act, something no Member really wants to see enshrined for all time in our Constitution. If we start amending the Constitution with sentences like that, people will not be able to carry our Constitution in their vest pockets anymore.

Now, my dictionary has another definition for gimmicks. It says it is ''a significant feature that is obscured, ordinarily misrepresented; a catch.'' Now, the opponents of this amendment keep trying to say there is a catch. They are trying to scare the public into thinking that all of the services that the Federal Government provides will be eliminated. Of course that is not true. To balance the budget by 2002 we only have to slow down future increases in total spending, not cut spending below its current level.

We can cut the bureaucracy and the redundancy of the Federal Government while preserving our most important programs. That is prioritizing. We must provide the programs that help those who cannot help themselves. We have always done that in this country. What is to change? We will feed the hungry. We will care for children and disabled people who cannot help themselves. And we can do it while continuing to cut waste, and do it more efficiently.

Like all bureaucrats whose kingdoms are threatened, the opponents of this amendment claim that any cut would destroy the most popular program, while they hide the waste, fraud, and abuse in the back. Now, I have heard this argument before. It is called the ''We are going to have to close the Washington Monument argument.'' They show us the most popular program and they say, ''This is what is going to be cut.'' They are acting like we do not have the sense or the commitment or the ability to prioritize what are the most important uses of taxpayers' dollars.

They are like the boy who cried wolf one too many times. We do not believe them anymore. We do not believe that the Government cannot really operate with a few cents less on the dollar. That is what balancing the budget comes down to. Pennies on the dollar. We can reach a balanced budget by the year 2002 without cutting Social Security or Medicare.

(Mr. THOMPSON assumed the chair.)

Ms. SNOWE. Mr. President, will the Senator from Texas yield for a question?

Mrs. HUTCHISON. Mr. President, I yield.

Ms. SNOWE. I thank the Senator.

I think the Senator is raising some very significant issues concerning this constitutional amendment to balance the budget. The Senator was mentioning the fact that so many of the opponents of this balanced budget amendment call it a gimmick. My response has always been if it were a gimmick, Congress would have passed it long ago.

As the Senator knows, over the years we have had a number of statutory approaches. Now there have been suggestions under the Daschle amendment and the so-called right to know that somehow we should pass implementing legislation to tell the American public how we plan to balance the budget over the next 7 years. But that is also statutory language.

On the other hand, they are saying the constitutional amendment we would not necessarily have to enforce. How do we know the Congress in the year 2002 will actually enforce a constitutional amendment? Would the Senator not agree that this is the only way, given your experience here in this institution, to get a balanced budget for the American people and for future generations, is through a constitutional amendment to balance the budget?

Mrs. HUTCHISON. Mr. President, I think the Senator from Maine has made the most important point. Gramm-Rudman was a wonderful idea that should have worked. But what happened? Congress came along and bypassed it, and bypassed it again, and bypassed it again. So it meant nothing.

That is exactly the point that I was making about having an exception to the amendment. Any exception. What will happen? Congress will start putting more things into what we except, and it will bind future generations to say, ''That is the area that you must except out.'' It could be that in 20 years Social Security or whatever exception they are going to put forward may be taken care of. It may not even be an issue at all. Why would we put that in the Constitution and take away the ability of future generations to just act within a framework?

It is clear that we have to have a framework in the Constitution. Saying that there would be this exception or that exception does not take into account the changes in our society that might happen in the next 50 or 100 years.

Ms. SNOWE. Mr. President, would the Senator further yield for a question?

Mrs. HUTCHISON. Mr. President, I yield.

Ms. SNOWE. Mr. President, as the Senator was mentioning, the constitutional amendment establishes a very important framework, as our forefathers established through our Constitution. We obviously take an oath of office, individually; we take an oath of office, on behalf of this institution and on behalf of the American people. So, we logically would follow up in enforcing that constitutional amendment.

As the Senator was mentioning about the various pieces of legislation that have been enacted over the years in Congress, for example, in the Gramm-Rudman-Hollings to which she was referring, again, numerous adjustments were not made. It gets back to the

issue of whether or not we would be able to balance the budget through the Constitution, statutory approaches. But we know the statutory approaches have already failed on numerous occasions, stretching back to the year 1921.

We had the Budget Accounting Act, the Revenue Act, the Byrd Act. We have adjusted the Gramm-Rudman-Hollings Act on numerous occasions because we could not meet the requirements within that legislation for balancing the budget, believe it or not, by 1993 and then again in 1995, and in the 1990 revision of the Gramm-Rudman-Hollings. So it is clear that that has not worked.

Now, as the Senator knows, this amendment that is before the Senate concerning the right to know, I think the American people do not agree that we are right in terms of what we are enacting in this hypothetical budget that has been suggested here, that we would pass accompanying the Constitution an amendment which would somehow be the budget that would be operative in the year 2002. Of course it would hot.

Would the Senator not agree that this approach is somewhat of a dilatory action, or hypothetical sideshow not to enact a constitutional amendment, knowing full well that we will get a balanced budget through a constitutional amendment and not through a statutory approach?

Mrs. HUTCHISON. I think the Senator from Maine is making an important point. When you are doing something that is as important as this, we do need to do it right because it is going to be an amendment to our Constitution that will last. Our Constitution has prevailed over the centuries because we have been very careful not to bind future generations. With the Constitution, less is more.

There is one thing that we have to do, and that is make a bottom line. We have to say, like every business in America, like every household in America, like every State government and every local government in America, there is an end. We must set our parameters and then work within those parameters to set our priorities. That is what every other entity in America does.

As the Senator from Maine has said, this is the time. It is a very short window that we have to make a difference in the direction this country is going, and we have the mandate.

For the first time, the House of Representatives has passed a balanced budget amendment, and if we miss this opportunity, it may be that the window will not return.

I wonder what all of these people who are convinced we should not have an amendment, I wonder what they are going to say to the American people about how they will balance the budget if they do not want it in the Constitution and they say, show me first. Show me what you are going to do if we do not have it. What is going to be different today than 34 out of the last 35 years? Isn't that really the question?

Ms. SNOWE. Will the Senator yield? I think that is exactly the question. Would you not agree that those who are opposed to a constitutional amendment have a greater burden to prove how they could enact a balanced budget statutorily, because all previous attempts have failed time and again?

There has been obfuscation, diversion, delays, distraction, and, in the final analysis, we have only seen our debt grow. We have heard some discussions how the deficit has come down in recent years, but what we do not hear is the fact the deficit is going to go back up for the remainder of this decade. In fact, since the last time the Senate passed a balanced budget amendment in 1982, the debt has grown 309 percent.

Even the President's own budget, interestingly enough—we hear so much talk about the President's tax package in 1993, and I well recall that because I served on the House Budget Committee. We were challenged to bring up our own specific line-item cuts. As Republicans on the committee, we did. We did $435 billion worth of specific line-item reductions in the budget.

Guess what? They were all rejected. So we got a tax increase, which happens to be the largest tax increase in the history of the country. It was supposed to reduce the deficit. To some extent it did, but, again, what happened is the deficit continues to rise. In fact, one of the reasons why it is rising is that the revenues projected from that tax increase are less than had been anticipated and projected by the administration. As a matter of fact, the Congressional Budget Office has recalculated the deficit by $25 billion for each of the next 5 years, and that is based on an 11-year economic expansion. That would be 3 years longer than the longest postwar expansion.

And so we can understand what is going to happen; we are just going to see more debt. There will be obfuscation here about the right to know, what we ought to do, we should do implementing legislation. But the bottom line is, are we willing to balance the Federal budget?

As the Senator has mentioned, the only way that can be done is through a constitutional amendment because we have all taken an oath of office. That is why the opponents of this amendment do not want this amendment enacted, to become law, because they know that we will take our responsibilities seriously and we will be obligated to balance that budget.

Mrs. HUTCHISON. Since the Senator brought up the President's budget and the inability of Congress to deal with this issue in the past, I should say that the budget did come out today from the President, who promised to cut the deficit in half, and it actually spends $200 billion more than we have in revenue this year.

After the Clinton administration is over, he will have added $800 billion to the national debt. The debt today is about $4.7 trillion. That is $18,500 for every man, woman and child in this country. So every baby that is born can be welcomed into our country knowing that that poor baby has an $18,500 debt hanging over his or her head the minute he or she comes into the world.

They talk about not putting it in the Constitution and yet as recently as today, a budget is submitted that is again not in balance. I think it is time for us to say enough is enough.

They talk about the sky is falling if this is passed, but do they realize what we are going to have to do to get to a balanced budget by the year 2002? According to the Joint Economic Committee, we can balance the budget without cutting Social Security or Medicare and permitting Medicaid to grow by 5 percent if we just limit the growth of all other programs to 2 percent a year—that's the growth, not current spending.

If we exempt only Social Security, we can balance the budget in 6 years by cutting projected spending by 4 cents on the dollar.

We are talking about limiting the amount of growth. We are talking about prioritizing within our budget to limit the growth. If you set aside Social Security and Medicare, you can still grow 5 percent in Medicaid and 2 percent in all other programs and balance the budget.

Ms. SNOWE. Will the Senator yield?

Mrs. HUTCHISON. Yes.

Ms. SNOWE. Again, I think the Senator is focusing on some key issues that I think are important focal points for this debate. The Senator was referring to the President's budget. Were you not surprised to see the President did not sufficiently address spending reductions in his budget, basically accepting the economic status quo? In fact, the variances in his package on projected deficits between now and his package of 1993 is more than an 11 percent change in the deficit, for the worse.

Mrs. HUTCHISON. You say you were not surprised. Well, after seeing the State of the Union Message where he challenged Republicans to come up with spending cuts and yet did not offer spending cuts for us to consider, it is really not a big surprise.

Ms. SNOWE. Will the Senator further yield? I think the President has in the past, as the Senator referred to, challenged us to offer specific cuts. As I said, I served on the House Budget Committee for the last 2 years and the last two budgets that we presented had very specific cuts of $435 billion in reduction in spending over 5 years. And then for the 1995 budget, we proposed an additional $150 billion. The fact is, there was another budget that was offered on the floor, in addition to the Republican-offered budget, and that was a budget that would have provided additional spending cuts over the

President's by $182 billion for a total of $682 billion worth of spending reductions in the Federal budget over 5 years.

But the fact is, no one is prepared to accept those spending reductions and recommendations unless we are forced to because there is no discipline, and I think the American people are savvy enough to recognize that we are not going to take that self-enforced action unless we are required to.

That has been the past and clearly will be the future without a balanced budget amendment.

The Senator was referring to the issue of restraining growth as proposed by the Joint Economic Committee in terms of what we could do to balance the budget just by restraining the growth in Federal spending. It is remarkable. If we were to restrain growth in spending by 2.4 percent exempting Social Security, we could save $28 billion in new spending every year. That is $28 billion. Increased spending based on growth is $420 billion over the next 7 years and we can increase spending by half that amount. I do not think there is anybody in America who would not think that is a substantial amount or sufficient enough to address some of the issues and some of the programs and the needs of this country and our changing priorities because over the next 7 years I would expect that we would have some changing priorities and needs and concerns as they arise.

Mrs. HUTCHISON. I think the Senator from Maine is making an important point. We are starting to talk about prioritizing—what can we cut in order to put more in the programs that we need, the ones that are really essential. In the President's budget he says he is going to look at reinventing Government by paring down HUD and the Department of Transportation, and I applaud the President and I wish to give him credit for taking that step.

However, I think what we have to do is to start looking at how we can do things in a different way. Maybe it is not just cutting down departments. Maybe it is cutting down the infrastructure. Why do we necessarily have to keep the entire infrastructure of the Department of Transportation and the infrastructure of the Department of Housing and Urban Development?

Perhaps we could take away some of the bureaucracy by having fewer departments, by streamlining Government, by terminiating some programs, such as the ICC, which the President has proposed again to eliminate and which I am going to support, and by handing power back to the States. Handing power back to the states is very important in the overall effort to make the Federal Government smaller. When we do that, let us not keep all of these massive bureaucracies in place. Let us consolidate some departments—maybe the Department of Education.

I think the Senator from Maine would probably agree with me that if we are going to get this country going in a different direction, the one most important thing we can do is to pass a balanced budget amendment and force ourselves to stop deficit spending. Let us start working toward the balanced budget and then eventually we will be able to start working on paying down the $4.7 trillion debt.

Ms. SNOWE. Will the Senator yield? I think the Senator is absolutely correct in referring to performance-based budgeting which was part of the testimony that was submitted to the Senate Budget Committee recently.

The Senator is correct in suggesting that what we should do is look at every Federal agency, look at Federal programs, examine how we can deliver them more efficiently. Perhaps they are best delivered by the States and local governments. How can we be innovative and creative rather than just accepting the status quo.

We have hundreds and hundreds of programs that we have been delivering for years and years in pretty much the same manner, and there has been no incentive to address them differently or to rework them in a way where it could save taxpayers money.

I think the taxpayers of this country understand full well that the Federal Government should be balancing its revenues with its expenditures because ultimately that debt is being passed on to future generations.

So the Senator is correct in saying that we should examine—and I gather that is what the Senator is recommending—all of these Federal programs and agencies so that we have a better understanding of what we can afford, what is best left to the States to address and perhaps the Federal Government should not be implementing some of the services programs that we currently do.

We have never looked at it from that standpoint in the past. It has never been a performance-based driven budget, and we have no innovation and creativity delivered in a way that will save taxpayers money. The constitutional amendment to balance the budget will clearly be incentive considering there has been no incentive in the past other than to divert and avoid the statutory requirements of balancing the budget.

Mrs. HUTCHISON. I think the Senator from Maine would agree that for us to be able to put our best creative efforts forward, to decide how we can go forward into the 21st century by doing things a different way, doing things more efficiently, and giving the States back the power that they had when our Founding Fathers made the Constitution, we have to say there is a limit. The Government, like everyone else in America, will have to live within a budget.

We are not going to cut everything. The sky is not falling, as you have heard on this floor day after day after day. We are going to make responsible expenditures.

The Federal Government needs to do what it does well. It needs to have a strong national defense. We need to have big science projects to create the new technologies that create the new jobs for the future and improve the quality of life. We need to deliver our mail; that is one of the things that everybody assumed the Federal Government would do. We are not doing it very well. We could do it a lot better. We need to have foreign representation. We need to have foreign policy.

There are many things that the Federal Government should do and do well, and we need to appropriate the money to do that. We need to appropriate the money for closing our borders to illegal immigrants. There are many things that we will need to fund. But the difference is, from the debate we have heard between the two parties disagreeing on this issue, with some exceptions, of course, are we going to live within the budget and are we going to make those tough decisions? It is not a cart before the horse—you tell me what the decisions are going to be and then I will decide if I am going to do the responsible thing by saying you have to live within your budget.

There can be no question that we must live within our budget. And it is irrefutable that for 34 of the last 35 years we have not lived within a budget. We are going to have to take the necessary precaution of making parameters, and in this case the parameter is a balanced budget amendment which says Congress, you are going to live with a budget, and you can decide the priorities.

I think we should give Congress the freedom through the generations of the future to decide its priorities. But for heaven's sake, let us not miss this opportunity to promise to the American people that we are going to stop putting an $18,000 debt on every child born in this country.

Ms. SNOWE. Will the Senator yield?

Mrs. HUTCHISON. I will be happy to yield.

Ms. SNOWE. Would the Senator be surprised to know that half of the citizens of this country, half under the age 35 have only witnessed Congress balancing the budget just once? I guess it would not be surprising, given the fact we have seen on so many occasions Congress has avoided that responsibility.

As the Senator knows, before the Senate is pending the Daschle amendment, the right-to-know amendment. Do you think it is fair, I would like to ask the Senator, that we would present a budget, according to the Daschle amendment, a balanced budget plan to the American people knowing full well that that might not be the plan in the year 2002 because we have three intervening elections with two Presidential elections, different makeups of Congress, different priorities, different emergencies that might arise? If we only recall what has happened in the 7 years since 1988, we can only appreciate

what might happen over the next 7 years.

Under the Daschle amendment, we are being asked to set forth a balanced budget plan, right to know, send it out to all the States accompanying the ratification of the constitutional amendment. People will be making their decisions thinking that this will be the balanced budget plan in the year 2002 when in fact, of course, it would not because in the meantime Congress will be making all kinds of changes to that balanced budget plan.

So, Mr. President, I would ask the Senator, do you think it is fair to present that kind of plan to the American people knowing full well that that will not be the plan ultimately in the year 2002?

Mrs. HUTCHISON. I would only say to the Senator from Maine that I think it would be more fair if the minority leader would put forth in his right to know to the American people what they are going to do to balance the budget if we do not pass the constitutional amendment to require it.

I think that is what the American people would like to know. What are you going to do differently today than you did 34 out of the last 35 years? That is a right I think the American people have, to know before someone votes to kill this opportunity to have a balanced budget amendment for this country for the future, to know what they would do if it is defeated.

We must make sure that our future generations do not carry the debt of overspending and the excesses of the present day. We should not have the right to bind future generations from any present point by not living within our means. That is the bottom line.

It is not fair to say you are going to kill this amendment with a right-to-know provision if you are not going to say to the American people what they have a right to know, and that is what are you going to do to balance this budget if you do not have the amendment? That would be the responsible approach. Does my colleague not agree with me?

Ms. SNOWE. Mr. President, if the Senator will yield, I certainly do agree. I am sure that she will agree the fact is these amendments that are being offered—certainly the Daschle amendment is an attempt ultimately to kill the constitutional amendment to balance the budget. Which, as the Senator has mentioned, this will be our last occasion. This is our window of opportunity, because we have seen a historic vote take place in the House of Representatives last week. For the first time, that body enacted a constitutional amendment.

The last time the Senate enacted a constitutional provision and the House did not was in 1982. As I said, since that time, we have seen a 309-percent growth in the debt. That is $3.5 trillion since the last time the U.S. Senate enacted a constitutional provision.

We certainly cannot put that onto future generations by failing to do what is important here today. I think all of these amendments that are being offered are being offered in the spirit of killing the constitutional amendment to balance the budget, because they know full well we will in the final analysis balance that budget because we will take that action now.

Does the Senator not agree we would obviously begin that process to achieve that goal of balancing the budget so we can be prepared for meeting the final goal in the year 2002?

I know when I was in the House working on this issue, and we worked on to 1992, and in 1994 we in fact had planned to begin to set the process forward, in the first year and the second year, of course, as we are here, to begin the process of gliding us toward that path of a balanced budget in the year 2002, in anticipation of and presuming the States would ratify the constitutional amendment.

Mrs. HUTCHISON. Mr. President, I think the Senator from Maine has come to the bottom line. The amendments that are being offered are being offered to kill the amendment. I hope the American people will see this debate for what it is.

I have so much faith in the American people, in the good common sense of the people of this country. They can see the people who are being sincere about wanting to change the course of America, and those who are throwing up the roadblocks in the name of—whatever. Whatever exception they would like to have. It is a smokescreen. It is an effort to keep us from doing what really will get this country back on track.

We will have to make very tough choices. There is no question about that. Everyone knows that. But as I go out in my State and in the other States I am able to visit, I think people are ready. I think people more than ever are ready to say, ''You know, I would really like to have that expenditure, or some other program, but if it takes not having that particular program in order to balance our budget, we are willing to say in the scheme of things this may not be as important as the big things that only the Federal Government can do and do well.''

I am sensing that.

Does the Senator sense that in the State of Maine as she goes home and talks to the good, commonsense folks of Maine?

Ms. SNOWE. Mr. President, if the Senator will yield, I certainly do. Having been involved, of course, in this last election, I certainly understood the concerns of the people of my State of Maine, which was that we needed to be accountable for our actions and to be fiscally responsible.

People are no longer prepared to accept the notion we were going to continue with the economic as well as the political status quo. They understand we have not been accountable fiscally in the past. They are concerned not only about their own futures; they are concerned about their children's futures, as well. They know the impact of the deficit has affected their standard of living, whether it is through loss of jobs, the loss of productivity, the loss of savings that allowed this country to grow—it has prevented us from making the necessary investments in our infrastructure so we can invest in the future of this country. We cannot grow if the pie is getting smaller because we are consuming greater and greater pieces of that pie to pay the interest on our growing national debt.

The American people understand that. I know my constituents in the State of Maine understood that. For those people who are not involved—and I know the Senator was involved in an election last November—but for those who were not involved, they clearly misunderstood the message if they think the American people do not want a constitutional amendment to balance the budget. They do. They do not understand, as the Senator has mentioned, that the Federal Government does not balance its budget. Because everybody else in America does. They cannot understand why the United States Congress is not required to meet the same bottom line as every State save one in America, every family, and every business.

So in the election last November, that was the message. I think, in the final analysis, if we fail to pass this constitutional amendment, it really will send a message to the American people that somehow we do not get it. I think that would be unfortunate.

As the Senator from Texas would agree, the American people deserve more than that.

Mrs. HUTCHISON. Mr. President, I think the Senator from Maine has hit the nail on the head. Those of us who were in the election, an election that I think was to change the course of this country, do get the message. We got the message from the American people that they want a balanced budget amendment. Probably of all the issues they were voting on, this was among the very top.

I saw a poll in the Washington Post that showed 4 out of 5 Americans want a balanced budget amendment. Of course, the people will have another say in this. They do have the right through their legislatures to act on this balanced budget amendment to the Constitution. It does not just automatically go into the Constitution if we do pass this amendment by our two-thirds vote here. It will go to the States and three-fourths of those State legislatures must ratify the amendment.

So the people are going to have their say. They will be able to have the final word. I think it is very important for us, because of the message the people sent so loud and clear, that we are required to send it to the States to let

people have their say. I think the people will feel much better if they have the opportunity to act in this way on a very important part of the election of 1994; the election in which they said we want a more accountable Government, we want a more accountable Congress, and we want responsibility to be shown by our leaders.

That is exactly what we are trying to do. As the Senator from Maine pointed out, I think the people are going to send another very clear message in 1996, if they do not see that things are being done differently in the Halls of Congress. I think particularly because the House has acted on this already, it is very important the Senate, hearing the people's voices, give them a chance to let their legislatures ratify this amendment, or not ratify it, as they see fit. That is their voice.

But I think it is incumbent on us to let the people speak, through their legislatures, exactly what their feelings are on this issue.

We have the opportunity of a lifetime. For the first time in years, this Congress has the opportunity to change the course of this country by letting people have their say. I think we must do it. We really must do it. If we do not, if we did not get the message, I think that the people in the U.S. Senate who are now representing the people of our Nation will hear a lot more from the people. I got the message. I think the Senator from Maine got the message. But I am not sure that everybody that I have heard debating for the last week has gotten the message. I certainly hope for everyone's sake that we do the right thing.

Last year, when we were debating this amendment, Senator SIMON from Illinois, who was the sponsor of the balanced budget amendment and who did a wonderful job, was talking about the importance of this balanced budget amendment. He said the reason there were so many heroes in the Alamo is because there was no back door. Well, of course, no Texan could let that pass because I had to defend the honor of the heroes at the Alamo. I had to set history straight and say to the good Senator from Illinois there was a back door at the Alamo. The back door was when the line was drawn in the sand and every man at the Alamo was given a choice to cross the line and stay and fight or not to cross the line. Any man that did not cross would have been able to leave the Alamo before the siege began and go to the rear. Of course, everyone knows that every man crossed the line, including Jim Bowie, who had to be carried across the line in a stretcher. In effect, the Senator from Illinois was correct. The back door was a line in the sand. The line in the sand gave them the escape but the great heroes at the Alamo chose to close that door.

What the Senator was saying was we have a balanced budget amendment that is closing the door. We are not going to have heroes because we are going to close the back door, and we are going to do what is right. It is not heroic. It is just good common sense. Every person in America should know that it does not take a hero to do what everybody else in America is already doing, and that is living with a balanced budget; setting the parameters of what they think is best, and, saying, OK, this is what I have and I am going to prioritize with the resources that I have.

That is what we are asking the Congress of the United States to do, not just for today, but for our future generations. It is right that we amend the Constitution because this is a very important policy. It is part of our structure of government that we say we will live with a balanced budget.

Just about every State in this country has a balanced budget amendment in its constitution. It is the framework of government, whether you live with a debt or not. It is right to put it in the Constitution. What is not right is to legislate on the amendment by saying we are going to balance the budget but we will have these exceptions. That is not a document that will live through the centuries as our Constitution has.

Our Founding Fathers created a living document because they put the framework in place. It is a giant step to amend this wonderful document. That is why it has not been done very often. But it has been done when there was a need to continue to make it a living document, and that is why our Founding Fathers gave us a chance to amend it. They knew things would change in the course of our country's history. They knew that they would have to provide some way for us to be able to add to it so that it would continue to live, so that our people would not be oppressed with the document that did not protect them from the changes that they could not even envision.

I think a balanced budget amendment to the Constitution is very proper because it says this is going to be part of the framework of our Government, that we will live within our means and that we will not put a debt on the heads of our children for the spending that we do today.

It is pretty simple, and I think the American people understand that. I think the American people are a lot smarter than the politicians give them credit for. I think the American people are going to understand in this vote exactly whether the Senate of the United States got the message from November 8, 1994. They are going to be able to determine from this vote whether they need to send another message in 1996, or whether we are going to get this country back on track. Whether we are going to do responsible budgeting for our future and for the future of our children and grandchildren.

We must pass this amendment if we are going to take that first step toward bringing our country back to what our Founding Fathers thought it should be; that is, a very strong Federal Government that is limited in its powers and very strong States that can make the decisions for their people because they are closer to the people.

So I hope the Senate of the United States does the right thing for the people who have voted for us and who sent a clear message on November 8, 1994.

Thank you, Mr. President.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, let me just take a few minutes. I want to reply to the distinguished minority leader who took time to come to the floor and chat about some of the arguments that we have been making. I want to point out that the distinguished Senator from North Dakota mistakes my arguments.

I pointed out that article V sets forth the exclusive conditions for promulgation of a constitutional amendment. The distinguished Senator from North Dakota brought up that there is a 7-year time limit and that is a condition on ratification. Promulgation and ratification, of course, are distinct acts and are two different acts. They should not be confused. Under article V once Congress has passed an amendment by the necessary two-thirds margin in both Houses, the amendment must be promulgated to States for ratification. There is nothing in the text of article V nor in the constitutional history that suggests that Congress can play slick games with the States by passing an amendment but keeping it from going to the States.

The act of promulgation is a ministerial act that must be performed once the two-thirds vote has been obtained. By contrast, there is ample reason why Congress should be permitted to include additional terms and conditions on ratification such as the 7-year time limit.

Article V makes it clear that it is up to Congress to specify the ''Mode of Ratification.'' There is also substantial precedent in our constitutional history for Congress to specify time limits on ratification. In INS versus Chadha, a 1983 case—the case that struck down the legislative veto—the Supreme Court expressed the principle that when the Constitution sets out a methodology, Congress cannot expand on it, contract it, or otherwise alter it. Article V provides that a Constitutional amendment that is passed by both Houses shall be proposed to the States for ratification. The Daschle substitute is unconstitutional in that it would place an additional condition on, and thereby delay, Congress' promulgation of the balanced budget amendment. So I wanted to point out that difference.

In the meantime, what I would like to do, Mr. President, is just point out what is happening as we debate the balanced budget amendment. We call this chart the balanced budget amendment debt tracker. In other words, this is the

increase as we debate. On day one of the debate, the American taxpayers were called on to pay $829,440,000 in additional debt. That is day one of the debate. Now we are in day eight since the debate started. I have to tell you that if we put day eight down and accumulate it up to today's date, we are talking about a $6,635,520,000 increase in the national debt as we have debated the balanced budget amendment. In just 8 days, we shot up from here to here. We have gone up from a little less than a billion dollars to almost $7 billion—$6,635,520,000—in just 8 days. We intend to put this balanced budget amendment debt tracker on the floor every day. Day 9 will go up even a little bit more, and we will keep that going on as we go through each day of debate, because there are those who think that a prolonged debate and a defeat of the balanced budget amendment in the end, of course, is a good thing for America. We think a prolonged debate and defeat of the balanced budget amendment is a disaster for America, and this shows us the difference in just 8 days of debate, what it means to the American taxpayers.

According to the Concord Coalition, our national debt increases at $9,600 a second. That is $576,000 a minute, $34,560,000 per hour, and $829,440,000 a day.

So as this chart shows, the national debt on January 30, 1995, the day we began debating this amendment, was in excess of $4.8 trillion. That is what this red line means. On the first day of that debate, we added $829,440,000 to the national debt, all while we are standing here talking about the balanced budget amendment.

By 2 o'clock today, 7 days later, the eighth day, the debt has increased by $6,635,520,000. So as I have said, beginning today, I will post on this chart how much the debt has increased since the debate began. As you can see, the amount is tremendous.

Mr. President, we have been debating day in and day out, for the 19 years that I have sat in this body, how we should balance the budget. We ought to have the guts to do it and we should do it. Yet, every day we are going up $1 billion in national debt while Washington spins around and does business as usual. Mr. President, that is what is happening here—business as usual, the old order, the old way of doing things. I loved James Q. Wilson's article in the Wall Street Journal. He has never been a believer in the balanced budget amendment, but he has come to the conclusion that it is the only thing that politically will work. I think this type of a chart helps him to understand why it has to be.

Mr. President, I am tired of the old order. I am tired of the old arguments. I am tired of the excuses. I am tired of the American taxpayers having to live with our profligacy. I am tired of your children and my children, your grandchildren and my grandchildren, having to pay for the profligacy of people who do not have the guts to do what is right here. We have a population out there, in part, that is demanding that we cut the deficit but the reason we do not do it is that we are demanding tax cuts while they want more spending. If someone tries to bring fiscal order around here, many of these people will scream that it may hurt my program.

That is why we need a balanced budget amendment. We have to do something in the best interest of the country as a whole, of our children and our grandchildren. This chart, I think, as well as anything I know, shows us where we are going. Each one of these days we will put up how much, since the first day of debate, spending and the deficit has gone up.

The best argument I know to make for the balanced budget amendment is to read this budget of the administration that they just handed out today. I know the administration tried to do its best, but even it has thrown its hands in the air and said we cannot do any better than almost $200 billion deficits every year for the next 12 years.

I have to tell you, that is not the answer, Mr. President. The answer is the balanced budget amendment that says, look, the game is up, fiscal responsibility is finally here, or else you are going to have to vote to not be fiscally responsible and face the wrath of the taxpayers. That is what this amendment will do. That is why our colleagues should vote for it. I hope they all will.

I yield the floor to my colleague from Alabama.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, there is certain language in the resolution calling for a constitutional amendment to balance the budget that I think needs some explanation and may throw some light on some aspects of our Government that we need to be informed about.

Section 2 speaks of the debt of the United States. This is a section that I believe should be very strongly included because I think it gives enforcement power. It reads as follows:

> The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

Now, the particular language that I want to direct the attention of the Senate to is "the debt of the United States held by the public." In the committee report, which I intend to offer in its entirity into the RECORD, there are explanations on various aspects of the language found in the resolution. Let me direct your attention to these words

> * * * debt of the United States held by the public * * * a phrase which is a widely used and understood measurement tool. The General Accounting Office, in its "Glossary of Terms Used in the Federal Budget Process" [(Exposure Draft, January 1993)], defines "Debt Held by the Public" as "That part of the gross Federal debt held outside the Federal Government. This includes all Federal debt held by individuals, corporations, State or local governments, the Federal Reserve System, and foreign governments and central banks. Debt held by government trust funds, revolving funds, and special funds is excluded from the debt held by the public."
>
> The current, accepted meaning of "debt * * * held by the public" is intended to be the controlling definition under this article.

I think it is very important, relative to trust funds, that we understand that the debt held by Government trust funds, revolving funds, and special funds is excluded from the language "debt held by the public."

Now, under section 2, it takes a three-fifths vote to be able to raise the national debt held by the public. I interpret this to mean that in the event that we did not raise the national debt, we did not vote by the three-fifths vote to do it, then trust funds, revolving funds, and special funds that are in surplus could continue to be paid.

Normally, in the course of events, if the U.S. debt is not raised, you have reached the maximum of the debt. Therefore, you cannot borrow. When you cannot borrow and do not have funds to operate on, the Federal Government comes to a halt.

But by this language, "trust funds, revolving funds, and special funds" are excluded from this. Therefore, if there is surplus in those trust funds, then payments can be made to the recipients of those trust funds or those revolving funds. Now, that would apply to Social Security funds. That would apply to highway trust funds. That would apply to aviation trust funds and others, according to the way I read this, relative to the operation of the Federal Government in the event that a debt limit is not raised in order for the government then to continue to borrow.

I want to also speak briefly on trust funds and to some of the other aspects of this language. Under section 1, we have a situation where the total outlays shall not exceed the total receipts for the fiscal year unless you have a three-fifths vote. In the definition as to what "receipts" means, under section 7, it is defined in the language and it is the explanation given in the committee report that:

> Total receipts * * * is intended to include all moneys received by the Treasury of the United States, either directly or indirectly through Federal or quasi-Federal agencies created under the authority of acts of Congress, except those derived from borrowing. In its present usage, "receipts" is intended to be synonymous with the definition of "budget receipts," which are not meant to include offsetting collections or refunds.

The exception to total receipts is "except those derived from borrowing." And this "is intended to exclude from the receipts the proceeds of debt issuance. To borrow is to receive with the intention of returning the same or the equivalent. It is intended that those obligations, the title to which can be transferred by the present owner to

others, such as Treasury notes and bonds, be excluded from receipts.''

Now here is an important aspect of this explanation: ''Contributions to social insurance programs, though also carrying an implied obligation, are not transferable and should be included in receipts.''

Basically, I interpret this language to mean that trust funds, like Social Security, which take in contributions, should, therefore, consider those contributions as receipts within the meaning of the foregoing language. Therefore, they are not excepted from the definition of total receipts. Actually, I believe the way this is written, ''to include all moneys received by the Treasury of the United States,'' will mean that Social Security funds and other trust funds cannot legislatively be declared to be off-budget. I believe that the way this language is written constitutionally requires that trust funds be on-budget as opposed to being off-budget.

Now, trust funds are in instances loaned to the Government where there is a surplus like in the Social Security trust fund or in the highway trust fund or in the aviation trust fund, and so forth. They are placed in Government securities, as required by Federal law. Being placed in Government securities, therefore, they are not transferable, because they are a unique type of obligation that is required for the Government to purchase.

Therefore, a surplus that is invested from the Social Security trust fund can be repaid under the language of this amendment and the definition of outlays has to be considered. In the definition of outlays, the amendment says, ''Total outlays shall include all outlays of the United States Government except for those for the repayment of debt principal.''

So, in regard to the application of the balanced budget amendment and the balancing of the budget to require a three-fifths vote, we see that, first, trust funds surpluses are included in the total receipts but for the pay-back of the trust funds. Therefore, there is the exception that excludes it from the three-fifths vote in that it is a repayment of debt principal. And the repayment of debt principal allows the borrowing that is done from trust funds to be repaid without having to go through the three-fifths votes or to be, in effect, on budget in that manner.

Now, there is a problem, as I see it, where the Social Security trust fund or any other trust fund with a surplus, is taken and put into the special types of instruments by which the Government invests in Government securities. But there is a problem in that attributable interest is not included in the ''total outlays'' exception.

As the attributable interest on the debt principal becomes due and payable, therefore, a question is raised as to whether or not it has to be paid through the regular budget and could Congress, by law, refuse to pay the interest due on the principal debt? These are questions which must be answered in the days ahead as we debate the implications of whether or not there should be a Social Security exclusion within the proposed constitutional amendment to balance the Federal budget.

A similar question is raised in regard to an issue pertaining to a capital budget. As I interpret the language, the definition of total receipts excepts from the total receipts those that are derived from borrowing. If we borrow, then we would have the right for that income not to be included in regard to total receipts.

Then, on outlays where we have an exception for the repayment of debt principal, we have an exception which can apply to a capital budget. But again, the attributable interest has to be handled through the two-thirds vote and through the three-fifths vote in a manner that it is brought up.

I do not think the language of this excludes a capital budget, but on the other hand there is the question pertaining to the interest that I think is a matter that ought to be considered and about which we ought to be knowledgeable as we further debate this amendment.

Mr. President, I ask unanimous consent that the committee report filed on this proposed resolution be considered, as fully printed, a part of the debate at this point in my remarks.

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

Mr. HEFLIN. Now, Mr. President, we know all the statistics and have heard all the arguments for and against an amendment requiring a balanced Federal budget on numerous occasions over the years. It appears, however, that this body will finally get its best chance yet to draw upon the potential of this Nation and finally adopt a balanced budget amendment resolution and send it to the States for ratification.

The 104th Congress has seen a confluence of political and fiscal developments that makes the amendment's chances of passage this year by both Chambers of the Congress better than ever before. The House has already acted, and has said emphatically that this is the discipline we need. The intense concern to do something about the deficit has become part of the national psyche: It is on the mind of every person who thinks and cares about the future of America. This resolution enjoys broad bipartisan support.

For most of our history, a balanced budget at the national level of government as an unwritten part of our Constitution. A balanced or surplus budget was the norm for the first 100 years of the Republic. In recent decades, however, Americans have witnessed a continuing cycle of deficits, taxes, and spending. We tend to look at each program in isolation, not realizing how each appropriation affects an already strained treasury.

Alexander Hamilton, while serving as Secretary of the Treasury, once said: ''Public debt swells 'till its magnitude becomes enormous, and the [burdens] of the people gradually increase 'till their weight becomes intolerable. Of such a state of things great disorders in the whole political economy, convulsions, and revolutions of government are a natural offspring.'' Hamilton made this observation nearly 200 years ago, but it is surely instructive to us as we debate the balanced budget amendment.

Similarly, once our Constitution was finally adopted, Thomas Jefferson warned, ''The public debt is the greatest of dangers to be feared by a republican government'' Jefferson knew the long-term evils of deficit spending.

Over the course of history, we have lost sight of our Forefathers' warnings. I am firmly convinced that the Federal Government does not have the will power to reduce spending and balance its budget without a constitutional amendment mandating that it do so.

Yes, this amendment's opponents argue that if we possessed and practiced a stronger discipline, such a drastic measure would not be needed. I do not dispute that sentiment. I wholeheartedly wish that we did not need this amendment. I do not take amending the U.S. Constitution lightly. But I do dispute the sentiment's reality. Incredibly, the last balanced budget came 25 years ago under President Johnson. The haphazard fiscal policies of the last 20 years or so show that the problem goes much deeper than individual or collective resolve. We have to admit that simple collective will power will not solve this dilemma, regardless of who is responsible for the state of affairs as it now stands. We all must accept responsibility. It is the institutional structure of government that encourages short-term responses to individual need, rather than their implications for the greater good and the future.

Others argue that such an amendment would alter forever the balance of power between the executive and legislative branches. But under this amendment, each branch will retain its constitutional powers. The stalemate we have now with regard to national fiscal policy would be broken without significant changes in the balance of power.

Other opponents say that this amendment will result in economic policy and budgeting by court decree, significantly higher taxes, and severe cuts in important programs. The provisions in this resolution address each of these arguments and provide safeguards against them. The bottom line is that the amendment will impose upon the executive and legislative branches the discipline needed to set priorities.

It is important to understand what will happen if we do not get our national deficits and debt under control. Increased debts leave smaller safety margins necessary to deal with possible

economic adversity. This poses a certain threat to our economy, leaving it highly vulnerable to increases in interest rates or shortfalls in income.

Moreover, should interest rates rise during this period of high personal and corporate debt, many individuals and businesses would be unable to meet the high interest payments to follow. Bankruptcy and economic instability would become widespread.

If we look back just a few years, we can see that the refusal of the executive branch and Congress to take seriously the mounting deficit was one reason the American economy faltered during the period before the 1992 elections. As our national savings pool shrank, our rate or gross investment became too low, our interest rates too high, and job creation too slow. The favorable economic conditions we have now are encouraging, and proof that the omnibus bill we passed in August 1993 was the right thing to do. But this should in no way absolve us from taking further, more definitive action by passing this resolution.

We should not fear the State's approval of an amendment to balance the Federal budget, as over 30 have already signaled a willingness to do. The State legislatures are where the heart of this debate should be, since more than 40 out of 50 have already learned to operate under laws mandating balanced budgets.

There is no doubt as to what our responsibilities as national leaders are in this regard. There is also no question as to what the American people want and deserve. The only question is whether we are willing to respond affirmatively by accepting the challenge. What this debate boils down to is the very future of this country. A constitutional amendment to require a balanced budget is the only way to once and for all control spending and eliminate record high deficits. It is time to take decisive action rather than to continue divisive rhetoric.

Indeed, we have already exhausted a wealth of different options to bring our finances under control, but they remain out of kilter. The right thing to do is to amend the Constitution so that Congress and the President are required to balance the budget.

Mr. President, I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Louisiana.

MR. BREAUX. I thank the President for recognizing me.

Mr. President, we are engaged in debate on the question of whether we should submit to the States a constitutional amendment to ask them to approve that which would require the Federal Government to balance the budget. You would think that on such a historic debate people in the galleries would be falling over themselves to listen to the words of all of the Members of the Senate because, indeed, this is a very important debate. But I do not see there is that great interest in what we are doing on the floor of the Senate this afternoon, and that is unfortunate, because I think it is very, very important that Members of Congress, not only in Washington, but elected officials in our States, also reflect on what we are doing because it, indeed, will affect them directly.

I take this time to call to the attention of my colleagues a very excellent editorial which appeared this morning in the Baton Rouge Morning Advocate, one of the, I think, outstanding papers that covers the State of Louisiana. I will ask that it be made part of the RECORD. It addresses what I think is a key part of this debate.

We, in the Senate, cannot pass a balanced budget amendment by ourselves. I want to say very clearly, I support a balanced budget; I support a balanced budget amendment. I think it should be part of the Constitution. But I think that we should recognize that there is a partnership arrangement here. We cannot do it by ourselves. A balanced budget amendment can only be part of the Constitution if 38 States ratify it. Then it is going to be incumbent upon them to look at the balanced budget when they get it, say, my State of Louisiana, and say, ''All right, what does this mean? How is it going to affect the people of Louisiana?'' not just how does it affect Congress or how does it affect Washington, because the real effect is going to be on the people in the various States.

The editorial is headlined ''People Deserve an Explanation.'' And it says:

House majority leader Dick Armey, R-Texas, is right when he says spelling out necessary spending cuts will make it tough, maybe impossible, to enact a balanced budget amendment.

However, Armey and his party are wrong to refuse to level with the people about what this would entail.

The editorial continues:

As Armey has suggested, knees are likely to buckle in Congress if the pain this will cause is detailed. Many citizens also will lose zeal for fiscal responsibility when they discover that it is likely to affect them.

The Republicans' refusal to say how they propose to balance the budget sends a clear message that they believe the cowards among us, in Congress and elsewhere, outnumber those who are willing to face unpleasant facts and do what is necessary to correct this problem. Recent history supports that premise, but this can change with responsible national leadership in the White House and Congress.

In a representative democracy the people deserve to be given information they need to make up their minds about vital issues. Given that information, the people might well make the wrong decision, but that is the privilege of a free society.

Furthermore, the political strategy of refusing to divulge details, as smart as it might seem to congressional leaders, could backfire on them.

The public's appetite for detail is not always keen, but the American people don't appreciate politicians who deliberately keep them in the dark.

The editorial concludes by saying:

We want the budget balanced and the national debt reduced, but we cannot support the notion that what the people don't know won't hurt them.

I ask unanimous consent that the entire editorial be printed in the RECORD.

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

[From the Baton Rouge Morning Advocate, Feb. 6, 1995]

PEOPLE DESERVE AN EXPLANATION

House Majority Leader Dick Armey, R–Texas, is right when he says spelling out necessary spending cuts will make it tough, maybe impossible, to enact a balanced-budget amendment.

However, Armey and his party are wrong to refuse to level with the people about what this would entail.

As Armey has suggested, knees are likely to buckle in Congress if the pain this will cause is detailed. Many citizens also will lose zeal for fiscal responsibility when they discovered it is likely to affect them.

The Republicans' refusal to say how they propose to balance the budget sends a clear message that they believe the cowards among us, in Congress and elsewhere, outnumber those who are willing to face unpleasant facts and do what is necessary to correct this problem. Recent history supports that premise, but this can change with responsible national leadership in the White House and Congress.

In a representative democracy the people deserve to be given information they need to make up their minds about vital issues. Given that information, the people might well make the wrong decision, but that is the privilege of a free society.

Furthermore, the political strategy of refusing to divulge details, as smart as it might seem to congressional leaders, could backfire on them.

The public's appetite for detail is not always keen, but the American people don't appreciate politicians who deliberately keep them in the dark.

We don't doubt that Democrats are politically motivated in calling for the Grand Old Party to detail its grand new plans. As columnists Jack Germond and Jules Witcover recently noted, Democrats realize details would bring out special interests in opposition to the amendment. They correctly observed that details of President Clinton's health-care proposals were ''the ammunition for their rejection'' last year.

On the other hand, we are convinced that Hillary Rodham Clinton miscalculated mightily when she and a legion of advisers undertook to draft those health-care proposals in secrecy. That tactic might have delayed attacks by special interests regarding the specifics, but it also aroused considerable public suspicion about what was being fashioned behind closed doors.

The Democrats' motivation might be petty indeed, but their position is quite correct. As the saying goes, the devil is in the details, and that is precisely why the public is entitled to know them.

A balanced-budget amendment has been approved in the House and likely will come to a vote in the U.S. Senate shortly. U.S. Sen. Bennett Johnston, D–La., has announced his opposition to the amendment. Sen. John Breaux, D–La., says he is undecided.

Breaux, Johnston and 39 other senators support a ''right-to-know'' provision for the amendment. We don't necessarily favor putting that language in the amendment, but we do support the concept behind it.

Breaux says Congress cannot spell out every projected budget cut in every federal program over the seven years Republicans

want to gradually balance the budget. However, he says Congress can pass a seven-year outline of general intent and budget-writing methods.

Breaux is right.

We want the budget balanced and the national debt reduced, but we cannot support the notion that what the people don't know won't hurt them.

Mr. BREAUX. Mr. President, the point that the editorial attempts to make, and I think does a good job of doing, and the point I have been trying to make is that we are, in effect, by this amendment, without the right to know accompanying it, sticking it to the States and doing it in the dark. We are saying to the States that you should trust us to do the balanced budget efforts that are necessary in Congress in a way that you are going to like or a way that you can handle it or in a way that you can support, but do not make us tell you how we are going to do it.

We are saying, we are going to give you the balanced budget and you should ask your State legislators to vote for it, make it part of the Constitution. And then sometime later, the Congress is going to tell you, after you have already voted for it, after the fact, we are going to tell you what it is going to mean to your State.

But I suggest at that point it is too late, they will have already voted. They will have already voted to cut programs, they will have already voted to have to raise taxes, if they are going to keep a level of program funding for their respective States. But then it is going to be too late.

So I say, what is wrong with trying to require that, when we submit the balanced budget amendment to the respective States, it is accompanied with a budget resolution that says to the States that if you adopt this, here is what it is going to mean to your State? Like the editorial said, they might not vote for it, they may make the wrong decision, but at least they will have made the decision knowing what the implications are.

I asked the National Governors Conference when I spoke to them last week: ''Governors, how are you going to answer the question of your speaker of the house or your president of the senate when he or she comes to you and says, 'Governor, if I ask our colleagues to vote for this, what is it going to mean to the people of our State?' ''

And the Governor is going to have to say: ''I don't know. Trust Congress.''

That is not a sufficient answer. It is like Ronald Reagan used to say when he talked about the Soviets, he said trust, yes; trust but verify. I suggest that if the only verification we can give the States is to tell them how we are going to reach that time in the year 2002, in effect achieve a balanced budget in 7 years, what is wrong with telling them how we are going to do it?

Some of our colleagues say, ''We can't do that, we can't do a 7-year balanced budget amendment; it is too difficult, it is too hard to do it.'' I suggest we did it 2 years ago when we passed a 5-year reconciliation. We cut the Federal deficit by over $500 billion. It was not easy. Not a single Republican voted for it, but we did it for 5 years. And if my Republican colleagues say, ''Well, we can't do it for 7; that is just impossible,'' how about 5? Make me an offer. Let us do it for 5. I will go along with 5. But at least give the States some information so they can cast an intelligent vote when we ask them to vote for the balanced budget amendment.

Like the editorial said:

We cannot support the notion that what the people don't know won't hurt them.

I suggest that as the States become more concerned about what this really means, they will demand that the Congress give them an indication of what we are going to do, how we are going to do it, before we ask them to vote for it. I think that is fair. I think it is the right thing to do.

Mr. President, I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I rise today to address the Senate, not only as a Senator representing the State of West Virginia, but also in my capacity as ranking member of the Senate Committee on Veterans' Affairs.

To repeat a point I made before this body last Thursday, I still do not understand why so many of my colleagues want to add another page or even more to the U.S. Constitution to force us to do the job we were sent here to get done.

From the day I entered the Senate, and saw the way the Federal deficit was growing out of control, I braced myself for the decisions and the public, out-in-the-open votes that would be required to deal with our budget crisis. Making actual cuts in programs and benefits is hardly ever easy—they almost always take something away from someone. but that's what our job requires. And that is why just 50 of us voted less than 2 years ago to enact a record level of real, actual deficit reduction. We did not need to clutter the Constitution to enact a more responsible and fair budget.

And to speak to today's question, I cannot emphasize enough how enormously troubled I am by the idea of using the Constitution to force $1 trillion or even $1.4 trillion in more cuts without West Virginians or the rest of the American people having any idea where those cuts would be made.

At the moment, I want to speak not only for the people of my State, but for the 202,200 West Virginians who are veterans—and for the 26,364,900 veterans across the country.

Mr. President, the veterans of West Virginia and the United States of America have the right to know. They have the right to know what this proposed amendment to the Constitution will do to the services and benefits that come to them because they once served, or fought, or even physically suffered to stand up for the very rights that our Constitution stands for. What a cruel irony it will be if Congress revises the Constitution to break faith with the very men and women who have served their country so faithfully.

It is not that veterans have excluded themselves from dealing with the country's fiscal problems. Sitting on the Veterans Affairs Committee, I have heard the leaders of veterans organizations repeatedly tell us they are willing to do their fair share in solving the Nation's problems, and that includes the Federal deficit. In fact, veterans made a major contribution to the package that we enacted in 1993. That deficit reduction plan required $2.6 billion in savings in veterans' programs, spelled out on paper for anyone and everyone to evaluate, debate, support, or oppose.

The difference between the 1993 deficit-cutting plan and this constitutional amendment is that the former told veterans, in my State and across this country, what Congress felt had to be done to cut waste and reduce Government spending—where the latter, this balanced budget amendment, may as well say, ''Sign now, pay later.'' There is not a clue in this amendment to even hint at what will happen to veterans' compensation, pensions, health care, widows' benefits, prosthetics, education, and claims processing. Not one word.

That is why we want to attach a Right-to-Know ''rider'' on the business before us. We are simply saying a better, more honest policy is for the proponents of the balanced budget amendment to first show upfront who will pay, and when and how, and then we can talk about signing at the bottom line.

I have said before, and I continue to say, that we in this body owe the American people a clear explanation of where the trillion dollars or more of cuts will come from, not vagueness about where they might come from or whether taxes will be increased or decreased. We owe those who have served and sacrificed for this country, the more than 26 million veterans from coast to coast, a clear explanation. They have at least earned the right to hear the full truth.

The Federal Government's agencies and experts are struggling to forecast what impact this constitutional amendment might have on Americans. Most sources from the Government or private organizations say that the size of the cuts required will be unprecedented—immense in scope. Because the budget would have to be balanced in 7 years, one-third of programs from anticrime efforts to Medicare may have to be eliminated. That is a figure, a number: one-third.

In the real world, that figure translates into less police and fewer prison cells. It means seniors finding out their

doctor cannot see them anymore because Medicare has stopped paying. It means rural hospitals going under when payments aren't keeping up with the cost of providing the world's greatest medical care I always hear about on this floor when we try to enact health care reform.

And today, I want to talk about what all this might mean to our Nation's veterans.

I have sometimes told veterans that when you are a veteran yourself, or when you work at the VA or volunteer for a veteran's service organization, you do not need to be reminded about the sacrifices of those who served in our Armed Forces. It is part of your daily life—and it is very easy, Mr. President, to begin to think that everyone thinks about veterans, and the veterans community. But it is not always the case.

Veterans have carried the torch of freedom proudly from one generation of Americans to the next, by their courage in war, in defense of America—and by their dedication in peace to keeping America strong.

So how exactly will this constitutional amendment affect veterans? I do not see a single provision in this proposal to exempt veterans' benefits and services, like monthly compensation for disabled, service-related veterans. I cannot find any large or even fine print that gives one single clue on how veterans' programs will be cut, where they will be cut, when they will be cut.

Make no mistake about it. Veterans' benefits will have to be on the cutting table under a balanced budget amendment that tries to get the job done in the next 7 years. The contract made to veterans will have to be rewritten to rush this quickly and this blindly toward the Promised Land.

Let us talk just a minute about veterans' benefits, Mr. President. We hear a lot about them. What exactly do we mean when we say ''veterans' benefits''?

First, there is service-connected disability compensation. This compensation is paid to veterans who were injured while in service to this country. It is a benefit valued perhaps more than any other in VA. Why? Because our Nation recognizes and respects, as we should, the commitment we made to those who gave up their livelihood, left their homes, agreed to risk their lives for their country, and suffered an injury while doing it. Many never came home. Who here intends to break our contract with the disabled men and women who have served their country and risked so much?

When commenting recently on the Contract With America, the Secretary of VA, Jesse Brown, said, ''America already has a contract, if not a sacred thrust, with its 26 million veterans who have honorably and faithfully served their country.''

Veterans with low incomes get help through a pension program. It differs from compensation in that it is a needs-based program. It is available only to a totally disabled veteran who served during wartime and though not injured while in service, suddenly finds himself or herself in need of help just to survive. And with the amount of money the Government pays them under this program now, it is all they can do to survive.

Jesse Overbaugh and his family in Richwood, WV, are a good example of how a pension works. Jesse was ill this past year with serious circulatory problems and unable to work. He and his wife, Lucena, still had four children living at home. Jesse is a Vietnam combat veteran who was awarded the Bronze Star. The VA was able to help the Overbaughs until they began receiving other help. The family received a monthly check for $1,296 from VA. Not much money for a family of six, but it was all the help they could get at the time—and the least our government could do for a man who risked his life in Vietnam.

Do the proponents of this constitutional amendment want to tell Jesse Overbaugh and his family to expect to lose a third of that pension? Or what does the Senator from West Virginia tell them about how this amendment will affect them? They have a right to know, and I would like to know.

When we combine the amount of money VA spends on compensation, pension, and education, it makes up almost 50 percent of the total VA budget. Many people do not realize that.

Yes, the budget can be balanced in 7 quick years through a plan that includes slashing veterans' benefits by 30 percent. That is, indeed, an option. But it is not this Senator's idea of a just or responsible plan.

The veterans and families of my State and this Nation have a right to know what exactly is being contemplated to get the budget balanced this quickly. Is one idea to break promises—our contract—with the men and women who agreed to risk their lives for freedom at home and around the world?

As I stand here today, let us think about reducing our debt—by a third—to the veterans of the 11th Airborne who 50 years ago this past weekend parachuted into the mountains outside of Manila as part of the operation to liberate the Philippines. What do the proponents of this amendment have to say to these veterans and their families, as we debate a constitutional amendment to balance the budget that does not include a single detail on how the job will get done?

Last year, we celebrated the 50th anniversary of the GI bill, often referred to as the most comprehensive legislation ever passed. Twenty million veterans benefited from its programs.

In keeping with that tradition, over 380,000 service members and veterans received benefits from the Montgomery GI bill just in 1994. The veterans still counting on this help to attend college or more education have a right to know. It is time to tell them, many of them Persian Gulf veterans, to give up on that hope? If this program is cut by a third, there will be $258 million less in return for the contributions they made to their education. Shouldn't someone be telling them that Congress may be on the verge of breaking this contract with them?

How about our contract with America's military widows? How do you tell the widow of a disabled veteran who died as a result of his service-connected injuries, that her monthly income will be cut from $769 a month to $539? That is less than $7,000 a year. These are not rich people—these are the sons and daughters of America, people often on the margin. We need to remember the price that is paid by those who are left behind during a time of war and world conflict, those left behind to worry—to wonder—to wait. The wives, daughters, and mothers; the fathers, sons, and brothers. War leaves its mark on all of them. They, too, have the right to know what this proposed amendment to the Constitution will mean to them.

Recent surveys show that between 250,000 and 600,000 veterans are homeless each night. Imagine—some 250,000 veterans on any given night living on the streets or in shelters. These figures are absolutely staggering. Outrageous.

I want to remind my colleagues that in 1994, 20,200 homeless veterans received assistance in VA regional offices, shelter sites, and on the streets. How many homeless veterans are living in Maine—in Florida—in New Mexico, or Oregon? My colleagues may not be hearing from homeless veterans. There are good explanations for that. Like not even having the pen and paper or the money for a phone call to be in touch.

We will know soon enough, if this amendment is attached to the Constitution, just how serious the problem of homeless veterans is in every State. The States and communities that don't want unfunded mandates will be handed an immense, unfunded shift in responsibility for veterans living on the streets and grates.

There is not one hospital, one vet center, one outpatient clinic, one veterans' home or domiciliary, that will be safe. If we put the budget on this speeding train, it may have to trample any one of these.

I cannot say which veterans hospitals will be hurt the most by the cuts. Because this constitutional amendment does not come with details like that. I can only guess.

I can speculate that hospitals in rural States and communities will be especially vulnerable. Then I think about small States like Delaware. Would the veterans of Delaware lose their only VA hospital? Or other rural States where VA medical centers provide health care to thousands of lower income people who have no place else to go? Medical centers like those at

Hot Springs, SD, or Fort Harrison in Montana?

Mr. President, I ask unanimous consent at this time that tables from the 1994 Annual Report of the Secretary of Veterans Affairs showing the number of patients receiving inpatient and outpatient medical care, broken down by State and facilities, be printed in the RECORD.

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

TABLE 7.—PROGRAM SUMMARY, INPATIENT AND OUTPATIENT MEDICAL CARE, FISCAL YEAR 1994

Location of VA facility	Inpatient care—patients treated [1]									
	Hospitals			Nursing homes			Domiciliaries		Outpatient medical care	
	VAMC hospital care component	Non-VA [2,3]	State home [2,4]	VAMC nursing home care component	Community [2,3]	State home [2,4]	VAMC domiciliary care component	State home [2,4]	Visits to VA staff	Fee basis care
Departmentwide:										
Totals	906,925	20,377	2,056	30,926	29,096	17,873	18,244	6,453	24,134,839	1,023,144
Transfers	33,651			614	452		20			
All facilities: Totals	940,576	20,377	2,056	31,540	29,548	17,873	18,264	6,453	24,134,839	1,023,144
Alabama:										
Birmingham	7,455	86			129				166,437	
Montgomery	3,668	88			37	205			45,299	20,092
Tuscaloosa	4,016	3		236	19				65,562	
Tuskegee	5,822			208	60				82,849	
Alaska: Anchorage (ROC)	46	1,700			55		71		57,349	33,113
Arizona:										
Phoenix	10,379	122		306	211				232,574	10,718
Prescott	2,533	12		77	177		706		77,304	
Tucson	5,966	2		664	370				183,676	
Arkansas:										
Fayetteville	3,733				60				76,726	
Little Rock [6]	16,696	214		307	397	34	268	15	288,136	27,375
California:										
Fresno	4,376	29		330	80				125,171	4,786
Livermore	1,365	87		206	31				49,131	
Loma Linda	7,504			273	267				191,043	
Long Beach	11,961	233		496	268				358,982	
Los Angeles (IOC)									158,800	349
Martinez		666			115				293,825	15,767
Palo Alto [6]	10,389	117		775	583		212		278,897	13,420
San Diego	8,280	211		308	202				261,458	19,695
San Francisco	7,719	245	570	256	274	883		1,284	228,609	22,200
Sepulveda	1,788	176		72	107				250,206	
West Los Angeles [6]	15,683	52		318	609		956		407,912	
Colorado:										
Denver	7,732	29		239	247	301		42	213,383	7,986
Fort Lyon	840	48		192	35				37,583	
Grand Junction	2,428			71	67				42,410	
Connecticut:										
Newington	2,713	66	717		102			971	80,393	7,083
West Haven	7,330	5		159	197				177,174	
Delaware: Wilmington	3,142	23		129	90	455			80,271	2,091
District of Columbia: Washington	10,295	124		233	222	368		124	241,055	3,740
Florida:										
Bay Pines	11,560	1,594		488	481		609		264,921	61,692
Gainesville	9,604	47		224	143				183,575	
Lake City	6,059	6		216	59				89,620	
Miami	12,051	235		421	246				396,341	
Tampa	12,325	48		506	437				372,733	
Georgia:										
Atlanta	8,662	422		225	291				176,838	44,653
Augusta [6]	9,870	4		88	245	358			147,809	
Dublin	4,588	2		174	153	396	743	135	74,004	
Hawaii: Honolulu (ROC)		2,009			52				81,929	15,956
Idaho: Boise	3,275	25		277	105	253		132	92,650	2,977
Illinois:										
Chicago (Lakeside)	6,746	23			133				171,059	
Chicago (West Side)	8,177	225			340				265,084	11,016
Danville	6,271	43		358	142				122,187	
Hines	13,080	75		495	543	515		15	273,266	
Manon	4,858	21		133	283				92,650	
North Chicago	4,465	40		554	476		211		146,396	
Indiana:										
Fort Wayne	3,102			132	144				37,560	
Indianapolis [6]	7,995	182		218	305	417		78	183,679	21,416
Manon	2,418			100	79				54,701	
Iowa:										
Des Moines	4,041	9	256		121	742	75	184	78,740	11,062
Iowa City	6,576	40			233	581		103	106,962	
Knoxville	2,349			368	53		433		55,620	
Kansas:										
Leavenworth	4,014	27		183	200		695		108,640	3,145
Topeka	5,178	23		159	82				142,153	3,467
Wichita	3,902	110		151	150	93		165	79,776	13,057
Kentucky:										
Lexington [6]	8,570	14		215	115	299			130,061	
Louisville	7,944	144			260				157,053	11,732
Louisiana:										
Alexandria	4,504	22		256	195				84,724	
New Orleans	7,622	105			140	187		128	250,013	5,966
Shreveport	6,515	59			252				116,000	6,674
Maine:										
Togus	4,475	122		113	72	332			121,664	28,945
Maryland:										
Baltimore	7,157	76			179				239,150	6,862
Fort Howard	1,907	31		69	33				39,484	
Perry Point	3,496	5		159	83				92,646	
Massachusetts:										
Bedford	2,919	22		327	135		144		143,386	
Boston	9,501	112	405		200	119		390	355,437	3,746
Brockton [6]	7,818			195	258				235,745	
Northampton	2,891	38	108	119	167	391		40	123,643	
Michigan:										
Allen Park	8,154	219		155	88	661		103	208,982	10,748
Ann Arbor	6,489	16		407	181				169,602	
Battle Creek	4,646	19		282	99				145,378	
Iron Mountain	2,432	12		117	45	216		62	40,551	1,724
Saginaw	2,453	24		225	96				49,029	
Minnesota:										
Minneapolis	14,629	508		801	715	537		285	331,284	18,530

TABLE 7.—PROGRAM SUMMARY, INPATIENT AND OUTPATIENT MEDICAL CARE, FISCAL YEAR 1994—Continued

Location of VA facility	Inpatient care—patients treated [1]								Outpatient medical care	
	Hospitals			Nursing homes			Domiciliaries			
	VAMC hospital care component	Non-VA [2,3]	State home [2,4]	VAMC nursing home care component	Community [2,3]	State home [2,4]	VAMC domiciliary care component	State home [2,4]	Visits to VA staff	Fee basis care
St. Cloud	2,889	84		285	62		269		87,900	2,938
Mississippi:										
Biloxi [6]	6,015	12		160	180		880		198,294	
Jackson	9,107	77		248	258	208			136,795	15,083
Missouri:										
Columbia	7,670	11		126	292				84,852	
Kansas City	7,834	138			375				160,354	15,366
Poplar Bluff	3,341	21		89	117	219			46,463	1,073
St. Louis [6]	13,141	104		433	225	865			279,566	8,544
Montana:										
Fort Harrison	3,527	16			173	128		52	43,196	12,185
Miles City	971	27		38	39				26,663	
Nebraska:										
Grand Island	1,378			208	25	347		50	32,211	
Lincoln	3,095	59			89				49,584	6,658
Omaha	6,059	44			188	277		6	108,156	
Nevada:										
Las Vegas (IOC)		108							106,804	2,587
Reno	3,910	58		415	109				122,044	7,200
New Hampshire: Manchester	2,691	77		358	84	172			82,933	6,199
New Jersey:										
East Orange	9,626	57		109	192	620		11	204,476	3,718
Lyons	3,723			332	51		155		73,626	
New Mexico: Albuquerque	9,821	81		247	225	258		21	258,524	3,305
New York:										
Albany	6,469	57		306	257				186,461	7,062
Batavia	983	6		118	58				69,762	
Bath	2,032	7		208	75		647		59,639	
Bronx	6,272	14		237	125				230,835	
Brooklyn [6]	9,327	75		357	209		156		376,524	214
Buffalo	8,469	30		189	187				204,517	6,081
Canandaigua	2,165	4		140	34		175		74,359	
Castle Point	2,223	9		187	74				56,686	
Montrose	3,603	7		193	46		165		69,048	
New York	7,837	57			89				312,765	1,212
Northport	6,407	6		270	142	646			249,112	
Syracuse	5,226	135		208	95	184			132,144	14,055
North Carolina:										
Asheville	6,484	13		89	178				88,976	
Durham	8,220	143		414	245				131,329	
Fayetteville	4,349	8		90	150				100,447	
Salisbury	3,987	111		181	202				93,196	47,686
North Dakota: Fargo	3,449	215		280	63	41		143	54,141	10,971
Ohio:										
Chillicothe	6,124	44		705	437				84,925	
Cincinnati	6,688	159		106	223		189		158,974	3,499
Cleveland [6]	10,462	255		330	262	415	1,159	231	342,239	8,349
Columbus (OC)		273							112,108	20,230
Dayton	6,384	53		406	370		627		192,709	
Oklahoma:										
Muskogee	4,274	98			208				127,340	24,138
Oklahoma City	8,780	59			314	1,646		61	215,845	
Oregon:										
Portland [6]	10,786	137		351	544		196		234,694	23,891
Roseburg	3,936	127		202	193				93,735	12,660
White City (Ind. Dom.)		51			45		1,850		23,100	
Pennsylvania:										
Altoona	2,397	63		93	52	649		337	43,699	9,893
Butler	2,249	29		206	92		256		54,844	2,411
Coatesville	3,168	31		318	172		390	150	68,361	1,191
Erie	2,028	41		47	122	102		122	63,098	2,059
Lebanon	3,777	61		275	151				78,040	7,931
Philadelphia	7,980	138		305	82				241,715	5,942
Pittsburgh (Highland Dr.)	3,388	58			193		109		101,330	2,767
Pittsburgh (Univ. Dr.) (6)	7,776	81		364	304				132,633	7,418
Wilkes-Barre	5,450	154		232	111	97		17	153,993	11,074
Philippines: Manila (ROC)		1,001							9,650	
Puerto Rico: San Juan	11,551	464		292	24				364,215	30,555
Rhode Island: Providence	4,251	35			203	312		32	170,151	5,642
South Carolina:										
Charleston	6,289	48			117				136,677	
Columbia	6,545	615		187	181	473			177,943	20,827
South Dakota:										
Fort Meade	2,848			158	80				53,427	
Hot Springs	2,441				56	62	554	134	64,171	
Sioux Falls	3,538	114		130	84				64,675	8,391
Tennessee:										
Memphis	10,494			361	222				213,727	
Mountain Home	6,937	76		168	375		1,000		176,215	
Murfreesboro	4,886	22		256	122	283			103,371	
Nashville	8,316	95			182				163,920	8,254
Texas:										
Amarillo	4,000	17		177	235				126,877	7,794
Big Springs	2,951			103	90				37,314	
Bonham	1,767	16		219	153		417		49,554	
Dallas	11,791	201		365	450		130		310,449	16,408
El Paso (IOC)		864			19				84,300	10,740
Houston	17,709	39		246	359				397,542	1,786
Kerrville	3,485	2		221	120				41,603	
Martin	1,542				61				18,035	
San Antonio	13,014	331		452	247				319,120	11,569
Temple	7,408	22		214	269		828		211,593	
Waco	4,157	69		196	127		142		90,196	7,072
Utah: Salt Lake City	7,811	49			400	93			151,603	10,480
Vermont: White River Junction	3,578	62		153	74	280		43	82,534	2,483
Virginia:										
Hampton	5,166	32		254	150		1,055		176,981	529
Richmond	11,968	12		150	257				213,059	
Salem	7,242	340		327	120			68	176,722	20,821
Washington:										
American Lake	2,386	311		126	129		252		141,202	11,213
Seattle	8,967	148		209	530	434		218	219,302	15,309
Spokane	2,840	84		222	109				76,458	6,867
Walla Walla	1,528	29		206	85				36,121	4,926
West Virginia:										
Beckley	3,001	4		73	86				40,502	

TABLE 7.—PROGRAM SUMMARY, INPATIENT AND OUTPATIENT MEDICAL CARE, FISCAL YEAR 1994—Continued

Location of VA facility	Inpatient care—patients treated [1]									
	Hospitals			Nursing homes			Domiciliaries		Outpatient medical care	
	VAMC hospital care component	Non-VA [2,3]	State home [2,4]	VAMC nursing home care component	Community [2,3]	State home [2,4]	VAMC domiciliary care component	State home [2,4]	Visits to VA staff	Fee basis care
Clarksburg	3,633	1			246				72,301	
Huntington	4,762	41			329			199	83,985	11,848
Martinsburg	4,818	5		201	158		727		129,085	1,159
Wisconsin:										
Madison	5,239	13			45	660		126	74,145	
Milwaukee	8,193	225		377	206		813		250,097	18,591
Tomah	2,761	3		158	151				56,917	
Wyoming:										
Cheyenne	1,760	108		71	52	59		75	43,786	2,507
Sheridan	1,819			48	37			101	24,610	

[1] Number of discharges and deaths during FY1994, plus the number on the rolls (bed occupants and patients on authorized leave of absence) on September 30, 1994. Transfers to another facility are included in the count of discharges for each facility.
[2] As reported by VA authorizing facility.
[3] Authorized and paid for by VA.
[4] Supported by VA.
[5] Medical visits to private physicians authorized by VA on a fee-for-service basis.
[6] Includes data for two divisions of the VA medical center.

Mr. ROCKEFELLER. Mr. President, do my colleagues realize that the VA just last year added four new Women Veterans Comprehensive Health Centers, bringing to eight the number of such VA facilities in the country? Do we need to let those facilities know they better prepare to roll back care for these women who served side by side with their male counterparts, or nursed dying soldiers and sailors?

VA medical centers admitted over 870 quadriplegic veterans last year. With a balanced budget amendment, will we need to tell 261 of them to seek treatment elsewhere? I do not know the answer, because I can't find the budget that goes along with writing new promises into the Constitution.

VA is predicting a loss of 63,000 full-time employees under the balanced budget amendment. Understand that these employees are the doctors, the nurses, the technicians who administer health care, as well as the vital support staff that keep our facilities operating. It would require closings.

The loss of this staff would mean that literally thousands of veterans who are now receiving health care would no longer be able to get treatment. VA figures suggest there would be 488,000 fewer inpatient visits and 11,403,000 fewer outpatient visits at our medical centers.

Staff cuts will create severe problems in an already troubled adjudication system within VA. Timely decisions in benefits claims will become impossible. Over the past 2 years, in my capacity as chairman of the Senate Committee on Veterans' Affairs, I have heard from literally hundreds and hundreds of veterans from across the country complaining of the time it takes to receive the benefits they are entitled to as a result of the injuries they sustained in the service. Some veterans wait years. Who is going to tell them it will get worse?

Veterans write us daily about the long delays in processing their claims. I know because I get copies of those letters to my colleagues, because of my duties with the Senate Committee on Veterans' Affairs.

It currently takes VA 25 to 30 weeks to process an original claim. Are my colleagues aware of that, Mr. President? Disabled veterans—disabled because of something that happened to them when they were serving their country—and they wait 30 weeks to get a claim processed? And as if that weren't bad enough, they often wait years if they file an appeal.

A recent study showed that 50 percent of veterans believe that VA took too long. That adds up to approximately 60,000 unhappy veterans in the State of Georgia, 24,000 unhappy veterans in the State of Oregon, and 110,000 unhappy veterans in the State of Florida. A 30 percent cut in veterans' benefits will not help them get their claims faster, and every Senator will hear from those unhappy veterans.

Am I going to have to tell the 32,000 veterans and dependents who receive benefits in my State of West Virginia, that the promises made to them will no longer be kept?

Mr. President, at this point I ask unanimous consent that the tables from the 1994 annual report of the Secretary of Veterans Affairs showing estimated expenditures of VA benefits for veterans, broken down by State, be included in the RECORD.

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

TABLE 57.—ESTIMATED SELECTED EXPENDITURES BY STATE [1]—FISCAL YEAR 1994

State	Total of selected expenditures ($000) [2]	Readjustment benefits					
		Total readjustment benefits ($000) [2]	Education assistance				
			Post-Vietnam conflict (chapter 32) amount ($000)	Montgomery GI Bill			
				Active duty chapter 30		Selected reserve chapter 106	
				Trained during fiscal year	Amount ($000)	Trained during fiscal year [3]	Amount ($000)
U.S. total [2]	$37,065,479	$1,353,964	$74,621	274,208	$742,457	101,411	$121,645
Alabama	785,715	32,530	1,307	6,049	16,851	3,984	4,603
Alaska	66,312	5,414	492	1,261	2,460	0	267
Arizona	670,660	33,104	1,687	7,851	20,355	1,518	1,568
Arkansas	587,811	15,226	439	2,327	6,983	1,867	2,261
California	3,365,923	125,891	8,009	29,201	77,984	6,392	7,125
Colorado	516,016	32,789	1,999	6,823	18,100	1,289	1,532
Connecticut	385,507	10,284	619	1,562	4,448	1,171	1,541
Delaware	110,636	3,533	190	656	1,640	0	345
District of Columbia	967,169	3,433	236	806	1,130	1	164
Florida	2,298,565	82,537	4,626	19,681	52,348	3,481	3,574
Georgia	1,032,498	44,585	3,214	9,795	27,297	3,832	3,159
Hawaii	150,428	7,803	824	2,494	4,565	1	361
Idaho	104,717	8,451	405	1,747	4,893	753	907
Illinois	1,299,820	49,215	2,167	11,582	32,326	1	6,096
Indiana	591,100	23,285	1,282	4,341	11,484	2,451	2,813
Iowa	391,646	15,431	674	2,465	7,319	0	2,343
Kansas	402,285	16,616	985	3,515	9,719	0	2,023
Kentucky	576,813	21,932	1,138	4,052	11,663	1,546	1,772
Louisiana	662,189	26,150	793	4,471	13,187	4,688	6,365
Maine	242,324	8,744	340	1,033	3,023	528	632
Maryland	581,570	22,837	1,954	5,973	10,641	1,038	1,704
Massachusetts	1,035,435	21,606	1,125	2,932	7,945	2,525	3,549
Michigan	1,013,182	34,797	2,453	8,309	21,196	2,432	2,703

TABLE 57.—ESTIMATED SELECTED EXPENDITURES BY STATE [1]—FISCAL YEAR 1994—Continued

State	Total of selected expenditures ($000)[2]	Readjustment benefits					
		Total readjustment benefits ($000)[2]	Education assistance				
			Post-Vietnam conflict (chapter 32) amount ($000)	Montgomery GI Bill			
				Active duty chapter 30		Selected reserve chapter 106	
				Trained during fiscal year	Amount ($000)	Trained during fiscal year[3]	Amount ($000)
Minnesota	610,199	25,701	1,227	4,459	13,022	1	3,939
Mississippi	510,578	13,510	375	1,996	5,802	2,465	3,240
Missouri	843,611	29,324	1,396	5,537	14,101	14,569	2,866
Montana	135,931	7,508	293	1,227	3,906	528	763
Nebraska	272,180	12,676	496	2,604	7,111	1,541	1,944
Nevada	215,290	9,082	520	1,495	3,775	0	303
New Hampshire	157,206	6,493	367	777	2,257	1	518
New Jersey	732,046	16,633	1,161	2,750	7,132	1,455	1,688
New Mexico	327,691	13,368	682	3,094	8,612	0	931
New York	2,364,552	51,795	4,151	8,544	26,795	5,390	4,380
North Carolina	1,033,147	46,054	2,701	8,946	26,253	2,331	3,013
North Dakota	96,701	6,850	195	1,034	3,406	0	1,412
Ohio	1,290,547	46,852	2,534	9,799	24,838	3,803	4,608
Oklahoma	667,384	27,678	1,162	4,954	12,936	4,200	2,599
Oregon	539,912	21,609	1,014	3,858	11,082	1,122	1,245
Pennsylvania	1,615,823	45,247	2,345	8,094	23,358	3,884	4,895
Rhode Island	169,601	5,207	283	776	1,828	0	543
South Carolina	523,427	25,556	1,234	5,063	13,657	2,249	2,723
South Dakota	198,971	8,383	300	1,111	3,793	976	1,312
Tennessee	927,700	28,630	1,418	5,303	15,395	1,953	2,383
Texas	2,649,635	106,722	4,985	24,102	63,069	5,661	6,241
Utah	236,066	11,311	516	1,717	4,805	1,814	2,014
Vermont	106,809	2,820	96	289	909	0	318
Virginia	995,424	51,903	3,834	11,474	28,969	2,219	3,095
Washington	793,159	47,044	2,567	9,672	27,562	1,637	1,861
West Virginia	431,465	10,257	268	1,432	4,519	1,060	1,405
Wisconsin	647,126	25,644	1,390	4,323	13,504	2,770	3,675
Wyoming	99,606	3,916	153	852	2,504	284	324

[1] Expenditures for Compensation and Pension for the 50 states and D.C. were derived from the Federal Assistance Awards Data System (FAADS) and are gross expenditures. Education expenditures come from the COIN EDU 666, information for insurance and indemnities for the 50 states and D.C. are statistical estimates. All other dollar estimates are derived from VA accounting reports.
[2] The totals for ''Readjustment Benefits'' are the sums of the programs shown plus $5.1 million for the Service Members Occupational Conversion Training Act (SMOCTA), which is not shown.
[3] As reported by station of jurisdiction which may report for more than one state.

TABLE 57 (continued)—ESTIMATED SELECTED EXPENDITURES BY STATE [1]—FISCAL YEAR 1994

State	Readjustment benefits (continued)									
	Education assistance (continued)									
	Dependents educational assistance (title 38, U.S.C., ch. 35)			Vocational rehabilitation (title 38, U.S.C., ch 31)		Automobiles and other conveyances for disabled veterans ($000)	Specially adapted housing for disabled veterans ($000)	Insurance and indemnities amount ($000)	Hospital domiciliary and other construction amount ($000)	Medical services and administrative costs amount ($000)
	Total trained during FY		Amount ($000)	Trained during fiscal year	Amount ($000)					
	Sons and daughters	Widow(er)s and spouses								
U.S. total	33,714	4,422	$102,341	43,668	$274,540	$24,861	$8,006	$1,975,804	$627,015	$16,470,058
Alabama	1,025	133	3,146	958	5,791	515	266	27,060	37,284	292,424
Alaska	68	12	227	399	1,920	25	0	2,678	11,210	2,145
Arizona	810	147	2,256	1,015	6,070	960	196	38,552	4,963	269,036
Arkansas	626	70	1,970	474	2,920	354	158	17,078	4,837	242,797
California	2,872	413	8,325	3,588	20,883	2,453	510	219,313	62,273	1,623,737
Colorado	598	103	1,840	1,344	8,556	439	112	31,135	647	192,858
Connecticut	173	13	673	358	2,617	180	190	33,242	4,582	201,525
Delaware	83	18	252	222	1,049	28	0	5,850	4,518	55,102
District of Columbia	114	5	243	153	1,645	15	0	4,362	8,424	897,908
Florida	2,410	352	7,018	2,095	11,795	2,064	762	163,325	41,632	759,754
Georgia	1,262	174	4,079	977	5,901	669	194	43,687	13,717	379,525
Hawaii	118	19	411	283	1,528	89	0	15,054	5,504	52,309
Idaho	182	27	520	274	1,570	112	0	7,867	457	51,257
Illinois	639	66	1,998	812	5,876	514	190	87,060	16,598	752,069
Indiana	546	61	1,515	951	5,515	502	114	30,188	24,117	247,372
Iowa	229	19	654	434	3,868	319	232	23,448	4,574	202,763
Kansas	400	58	1,248	434	2,452	132	0	19,770	8,263	195,742
Kentucky	704	89	1,913	910	5,040	264	113	19,475	3,374	218,943
Louisiana	598	77	1,951	551	3,454	360	0	24,498	7,771	281,976
Maine	335	56	1,133	490	3,264	153	190	9,791	6,937	76,526
Maryland	472	73	1,544	1,200	6,358	471	74	43,068	4,695	232,300
Massachusetts	710	48	2,080	703	6,089	502	273	55,625	7,481	510,201
Michigan	876	77	2,448	810	5,208	632	0	55,883	91,739	400,762
Minnesota	383	45	1,333	708	5,295	725	114	40,079	9,091	290,195
Mississippi	508	54	1,634	322	1,949	193	309	14,772	2,655	219,102
Missouri	616	100	2,009	1,109	8,132	656	38	38,651	12,740	405,640
Montana	131	11	407	316	1,989	59	0	7,649	1,036	47,908
Nebraska	349	44	1,053	337	1,899	120	38	13,918	264	130,460
Nevada	131	14	410	637	3,908	74	76	11,275	2,330	87,036
New Hampshire	198	20	630	319	2,295	177	190	10,095	101	49,515
New Jersey	407	46	1,663	710	4,526	417	0	72,964	7,234	282,614
New Mexico	350	39	943	369	1,838	222	76	13,267	2,661	140,968
New York	1,335	110	4,171	1,467	10,846	957	118	143,402	31,316	1,274,225
North Carolina	1,464	229	4,603	1,277	8,081	906	403	44,245	18,596	345,783
North Dakota	99	6	352	196	1,408	37	0	5,249	1,631	44,385
Ohio	904	96	2,705	1,262	10,235	1,539	190	77,523	6,872	553,423
Oklahoma	1,035	148	2,869	1,450	7,318	434	228	22,279	9,897	197,974
Oregon	352	56	1,013	973	6,609	464	38	24,374	5,138	257,743
Pennsylvania	919	96	2,834	1,145	10,262	839	114	104,254	11,651	752,636
Rhode Island	177	10	475	206	1,840	122	38	8,579	1,668	74,939
South Carolina	857	136	2,503	991	4,604	390	392	25,104	1,197	183,512
South Dakota	140	18	416	376	2,365	95	76	5,818	2,727	120,560
Tennessee	762	93	2,176	1,114	5,866	865	431	29,216	7,290	448,757
Texas	3,165	441	9,415	3,698	20,319	1,485	772	112,710	78,768	1,019,808
Utah	317	47	899	458	2,815	184	0	11,399	7,153	125,459
Vermont	74	9	232	142	1,199	19	37	4,471	444	58,294
Virginia	1,400	209	4,592	1,637	10,427	738	228	56,910	7,397	348,214
Washington	830	132	2,566	1,647	11,180	701	280	43,561	6,549	290,245
West Virginia	329	38	999	430	2,811	175	0	10,850	7,365	221,392
Wisconsin	551	55	1,796	789	4,523	487	208	41,402	5,023	301,780
Wyoming	81	10	199	148	632	31	38	3,779	2,628	58,462

[1] Expenditures for Compensation of Pension for the 50 states and D.C. were derived from the Federal Assistance Awards Data System (FAADS) and are gross expenditures. Education expenditures come from the COIN EDU 666. Information for insurance and indemnities for the 50 states and D.C. are statistical estimates. All other dollar estimates are derived from VA accounting reports.

[2] The totals for "Readjustment Benefits" are the sums of the programs shown plus $5.1 million for the Service Members Occupational Conversion Training Act (SMOCTA) which is not shown.
[3] As reported by station of junsdiction which may report for more than one state.

TABLE 57—(continued)—ESTIMATED SELECTED EXPENDITURES BY STATE [1]—FISCAL YEAR 1994

State	Compensation and pension								
	Living and deceased veterans							Living veterans	
	Total		Burial benefits ($000)	Service-connected		Nonservice-connected		Total	
	Number	Amount ($000)		Number	Amount ($000)	Number	Amount ($000)	Number	Amount ($000)
U.S. total	3,254,932	$16,638,638	$58,558	2,474,684	$13,619,967	780,248	$2,960,113	2,604,420	$12,906,987
Alabama	78,829	396,416	1,375	52,860	284,684	25,969	110,357	58,216	288,352
Alaska	7,940	44,865	57	7,571	42,894	369	1,913	7,460	40,910
Arizona	58,518	325,004	978	49,893	288,844	8,625	35,182	49,291	254,748
Arkansas	50,579	307,873	1,173	33,308	238,527	17,271	68,173	37,908	239,334
California	270,727	1,334,710	4,117	219,440	1,152,717	51,287	177,876	220,024	992,633
Colorado	49,271	258,587	605	42,541	231,380	6,730	26,601	41,557	202,924
Connecticut	29,667	135,874	524	25,023	121,090	4,644	14,260	25,250	110,854
Delaware	8,618	41,633	170	6,939	35,603	1,679	5,860	7,069	32,423
District of Columbia	9,026	53,043	165	6,169	40,339	2,857	12,539	6,979	39,630
Florida	238,368	1,251,318	3,114	198,620	1,105,840	39,748	142,364	197,330	971,126
Georgia	104,509	550,984	1,929	76,620	447,248	27,889	101,807	79,384	406,135
Hawaii	12,732	69,758	165	11,521	64,618	1,211	4,975	10,949	55,431
Idaho	14,016	72,685	265	11,520	62,087	2,496	10,333	12,001	59,525
Illinois	89,023	394,878	2,132	62,120	288,105	26,903	104,641	70,863	307,636
Indiana	55,755	266,138	993	41,784	213,672	13,971	51,473	44,972	212,343
Iowa	29,399	145,429	688	21,069	111,569	8,330	33,173	23,337	115,236
Kansas	31,129	161,895	642	23,529	129,800	7,600	31,453	24,963	126,315
Kentucky	58,944	313,089	1,180	38,111	226,760	20,833	85,148	44,493	240,883
Louisiana	63,277	321,795	1,163	36,997	213,673	26,280	106,959	45,208	235,274
Maine	23,256	140,325	405	17,206	117,406	6,050	22,513	19,154	117,688
Maryland	55,153	278,670	1,079	44,779	240,837	10,374	36,754	44,333	209,629
Massachusetts	90,525	440,523	1,507	75,595	393,556	14,930	45,460	75,745	356,422
Michigan	93,653	430,001	1,380	72,341	347,597	21,312	81,024	77,228	350,685
Minnesota	51,390	245,133	1,182	39,145	198,414	12,245	45,537	42,176	198,689
Mississippi	48,002	260,539	1,027	27,823	183,343	20,179	76,170	34,139	193,923
Missouri	67,617	357,256	1,425	46,474	265,774	21,143	90,057	52,523	277,006
Montana	13,182	71,830	246	10,352	61,014	2,830	10,330	11,330	61,174
Nebraska	20,752	114,862	453	15,669	91,483	5,083	22,926	16,824	91,615
Nevada	22,220	105,568	418	18,636	91,159	3,584	13,991	19,343	84,780
New Hampshire	16,719	91,002	288	14,220	80,863	2,499	9,851	14,350	75,416
New Jersey	77,252	352,601	1,305	64,885	312,051	12,367	39,245	64,720	281,182
New Mexico	28,032	157,428	426	22,053	133,517	5,979	23,485	23,075	125,396
New York	180,913	863,814	3,773	136,280	709,995	44,633	150,046	146,100	694,641
North Carolina	108,132	578,470	1,820	76,158	454,132	31,974	122,518	81,844	433,219
North Dakota	8,031	37,956	181	5,982	29,574	2,049	8,202	6,709	31,508
Ohio	127,478	605,877	2,189	96,132	482,272	31,346	121,415	103,510	483,509
Oklahoma	64,837	409,556	1,252	46,162	310,834	18,675	97,470	51,130	324,660
Oregon	41,447	231,048	721	32,288	190,148	9,159	40,178	34,719	188,326
Pennsylvania	148,652	702,035	2,835	111,177	575,082	37,475	124,118	117,879	552,091
Rhode Island	15,223	79,208	350	12,350	69,303	2,873	9,555	12,557	63,285
South Carolina	57,238	288,058	1,156	39,020	219,404	18,218	67,498	42,350	207,635
South Dakota	11,572	61,483	297	8,040	45,586	3,532	15,600	9,443	50,505
Tennessee	79,751	413,807	1,679	51,656	304,708	28,095	107,420	59,569	313,633
Texas	247,939	1,331,626	4,446	188,353	1,102,254	59,586	224,926	193,861	999,636
Utah	15,763	80,745	277	13,313	70,803	2,450	9,665	13,535	66,262
Vermont	7,320	40,781	157	5,593	34,506	1,727	6,118	6,010	33,199
Virginia	100,056	532,001	1,860	79,481	454,537	20,575	74,604	79,049	391,930
Washington	78,647	407,760	1,070	68,917	365,966	9,730	38,724	67,423	322,175
West Virginia	32,992	181,601	798	21,491	132,205	11,501	48,598	25,216	142,172
Wisconsin	54,846	273,277	999	42,493	225,473	12,353	46,805	46,084	227,515
Wyoming	6,015	30,821	122	4,985	26,722	1,030	3,977	5,238	25,772

[1] Expenditures for Compensation and Pension for the 50 states and D.C. were derived from the Federal Assistance Awards Data System (FAADS) and are gross expenditures. Education expenditures come from the COIN EDU 666. Information for insurance and indemnities for the 50 states and D.C. are statistical estimates. All other estimates are derived from VA accounting reports.

TABLE 57 (continued)—ESTIMATED SELECTED EXPENDITURES BY STATE [1]—FISCAL YEAR 1994

State	Compensation and pension—Continued									
	Living veterans—Continued				Deceased veterans					
	Service-connected		Nonservice-connected		Total		Service-connected		Nonservice-connected	
	Number	Amount ($000)	Number	Amount ($000)	Number	Amount ($000)	Number	Amount ($000)	Number	Amount ($000)
U.S. total	2,182,465	$10,775,024	421,955	$2,131,963	650,512	$3,673,093	292,219	$2,844,943	358,293	$828,150
Alabama	45,584	216,030	12,632	72,322	20,613	106,689	7,276	68,654	13,337	38,035
Alaska	7,197	39,314	263	1,596	480	3,897	374	3,581	106	317
Arizona	43,865	227,343	5,426	27,404	9,227	69,278	6,028	61,500	3,199	7,778
Arkansas	28,284	190,368	9,624	48,966	12,671	67,366	5,024	48,159	7,647	19.207
California	190,059	860,022	29,965	132,612	50,703	337,960	29,381	292,695	21,322	45,265
Colorado	37,694	182,540	3,863	20,384	7,714	55,058	4,847	48,841	2,867	6,217
Connecticut	22,918	100,348	2,332	10,505	4,417	24,496	2,105	20,741	2,312	3,755
Delaware	6,184	28,193	885	4,230	1,549	9,040	755	7,410	794	1,630
District of Columbia	5,273	29,871	1,706	9,759	2,047	12,248	896	10,468	1,151	2,780
Florida	173,976	865,108	23,354	106,018	41,038	277,077	24,644	240,732	16,394	36,346
Georgia	65,202	337,102	14,182	69,033	25,125	142,920	11,418	110,146	13,707	32,774
Hawaii	10,226	51,672	723	3,759	1,783	14,162	1,295	12,946	488	1,215
Idaho	10,403	51,226	1,598	8,299	2,015	12,895	1,117	10,861	898	2,034
Illinois	55,938	230,656	14,925	76,980	18,160	85,111	6,182	57,449	11,978	27,661
Indiana	37,692	175,624	7,280	36,719	10,783	52,802	4,092	38,048	6,691	14,754
Iowa	18,875	90,375	4,462	24,861	6,062	29,506	2,194	21,194	3,868	8,312
Kansas	20,782	103,010	4,181	23,305	6,166	34,938	2,747	26,790	3,419	8,148
Kentucky	32,961	179,020	11,532	61,863	14,451	71,026	5,150	47,740	9,301	23,286
Louisiana	31,540	162,197	13,668	73,077	18,069	83,358	5,457	51,476	12,612	33,882
Maine	15,392	99,969	3,762	17,719	4,102	22,231	1,814	17,437	2,288	4,794
Maryland	39,060	184,094	5,273	25,535	10,820	67,963	5,719	56,744	5,101	11,219
Massachusetts	68,590	323,529	7,155	32,894	14,780	82,593	7,005	70,027	7,775	12,567
Michigan	65,973	290,866	11,255	59,820	16,425	77,936	6,368	56,732	10,057	21,204
Minnesota	35,690	164,613	6,486	34,077	9,214	45,261	3,455	33,801	5,759	11,460
Mississippi	23,333	140,827	10,806	53,096	13,863	65,590	4,490	42,516	9,373	23,074
Missouri	40,781	211,581	11,742	65,425	15,094	78,826	5,693	54,193	9,401	24,632
Montana	9,536	52,850	1,794	8,323	1,852	10,411	816	8,164	1,036	2,247
Nebraska	13,858	73,609	2,966	18,006	3,928	22,794	1,811	17,874	2,117	4,920
Nevada	16,816	73,263	2,527	11,517	2,877	20,370	1,820	17,896	1,057	2,474
New Hampshire	12,904	67,607	1,446	7,809	2,369	15,298	1,316	13,256	1,053	2,042
New Jersey	58,860	253,619	5,860	27,563	12,532	70,115	6,025	58,432	6,507	11,683
New Mexico	19,425	107,483	3,650	17,912	4,957	31,606	2,628	26,034	2,329	5,573

TABLE 57 (continued)—ESTIMATED SELECTED EXPENDITURES BY STATE[1]—FISCAL YEAR 1994—Continued

State	Compensation and pension—Continued									
	Living veterans—Continued				Deceased veterans					
	Service-connected		Nonservice-connected		Total		Service-connected		Nonservice-connected	
	Number	Amount ($000)	Number	Amount ($000)	Number	Amount ($000)	Number	Amount ($000)	Number	Amount ($000)
New York	123,702	588,042	22,398	106,599	34,813	165,401	12,578	121,954	22,235	43,447
North Carolina	65,432	351,727	16,412	81,492	26,288	143,431	10,726	102,405	15,562	41,026
North Dakota	5,517	25,294	1,192	6,214	1,322	6,268	465	4,280	857	1,988
Ohio	87,136	396,541	16,374	86,968	23,968	120,179	8,996	85,732	14,972	34,447
Oklahoma	39,872	249,151	11,258	75,509	13,707	83,644	6,290	61,683	7,417	21,961
Oregon	29,013	157,722	5,706	30,604	6,728	42,001	3,275	32,426	3,453	9,575
Pennsylvania	99,793	466,992	18,086	85,100	30,773	147,108	11,384	108,090	19,389	39,018
Rhode Island	11,053	56,050	1,504	7,235	2,666	15,573	1,297	13,253	1,369	2,320
South Carolina	33,167	163,054	9,183	44,581	14,888	79,267	5,853	56,350	9,035	22,917
South Dakota	7,274	38,285	2,169	12,220	2,129	10,681	766	7,301	1,363	3,380
Tennessee	44,630	239,403	14,939	74,230	20,182	98,495	7,026	65,305	13,156	33,190
Texas	161,799	839,273	32,062	160,363	54,078	327,544	26,554	262,981	27,524	64,563
Utah	12,079	58,692	1,456	7,570	2,228	14,207	1,234	12,112	994	2,095
Vermont	4,983	28,435	1,027	4,765	1,310	7,424	610	6,071	700	1,353
Virginia	68,319	340,184	10,730	51,745	21,007	137,211	11,162	114,352	9,845	22,858
Washington	61,613	291,648	5,810	30,527	11,224	82,515	7,304	74,319	3,920	8,197
West Virginia	18,744	107,049	6,472	35,122	7,776	38,631	2,747	25,156	5,029	13,476
Wisconsin	38,908	190,970	7,176	36,545	8,762	44,764	3,585	34,503	5,177	10,261
Wyoming	4,560	22,587	678	3,185	777	4,927	425	4,135	352	792

[1] Expenditures for Compensation and Pension for the 50 states and D.C. were derived from the Federal Assistance Awards Data System (FAADS) and are gross expenditures. Education expenditures come from the COIN EDU 666. Information for insurance and indemnities for the 50 states and D.C. are statistical estimates. All other dollar estimates are derived from VA accounting reports.

Mr. ROCKEFELLER. Mr. President, I spoke earlier about a West Virginia veteran receiving pension benefits. I would like to take just a moment now to give you an example of a disabled veteran receiving disability compensation and medical care in our VA medical centers. I do not want any doubt about who is getting VA benefits and why.

Jim Honce lives in Bridgeport, WV, and I am enormously proud of him. Jim is a World War II disabled veteran. He is a Navy man and served aboard a minesweeper, the U.S.S. *Skill*. During the war, a minesweeper would travel 3 or 4 hours ahead of a convoy, sweeping for mines in the water, setting buoys for ships to follow, and cutting channels for them to land. It was a vital mission. Thousands upon thousands of American lives were saved because of the work done by those on our minesweepers. It was incredibly important and dangerous work.

On September 23, 1943, off the coast of Italy, Jim's life was changed. The U.S.S. *Skill* took a direct hit from an enemy torpedo and sank. Only 32 of the heroic 102-man crew survived. They were all wounded. Not one of the ship's officers survived.

Jim was thrown 70 feet to a lower deck, suffered flash and fuel oil burns over his entire upper body, his left arm and ribs were fractured, and he had a scalp wound. He remembers being dragged off the burning ship by an electrician's mate, who was suffering from a broken arm himself. They made it about 100 yards from the ship when it went down.

Jim was not able to be placed on a liferaft with 12 other survivors because of his injuries, so he held onto a rope in the water. The water was shark infested, and Jim tells of a sister ship shooting at the sharks when it arrived to rescue the men. Just imagine it. It sounds like an action movie—but it was real life—it happened.

Once he arrived back in the States, home for Jim for the next 2 years was the naval hospital in Bethesda, MD. During his stay there he had nine operations and had to learn to walk all over again.

Jim has gone on with his life, went on to college, married, and raised a family. But he still suffers terribly from both his physical and emotional wounds—and the memories of those crew mates lost—and the events he experienced in that war—will never go away.

Jim was awarded the Purple Heart—he earned his ''Contract With America.'' Today, he is one of our 2.1 million veterans receiving a service-connected compensation check for the injuries that still plague him and that changed his life forever.

Mr. President, there is no way that I, in good conscience, can vote for an amendment to balance the budget without being absolutely positive that Jim Honce, and the many, many disabled veterans like him—and Jesse Overbaugh and his family, and the many, many other families like his—will retain what little repayment the Government now provides them. They have earned their contract with their country—and we should not let them down.

There is a lot of talk about sacrifices on this floor, Mr. President. The American people need to make sacrifices and shoulder the burden for the sake of the future. Somehow, that wasn't the talk that led 50 Senators to vote against a historic plan of real deficit reduction before us 2 years ago.

But the talk is back, and now it is around the idea of using the Constitution to make a mad, blind dash to a balanced budget, and maybe even $400 billion of tax cuts to take along for the ride.

My purpose in taking the floor is to ask the proponents of this speed chase to the finishing line to let more than 26 million Americans called veterans—those who are disabled, those who are widows, those who are poor, those who are sick, know something about what happens to them along the way. Will they be sidestepped or stomped on? Will their benefits and services be untouched or will they get sliced down the middle?

Mr. President, if anyone in America has earned the right to know, it is America's veterans and their families. With more than 200,000 veterans just in my State, and more than 26 million veterans across the country, I could not possibly consider this proposed use of the U.S. Constitution, before knowing what it will mean to the men and women who have paid the highest honor to this sacred document through their military service.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from New York [Mr. MOYNIHAN] is recognized.

Mr. MOYNIHAN. Before the Senator from West Virginia leaves the floor, I hope he will pause long enough for me to congratulate him on his remarks. The Senator from New York joined the U.S. Navy 50 years ago last July 1 and, without having any expectation of it, came to benefit enormously from the GI bill, from veterans' insurance. I shall be remarking this afternoon that during the first year of the KENNEDY administration, in an effort to stimulate the economy back from the sharp recession of 1960 that came so quickly on the recession of 1958, the VA issued a double dividend on that $10,000 life insurance we had all signed up for. It was not a lot, but it was enough to enable us to buy our little farm in Delaware County, the last hills in Appalachia which connect us with West Virginia. We live there to this day.

I do not think that would be possible under the proposed amendment. I am confident that if it were tried it would be litigated, and that years after the effort was made by Walter Heller and James Tobin and President Kennedy, and such, we might find out we had or did not have such a benefit, but it would not help those who needed it at the time. The prospect of any litigation and leaving the decisions of the Federal Government, taking them out of the Senate Chamber across the park to the Court, or down the avenue to the

Federal Reserve, is baffling and certainly troubling, and he has described it with great clarity and force. I thank him.

Mr. President, this week I propose to present three papers to the Senate arguing in opposition to House Joint Resolution 1, ''Proposing an amendment to the Constitution of the United States to require a balanced budget.''

The first of these papers will show that the current deficit is a recent event that marks a sharp departure from fiscal problems of earlier administrations that were directed primarily to the seemingly intractable problem of a persistent full employment surplus, with its accompanying downward pressure on consumer demand.

The second of these papers will relate the singular events of the 1980's which led to huge deficits and a correspondingly huge debt. I will show that there is no reason whatever to think we will repeat this behavior, or misbehavior, especially now that the events are better understood.

The third paper will explore the folly and danger of writing into the Constitution decrees concerning fiscal policy which would have been inappropriate to a small 18th century republic and would be absurd and potentially destabilizing to a world power in the 21st century.

Representative democracy in the United States is fully capable of balancing the Nation's accounts without an amendment to the Constitution. Deficits are not endemic to democracy. As recently as the Nixon administration, the President's economic planners faced a problem of surplus in the national accounts, and thought it wise to create deficits in order to move the economy toward full employment.

In those not notably distant years full employment with price stability was the central goal of fiscal policy; this had been indicated by the Employment Act of 1946 which established the Council of Economic Advisers, and became steadily more feasible as economic projections became steadily more reliable. The Nixon administration inherited a difficult economic situation. Contrary to advice from the Council, President Lyndon B. Johnson had been unwilling to raise taxes to pay for the increased outlays occasioned by the Vietnam war. The result was inflation. This was stamped out, but then unemployment rose. It became necessary to stimulate the economy once again by deliberately incurring a deficit. George P. Shultz, then Director of the newly established Office of Management and Budget, explained the policy in the budget of the U.S. Government, fiscal 1973:

> Budget policy.—The full-employment budget concept is central to the budget policy of this Administration. Except in emergency conditions, *expenditures should not exceed the level at which the budget would be balanced under conditions of full employment*. The 1973 budget conforms to this guideline. By doing so, it provides necessary stimulus for expansion, but is not inflationary. [Italic in original]

George P. Shultz is one of the most admired public men of his generation. His service as Secretary of State in the Reagan administration won the esteem and gratitude of much of the world, along with that of the American people. It is useful to recall that he is by profession an economist, having once been dean of the School of Business at the University of Chicago. He had joined the Nixon administration as Secretary of Labor. He was speaking in terms then readily understood by fellow economists, but not always clear to laymen, such as myself. The key phrase in his policy statement is italicized:

> * * * *expenditures should not exceed the level at which the budget would be balanced under conditions of full employment.*

Which is to say that in the absence of full employment, as was the case in fiscal year 1973, the Federal Government should deliberately contrive to incur a deficit equal to the difference between the revenues that would actually come in at levels of underemployment and those that would come in at full employment.

Far from being inevitable and unavoidable, there were points in the business cycle where a deficit had to be created. Otherwise surpluses would choke off recovery.

The contrary thought, that budget deficits will be continuous and uncontrollable is surely the oldest of prejudices against democracy. Which is to say the assertion that a majority will continuously vote itself benefits which the economy cannot sustain.

In an earlier age this supposed tendency was seen as a threat to property. Benefits would be obtained by confiscatory taxation—or plain confiscation. Hence, John Locke's prescription for a stable society: the security of ''Life, liberty, and estate.'' In the Declaration of Independence, Thomas Jefferson devised a more felicitous formula: ''Life, liberty, and the pursuit of happiness.'' Yet, there was never any doubt that the security of property was essential to such happiness. In the Federalist No. 10, James Madison address this issue with not the least apology. Ours would be a representative Government, concerned to moderate, if not indeed to control appetites.

> From this view of the subject, it may be concluded, that a pure Democracy, by which I mean, a Society, consisting of a small number of citizens who assemble and administer Government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert results from the form of Government itself; and there is nothing to check the inducements to sacrifice the weaker party, or an obnoxious individual. Hence it is, that such Democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have in general been as short in their lives, as they have been violent in their deaths. Theoretic politicians, who have patronized this species of Government, have erroneously supposed, that by reducing mankind to a perfect equality of their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

In modern times a more common fear has been that the excesses of democracy would debauch the currency through the monetization of debt, which is to say inflation. Indeed, there have been such episodes, albeit relatively rare. Twentieth century democracies have experienced fairly steady price increases. Yet nothing ruinous. Far the greater fact has been the economic growth of the 20th century. Far from inhibiting such growth, democracy is now widely seen as an essential precondition. If democracy caters to wants more than to needs, it has proven itself reasonably capable of satisfying both, not least because we have developed a profession of economics which, if not in any sense perfected or even especially scientific, even so has a lot to show for itself. In the United States, for example, real per capita income has increased fourfold over the course of the 20th century from about $4,300 to $20,500 per person.

The historian Alan Brinkley has recorded the development of the idea of Federal spending as a route to prosperity, dating back to the 1890's, particularly for public works to counteract the business cycle. In the 1920's, William Trufant and Waddill Catchings argued for public spending as an antidote to underconsumption, an idea that would come to dominate both theoretic, to use Madison's term, and applied economics. The theoretical approach to underconsumption is much associated with the publication in 1935 of John Maynard Keynes ''the General Theory of Employment Interest and Money.'' That master of the calling, John Kenneth Galbraith, records that by the autumn of 1936, ''the General Theory'' ''reached Harvard with tidal force.'' In a review of Galbraith's autobiography, I have commented there has been no other event like it in the history of the social sciences. The Great Depression, then two-thirds over, had seemingly falsified the central tenet of classical economics, which is that markets clear through the price mechanism—that whatever is offered for sale, including labor, is purchased. There were business cycles, to be sure, but, most important, there was said to be an inherent tendency for the system to return to an equilibrium in which all resources were fully employed. But for 6 years there has been no such return; none was in sight. In ''the General Theory of Employment Interest and Money,'' Keynes demonstrated that there could be unspent savings, and that when this happened prices would not adjust downward to ensure that the same volume of goods would be purchased with the reduced—after saving—purchasing power. Galbraith summarizes:

Instead, output and employment fell until reduced profits, increased losses and the need to spend from past savings ensured that all income from current production or its equivalent was thus established, one with a lot of people out of work—the under-employment equilibrium.

After an unprecedented period of depression, mounting crisis, and something like intellectual desperation, this had indeed the quality of revelation.

However, by the time any considerable portion of the economics profession had converted to Keynesianism, the Second World War had commenced. And so to a considerable irony, Keynesian economics was to be given its first trial not in the conditions of depression for which it had seemed designed but in the very opposite circumstances of a wartime economy, when the central problem was an excess of consumer demand and a shortage of consumer goods production.

Yet, in the crucible of war, the new doctrine produced, well, astonishing results. In a series of newspaper articles, Keynes set forth how to maintain price stability, during wartime, and in the United States a new Office of Price Administration did just that. Until, that is, the war ended and wartime controls collapsed. Here are the inflation rates for that period.

	Percent
1941	9.7
1942	9.3
1943	3.2
1944	2.1
1945	2.3

With the war ended, Congress enacted the Employment Act of 1946. The authors of the legislation, and perhaps especially committee staff, were convinced that this new economics could now be used as originally intended, which is to say to ward off a recurrence of the Great Depression of the 1930's. It was widely assumed that the depression would indeed resume at war's end. Hence, for example, the Interstate Highway Act of 1944, a public works program in the classic New Deal mode. The Employment Act established the annual economic report of the President which steadily became a more detailed and instrumental document. By 1947, for example, we established the current survey methods measuring unemployment on an annual basis, a national statistic previously gathered through a patch-work of survey and administrative data. In 1960, with the election of John F. Kennedy, the new economics was well-established. Kennedy assembled a brilliant Council of Economic Advisers, Walter W. Heller, Kermit Gordon, and James Tobin. Although but little noted at the time, the present Senator from New York became Assistant Secretary of Labor for Policy Planning and Research. What I now report, I saw. I dare to think that what I saw is of great importance in the matter now before the Senate.

The unemployment rate had remained remarkably low throughout the post-war period. Then, in 1958 recession struck. The unemployment rate rose to 6.8 percent, two-and-one-half times the 2.9 percent rate of 1953. A recovery followed. But then stalled. By 1961, when the new President took office, it was back up to 6.7 percent. What had happened? In their first annual report to the President, in January 1962, the new Council of Economic Advisers offered a striking explanation. The Federal budget was running a surplus. This was termed ''the full employment surplus.'' Chart 6 in the report, entitled, ''Effect of Level of Economic Activity on Federal Surplus or Deficit,'' showed how this worked. Higher Government expenditures during the 1957–58 recession helped to reduce the unemployment rate from 6.8 percent in 1958 to 5.5 percent in 1959. But the fiscal 1960 program, the next to last of the Eisenhower administration, and which, according to the Council, was ''The most restrictive program of recent years * * *'' had a large full employment surplus amounting to almost 2 percent of potential gross national product. This surplus came about as follows. As the recovery from the 1958 recession got underway, economic activity grew and so did the revenues of the Federal Government. But Congress would not, or in any event, did not spend the additional revenue. As a result, the recovery stalled. This untoward event was ascribed to ''fiscal drag.'' Accordingly, the President's economic advisers devised a fiscal 1962 program with a built-in deficit, which moved the economy closer to full employment. To say again, the Federal Government had to find ways to prevent a recovery from stalling because of an accumulation of a budget surplus.

The President's economists then proceeded to explain their actions and plans to reduce the full employment surplus.

The full employment surplus is a measure of the restrictive or expansionary impact of a budget program on over-all demand.

* * * * *

THE BUDGET IN 1958–60

The analysis of the budget program in terms of the full employment surplus points to a probable major cause of the incomplete and short-lived nature of the 1958–60 expansion. The most restrictive fiscal program of recent years was the program of 1960. Its full employment surplus exceeded any from 1956 to date . . . The full employment surplus declined sharply as a result of higher expenditures during the 1957–58 recession until it reached an estimated $3 billion in the second half of 1958. Thereafter, it rose gradually through most of 1959 but then increased sharply to about $12½ billion in 1960. Thus, whereas the Federal budget contributed to stability during the contraction phase of the cycle and during the first year of the expansion, it was altered abruptly in the direction of restraint late in 1959 at a time when high employment had not yet been achieved.

* * * * *

FEDERAL FISCAL ACTIVITY IN 1961–62

Immediately upon taking office, the new Administration moved vigorously to use the fiscal powers of the Federal Government to help bring about economic recovery. Federal procurement was accelerated by presidential directive early in February, and tax refunds were also expedited . . . Changes in transfer programs added about $2 billion to the combined total of transfer payments for fiscal years 1961 and 1962. The Veterans Administration advanced the payment of $150 million of veterans' life insurance dividends into the first quarter of calendar year 1961, and then made an extra dividend payment of $218 million at midyear. The Congress promptly adopted a number of measures requested by the President. A Temporary Extended Unemployment Compensation Act was adopted, providing for extension of exhausted benefits and giving the Administration time to develop a comprehensive program for permanent improvement in unemployment compensation.

In time, the Council came forward with a proposal for a tax cut, which was enacted in 1964, and Walter Heller hit upon the idea of revenue sharing. If the Congress would not spend the surplus, then surely the Governors would oblige. Those were heady times. I recall visiting the White House mess in the company of that most eminent of public men, Arthur J. Goldberg, then-Secretary of Labor, later an Associate Justice of the Supreme Court and Permanent Representative to the United Nations. Walter Heller was there and recounted in the most precise terms just how much GNP had been lost by congressional delay in the tax cut, just how much would be gained once it was enacted. His projections were perhaps too confident, but his principles were sound, as well as the practice that went with them. That double dividend on G.I. bill life insurance brought our family savings to just the point where we were able to buy the farm near Pindars Corners in Delaware County which has been our home ever since.

In the economic report of the President transmitted to Congress in January, 1969, the Council of Economic Advisers, now headed by Arthur M. Okun, could report.

The full employment surplus was a particularly enlightening measure of fiscal policy in the early 1960's when the economy was far below its potential. Actual Federal budgets were then in deficit. But after taking account of the large shortfall in tax revenues associated with the gap between potential and actual output, there was a large full employment surplus. It meant that the economy could realize its potential only if private investment far exceeded private saving. By that standard, discretionary fiscal policy was highly restrictive.

The vigorous and unbroken expansion of the last 8 years is in dramatic contrast to the 30-month average duration of previous expansions. No longer is the performance of the American economy generally interpreted in terms of stages of the business cycle. No longer do we consider periodic recessions once every 3 or 4 years an inevitable fact of life.

As remarked earlier, the Johnson administration left office with too much of a deficit, which had to be reversed. And was. But the 1960's had produced an economics capable of understanding such matters to a degree never previously achieved. An understanding which we are asked to reject altogether by an amendment to the Constitution

which economists of every political persuasion reject as potentially ruinous.

This consensus was stated February 3, in a statement issued by hundreds of such economists. They state:

> When the private economy is in recession, a constitutional requirement that would force cuts in public spending or tax increases could worsen the economic downturn, causing greater loss of jobs, production, and income.

That insight is the great legacy of the economics that emerged from the great depression of the 1930's. It was hard-won knowledge. It is not to be lost in the turbulence and contention that accompanied and now follow a single congressional election.

Mr. President, seeing my distinguished friend from California on the floor—she has been waiting patiently to address the Senate—I am happy to yield the floor and I look forward to her remarks.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I say to my friend, the Senator from New York, I thank him for his leadership, protecting the senior citizens of this Nation. I think as we develop the arguments on this balanced budget amendment to the Constitution, both pro and con, his leadership will be a real bright spot in this U.S. Senate.

Mr. MOYNIHAN. I thank my friend from California.

Mrs. BOXER. Mr. President, I do hope all Americans are paying close attention to this debate on the balanced budget amendment to the Constitution and that they are listening very carefully to the arguments presented on both sides. This is a very important debate. We do not very often even discuss amending the Constitution of the United States of America. So it is important that we hear the arguments, we debate both points of view and the various amendments that will come before us as those on each side of the aisle try to perfect this amendment and some will try to defeat it.

Some will say the only way to balance our budget is to write the requirement to balance it into the Constitution. Others will say the Constitution is not the appropriate place to put economic theory. I myself am not philosophically opposed to the idea of amending the Constitution with a balanced budget amendment if it provides flexibility to the people's elected representatives to respond to national security threats, disasters, emergency situations, and recessionary conditions. It also must protect our commitment to American workers past and present, by exempting the Social Security trust fund from its procedures.

By flexibility I mean specifically that such an amendment should not enshrine a supermajority vote into the Constitution. The balanced budget amendment pending before the Senate now, which has the strong support of the Republican leadership, a part of the Contract With America, does not meet that criterion of flexibility. It does, in fact, require a supermajority and I think that is a tremendous mistake and it does violence to what I consider the rule of democracy. I think majority rule is what our ancestors fought and died for.

Amending our Nation's most important document is not something that should be done lightly. I know this is the time of the 30-second sound bite, the wisecrack, the easy solution. But some issues are more complicated than that, and this, amending the Constitution of the United States of America, is one of those issues. The Californians I represent—and I might say 31 million strong—and all Americans should ask the following questions in this critical debate.

First, should we build into the Constitution the requirement of a supermajority vote to take the budget out of balance? For example, if we are in a deep recession one year, or a depression—and this country has gone through recessions and depressions—should it take a supermajority to enable us to respond? In the Republican contract it will take a three-fifths vote in each House to enable us to act. In the Senate that is 60 votes. I think that is downright dangerous.

The second question we should ask is should we build into the Constitution the requirement of a supermajority to respond to a natural disaster, an earthquake, for example, or a flood that ravages our homes, our towns, our farms? I know the Presiding Officer sitting in the chair tonight has gone through that as a brand new Senator. He has seen what floods can do. The Republican contract would require a three-fifths vote to respond to a natural disaster and I think that is very dangerous. I am going to talk a lot more about the whole issue of disaster relief later in my remarks.

Third, should we build into the Constitution the requirement of a supermajority to respond to a flood of illegal immigrants or a public health crisis or an internal terrorist attack—a terrorist attack that strikes us unexpectedly?

If we have to move and we have to act, should we have to have a rule of a supermajority for us to respond to that? The Republican contract would require a three-fifths vote for us to go out of balance to respond to that. I think that is very dangerous.

(Mr. ABRAHAM assumed the chair.)

Mrs. BOXER. So, what the constitutional amendment before us will do is require a supermajority for us to do our jobs as U.S. Senators. And, as I said, I think that does violence to democracy itself, which is based on majority rule. I do not believe in the tyranny of the minority. And I am in the minority now. I am not happy about it. I see my friend, the Senator from Utah, has a big smile on his face because he should be happy. The Republicans won control of the Senate. But I do not like the idea of giving the minority the right to stop things in their tracks. I think it is wrong. I thought it was wrong when the Republicans were in the minority. I tried to change the filibuster, for example, even when it was not in my own best interests as now a member of the minority party.

There are those who say we will never balance this budget if we do not put that amendment into the Constitution and if we do not have a supermajority requirement. History shows us that this is not the case. I think it is very important to learn from history. History has shown us that it is an aberration to have these kinds of deficits. Our ballooning deficits, as a share of the size of the overall economy, did not become a problem until around 1980.

I want to quote Herbert Stein of the American Enterprise Institute. He was the chairman of the Council of Economic Advisers under Richard Nixon. I want to say that again. Herbert Stein worked in the Republican administration of Richard Nixon. Let us hear what he said about this amendment.

I see that we have a very strong leader on the floor right now, the Senator from West Virginia, who to many people is still their leader. He is still their chairman. Certainly when it comes to defending the Constitution of the United States of America, I say unequivocally that I know of no one else who does it with the style and substance of the Senator from West Virginia. Last year, the Senator from West Virginia held hearings on this balanced budget amendment to the Constitution, and they were extensive. I urge every Senator, Republican and Democrat, to read those hearings.

Herbert Stein came down to the hearing. This is what he said:

> Our experience under the current regime without the amendment has not been terrible. Between 1950 and 1980 the annual deficit averaged about 1.2 percent of the GDP. After 1980 there was a break in history. Deficits became much larger than they have been, averaging 4 percent of GDP.

I think it is very important for us to know that it was Democratic President Bill Clinton and a Democratic Congress that began reversing the anomaly of the eighties. It is true there was a budget agreement under George Bush, and it did start down the track. But I believe it was that vote that we cast here in the Senate for the deficit reduction plan that brought us to a point where we can be very proud of that $500 billion deficit reduction package which passed this Senate. I want to point out that not one Republican voted for real, substantial, deficit reduction. They talked about the amendment then. They talked about how terrible it was to have deficits. But not one Republican joined us. We did not just talk about the procedures as gimmicks for getting us to a balanced budget. We actually took the steps needed to reduce our deficit.

With the President's leadership, we made some very tough choices. We cut spending. We cut taxes also for millions of working families and, yes, we did raise some taxes on the top 1 percent of families in America, the top 1 percent of the economic strata. The very wealthy did pay a tax increase. That is not an easy vote, my friends. No one likes to go home and say, ''I hate to tell you, but I had to vote to raise your taxes.'' But we did it. We did it because I believe it was the right thing to do to get this deficit on the downward track.

How can I explain that someone making $400,000 a year was paying the same tax rate as someone making $55,000 a year? I believe the Tax Code must be fair, and every one of us has to do his or her share to reduce that deficit. What is interesting is after that deficit reduction plan, for every American who pays higher taxes, 10 pay lower taxes. So it was a fair bill, a fair package. And it brought fairness to the Tax Code, and it started us on this decline of this deficit without a constitutional amendment. We started to get the deficit on the decline.

So here it is in plain view, in this Senator's perspective, the difference between making the tough votes on budget and making this very simple vote on amending the Constitution. Let me say how I feel about that. I respect every one of my colleagues, Democrats and Republicans, who will vote for this, no matter what the shape of it is. I do not particularly think it is a courageous vote. I think it takes this country into a position where the minority Members of Congress can hold our country hostage to depression, recession, disasters, and unknown emergencies.

I have heard many of my colleagues say, because I am very concerned about this, ''Oh, in times of recession and depression, in times of disaster, we will all come together and it will be easy to get 60 votes in the U.S. Senate. It will not be a problem, Senator BOXER. It will be easy. We will pull together as Americans. We will have supermajorities to go out of balance and to increase the debt ceiling''— which by the way also takes 60 votes. I have read the RECORD. That is just not so. Supermajorities are hard to get, and I will show that in this debate.

I think we are going to find that our hands are tied, ensuring our inability to act when we should act. Why else do we come to the Senate? Why else do we want to be here if not to help the people, particularly in times of crisis, whether it is an earthquake, whether it is a veteran who is, yes, a paraplegic? We heard Senator ROCKEFELLER, who lives his life here in the Senate in behalf of veterans. We heard what he said about what would happen to veterans if this passes.

Why are we here? Why are we here? I ask my friends. To tie our hands, to make it impossible for us to act? I hope not. I hope the American people ask those who support this amendment if they voted for real deficit reduction last year. If they did not, then I say they are hiding behind this constitutional amendment. It is a figleaf. They want to be able to say they are for a balanced budget. Well, whoopee. That is easy. Saying you are for a balanced budget is easy. What is tough is making the tough votes to make it happen. But when they had the opportunity to vote for deficit reduction by casting a very difficult vote—and it was difficult—they took a powder on that vote. If they had prevailed, we would not have had the success we have had thus far in getting that deficit under control.

I think it is very important to continue to talk to the American people about—since the Republicans did not vote for the deficit reduction that the President put forward and the Democrats supported—what kind of deficit reduction do they support?

I know what I supported because I supported the President's package. So I can show you what I supported. It was difficult. But I can show you. And I will take the heat for it, and I took the heat for it.

But I say they have not shown us their hand. They support an amendment to the Constitution that supposedly outlaws deficits unless a supermajority decides to go out of balance. And I say they have a moral obligation to tell us what their version of deficit reduction looks like.

Now, I heard Senator BYRD discussing this the other day, and he said something very sensible. He said if an average American goes to buy a used car, would they not look under the hood and see what is under the hood?

Well, I say to my Republican friends, if you want to put forward this balanced budget amendment, show us your budget. Open up the hood. We need to see what you mean and what you want to do. It is the right of the American people to know and to know before, not after, we vote for this amendment.

Now, in the deficit reduction bill that I voted for, which passed in 1993, we protected education and children and new technology investments and health research and Social Security and the fight against crime. We did cut other things. As I said, over 200 Government programs were terminated or reduced.

I say, what are the Republican priorities? Where is their budget? We know that the Republican Contract With America promises $700 billion of tax cuts over the next 10 years and, by the way, not targeted to the middle class but to those also in the high tax brackets. They have proposed the same child tax credit for families making $200,000 a year as for families making $30,000 a year.

Now, think that is not going to drain the Treasury. I can assure you that it will. How will they pay for these tax cuts? How will they pay for these tax cuts? They already said they do not want to cut defense. Indeed, they want to spend more on defense. They already said they do not want to touch Social Security even though, by the way, many of them do not support the amendment to exclude Social Security from the balanced budget amendment. They say they do not want to touch Social Security. I am going to vote to remove Social Security from the balanced budget requirement. Social Security should be separate and apart from the budget, untouchable because it is a trust fund and it must be there for current and future retirees.

The Republicans want to leave it right there. In the House, they defeated the amendment to delete Social Security from the requirements of this amendment. But I want to take them at their word tonight. I am going to take them at their word tonight. Even though they did not want to remove Social Security from the requirements of the balanced budget amendment, let us take them at their word that they will not touch Social Security.

Now, if Social Security is off the table, what would we have to cut? We already know they do not want any new taxes. They have already said that. They want tax cuts. They do not want to touch the military. They want to spend more. So what would their balanced budget look like? They will not tell us. It is as simple as that.

I say to the American people, you have a right to know. I am trying to get you the facts. As soon as I learned about the balanced budget amendment, on January 12, I sent the following letter to my colleagues, who have brought this amendment before us. I sent it to the distinguished majority leader, to the chairman of the Budget Committee, and to every Republican Senator who is part of the leadership of this Senate and endorses this balanced budget amendment. This is what I wrote. I am going to read you what I wrote the Republican leaders of this Senate.

DEAR SENATOR: I understand that it is the intention of the Republican majority to bring the constitutional amendment to require a balanced budget to the Senate floor as soon as possible because of the Republican Contract With America. Because you are a supporter of this constitutional amendment, I ask that you send to me your plan to reach this balanced budget target by the year 2002. As I am sure you are aware, the Congressional Budget Office has estimated that to get to a balanced budget by the year 2002 would require deficit reduction in the amount of $1.2 trillion. I would be interested to know what programs you recommend be cut or revenue raised in order to reach a balanced budget.

Specifically,

I wrote to my colleagues:

I am interested in knowing the cuts you would make in programs for crime prevention, education, health and science research, border enforcement, environmental protection, veterans, or transportation. I would also be interested to know what cuts you intend to make to defense, Social Security, and Medicare. Because—

I wrote—

there is no exception for assistance to people who have been struck by a natural disaster, I would also appreciate your candid assessment of how this constitutional amendment could impact funding for disasters such as an earthquake, flooding or fires. Ominously, a supermajority would be necessary or other programs would have to be cut to provide assistance to these disaster victims.

I thank you for you attention to these questions.

I sent 16 letters. So far I have not received a single response. I hope that they will in fact write to me and give me the details of their budget because the American people deserve these details. I am waiting, and I think they are waiting. Now, I must say I am not shocked that I have not received a response.

House Majority Leader ARMEY said that if Members of Congress saw the details, ''it would make their knees buckle.'' Listen to that one.

The House has very fast procedures over there. I was there for 10 years. It is an incredible atmosphere, a very exciting atmosphere. As some watchers of the Congress have been known to say, the House is like the cup where things get really hot and the Senate is like the saucer where they cool down. We are cooling things down here because, as DICK ARMEY, the majority leader of the House said, if Members of Congress saw the details, ''it would make their knees buckle.''

House rules allowed the balanced budget amendment to be rushed through the House. I am not critical of that. That is the way it is over there. But we have the ability over here to fully debate measures, and we will not be rushed. We will be able to point out very clearly what will happen when we have a requirement for a balanced budget in the Constitution that requires a supermajority to respond to the needs of the American people.

Now, I said when I was elected to the U.S. Senate that I would fight for the people of California and for what I believe in, and after the Republicans took over the Senate, the press started asking, ''Aren't you going to change? Aren't you going to be different?''

I said that I was elected to fight for the people of California and what I believe in. And that is what I intend to do for as long as they want me to do it. The day they do not want me to do it, they will pick someone else. That is the Contract With California that I have.

I said at the opening of this Congress that I would work hand in hand with the Republicans if I felt that what they were doing was good for my State and my country, but I also would stand up and fight against them when I felt what they were doing would hurt my State and my country.

I want you to know I supported the Congressional Accountability Act with my Republican friends. Yes, I felt it could have been made stronger, so I also supported amendments for campaign finance reform and the gift ban that they voted down. I finally voted for that bill because on balance it was a good bill which, by the way, Democrats and Republicans had pushed in the last Congress.

Let me tell you, this rigid amendment that gives so much power to the minority is bad for my State. You need to have three-fifths of the Congress to vote to go out of balance or raise the debt limit—60 votes of the Senate right here—and that gives power to the minority to thwart the will of the majority, and that is not right. That is not right. The majority should rule—not the minority. And if I am stuck in the minority, that is my problem. I have to learn to live with it. I should not be able to stop this Senate from responding to the needs of, say, a disaster, a crisis, a health emergency.

I know a health scientist who told me that the worst virus you can imagine, Mr. President, is one plane ride away from this country. It is unbelievable. There is a book called ''The Hot Zone'' which talks about this. The worst virus, the worst bacteria that you can dream of, is one plane ride away from America, and we are going to have a situation wherein a minority could stop us from reacting to that kind of emergency. I say that is bad for the people of California and bad for the people of this country.

I have already shown you by reciting history that you do not need an amendment to balance the budget. We did it around here for many, many years. It was not until the 1980's that things got out of control. Trickle-down economics did not do what it was advertised to do, and this budget went out of control. We have to make progress and we are making progress. I would like to get that deficit down to zero, and I believe we can. But in some years—some years—because of major problems, because of the state of the economy, which may reduce revenues to this Government—what causes the deficit? Expenditures and revenues have to match and some years in this country, because we are a free market, proud economy, some years we go into recession. We used to go into worse recessions. But we have gone into some pretty bad ones. Of course, before I was born was the depression that so impacted the lives of my parents, because they lived through that and they never stopped telling me the horror stories of that time.

Sometimes those revenues go down. Do we want to say, no matter what, we will have a balanced budget, and even if we have a virus that comes in from another country, a bacteria, an earthquake, a fire, a recession, a depression, we need to get a supermajority? My friends say: It is easy, you will get it at a time like that. If they feel that way, why do we not have some exemptions here for recessions, for disasters, so that we know we can respond in a timeframe that makes sense.

Let me tell you what would happen to my State if this amendment passes in the timeframe laid out and if the Republicans stick to their promise—namely, that they will not touch Social Security, and they will enact a megabillion dollar tax cut, and they will increase military spending. That is what they said. And they will not show us their budget. I am trying to figure it out.

What is left on the table? Let me tell you who I went to to get the answer. I did not go to my own party or call the White House. In February 1994, the Wharton Econometrics Forecasting Group, one of our Nation's leading economic forecasting firms, said the balanced budget amendment could cost the State of California more than 700,000 private sector jobs as a result of a significant decline in economic activity in the State. The drop in personal income would be roughly $148 billion.

The Treasury Department reports that the balanced budget amendment would reduce annual Federal grants to the California State government by $7.7 billion. So, first of all, we have a 700,000 loss of private sector jobs as a result of that decline in economic activity, and we have the drop in personal income of $148 billion in my State and loss of Federal grants of $7.7 billion. How can I not take to the Senate floor and protest this amendment? It is going to kill my State. It is going to hurt the people of my State—the children, the families, the elderly, the veterans, people caught in disasters. It is going to hurt our ability to stop illegal immigration at the border.

I cannot sit back and allow this to happen to the people of my State without fighting. I cannot sit back and not fight for an exception in this balanced budget amendment for disasters. I have to fight for an exception for disasters. The Kobe earthquake in Japan demonstrates in ways words cannot express the violence that can be released from an earthquake at 7.2 on the Richter scale. The 6.7 rated Northridge earthquake caused at least $20 billion in damages for both the public and private sector. But a 7.0 earthquake could cause more than $57 billion in damages to Los Angeles, according to a University of Southern California study.

Let me say to my friends from the Midwest and from other parts of this country, we had a report from James Lee Witt that just hit the press yesterday that says they expect an earthquake of that size—Kobe-size—to hit this country, and more than likely it will be in the Midwest. So talking about earthquakes simply is not a matter for California. Talking about floods simply is not a matter for California.

The tragedy in Japan revealed another underlying problem, and that is the problem the Japanese Government had in responding to the crisis. The Government's slow response is undergoing intense scrutiny by Japanese citizens, and rightly so. I bring it up here today because I want us to understand, because we are on the firing line, when something like that happens, we do not want our Government

to be indecisive and unresponsive in times of crisis.

Let me say this: We have responded beautifully to the recent disasters in California and the Midwest floods and the problems in Georgia and the problems in Texas, under this really newly designed FEMA that we have under the Clinton administration. I do not want us to go back to the days when FEMA did nothing.

Let me tell you what a Japanese bureaucrat said to hundreds of homeless people gathered at a local city hall. Put on your thinking caps, because it is going to be us for sure if we do not make an exception for disasters. This is what this bureaucrat said to these homeless people, hardworking citizens of Japan, suffering from an earthquake, homeless:

I can't do anything about your house at this point. I suggest you go to another city.

Imagine Americans taking that. Are we going to tell the people of our cities, suburbs, our rural areas, to move and leave their memories, their dreams, their hopes, because we put in the Constitution a mechanism that tied our hands and said we cannot act? I hope not. I hope the American people will not let that happen. They all love the sound of a balanced budget amendment to the Constitution. ''They better look under the hood,'' as Senator BYRD said.

Our States are not colonies of the Federal Government. When disaster strikes, ''we are,'' as the words say above this beautiful Capitol dome, ''from the many one.'' No confederation of States can respond to a natural disaster as the U.S. Federal Government can respond to a disaster.

When I offer my amendment to exempt disasters from this, I am going to go into chapter and verse about how we have responded and the time that it took and the billions of dollars of relief we were able to send to the various parts of this country.

I hope all of my colleagues from both sides of the aisle will join with me. I do not see how we can possibly not learn from the disasters in this country and from the Kobe experience that the United States of America is the preeminent of, by, and for the people, because we can respond in a crisis. Let us not tie our hands and let 40 people in this body stop us—or 41 to be exact. It takes 60 votes to go out of balance, to respond to a disaster.

I am saying to you, let us not put ourselves in a situation while the debate rages day after day after day, and we have 51 votes to help and we have 52 votes to help, but we are a long way from 60 votes and we cannot help. I would not want to be the Senator whose constituents are going through the hellish nightmare of a disaster without a Federal Government to help. Getting 60 votes will be difficult. History has proved that. Let me tell you, my friends, I am not just theorizing here. We had a horrible earthquake in San Francisco where the Cypress Freeway was badly damaged. Hundreds of thousands of people commute on that every week.

Now I will tell you, I barely survived a vote to rebuild the Cyprus Freeway, 52 to 43, because none other than the distinguished majority leader, who was minority leader then, tried to say, ''Let's get offsetting cuts.''

There are some times when there is a crisis and you do not expect it, whether it is in your family or in the family of government, and we must act to help people.

So I hope that my friends on the Republican side and on the Democratic side will join me when I offer the amendment, which, by the way, is cosponsored by Senator LEAHY of Vermont. It has the support of Senator FEINSTEIN and Senator INOUYE, and the list is growing. Because we should not have our hands tied in a disaster.

Now let me cite another example of where we should not have our hands tied. We should not require a supermajority to act in case of a recession. I do not think we want to return to the days of Herbert Hoover. During the Great Depression of the 1930's, Republican President Hoover refused to see the economic danger signs and he would not act to bolster the plummeting American economy.

When the Depression struck and unemployment in this country rose from under 5 percent to over 20 percent in roughly 2 years, Hoover still refused to act. He refused to provide assistance for the one-fifth of the American population that was out of work.

Let me tell you what he said. And I want the American people to please listen to the words of Herbert Hoover. He said. ''The principles of individual and local responsibility'' would be applied to the victims of the economic suffering.

Let me repeat that. In the days of the Depression, when people of skill were selling apples on the street and heads of families were jumping out of windows because they could not provide for their families, President Hoover said, ''The principles of individual and local responsibility'' would be applied to the victims of economic suffering.

And I quote him further:

Each community and each State should assume its relief of the distress with that sturdiness and independence which built a great nation.

Sound familiar? Let me read it again.

Each community and each State should assume its relief of the distress with that sturdiness and independence which built a great nation.

My friends, that statement is true, but in times of deep emergency in this country—from the many, one. That is the purpose of the United States of America. From the many, one. We come together and we have great strength when we come together.

Now I hear a lot of talk about the new federalism. And I hear words that sound just like this. There is nothing new about it. We tried it and it failed.

Of course, we must be responsible for ourselves and our families, but there are times when things occur in this country that we cannot control, such as recession, depression, an outbreak of cholera, or a serious bacterial infection that may come in, a plane ride away, or a disaster that only God understands why it has to happen to us. And then from the many, one, from the many States, one, and not a situation where in order to act as one we need a supermajority. That is wrong.

We understand that there are times when the Federal Government needs to act to counterbalance cyclical downturns and serious economic trouble.

And, again, Senator BYRD had a press conference with Senator MOYNIHAN and Senator SARBANES and prize-winning economists who said this is a huge mistake to put this requirement into the Constitution with a supermajority vote.

A statement signed by over 200 economists and political scientists says that the balanced budget amendment—and let me quote from them—''hinders severely the public sector's ability to compensate for cyclical fluctuations.'' In other words, recession, depression. ''The need for Federal action to stabilize the economy has been widely recognized since the 1930's.''

This is the economists talking.

A balanced budget eliminates one the few mechanisms preventing mild downturns from developing into severe recessions.

Sometimes you want to act early in a recession to turn it around so it does not turn into a depression. Well, it would be hard to get 60 votes for that, I say to my friends.

I have received letters from several economists repeating these concerns.

Dr. James Tobin, a professor of economics at Yale University and a Nobel laureate, says in a letter to me: ''The balanced budget amendment would make the economy more unstable, more vulnerable to business cycle recessions, because it requires the budget to be balanced every fiscal year regardless of economic conditions,'' which is what I talked about before. In many years, it will be perfectly good economic policy to have a balanced budget, but sometimes it may be very difficult.

This is what this Nobel laureate says in his letter to me:

The tax increases or expenditure cuts necessary to keep the budget balanced would make recessions worse and retard recoveries.

Let me repeat that: This amendment would ''make recessions worse and retard recovery.''

He goes on and explains:

When the economy is depressed, individual and business incomes are smaller; income and payroll tax receipts are smaller, too. Spending is down throughout the economy, so excise and sale taxes yield less revenues than normal. Outlays for unemployment insurance, food stamps, cash welfare and even Social Security benefits are higher * * *.

Now, why are they higher? Because people are out of work and they are drawing down on these safety net programs which I have not heard anyone say they want to destroy.

''The economy,'' he goes on, ''would be worse if these responses to recession did not occur or were cancelled out. Individuals and businesses hit by losses of income and employment would be hit even harder if their tax liabilities remained as high as before and if they received no help. They would have to curtail their spending even more, depressing economic activity further.''

So we have a vicious circle of misery. And what does it take to go out of balance? Under this amendment, unless there is an amendment to go out of balance with 51 votes in a recession, you have to get 60 votes to ease the pain of the American people.

Dr. Robert M. Solow, professor of economics at the Massachusetts Institute of Technology, and also a Nobel laureate, says the following:

> The Amendment is not only bad law, it is bad economics. One of the important ways we protect ourselves against deep recessions is through ''automatic'' variations in the Federal budget. When business turns bad and sales turn down, incomes fall too. Wage and salary income is reduced by short time and layoffs; business profits are usually even harder hit. The Treasury's tax revenues fall automatically. A balanced Federal budget will be thrown into deficit, not by act of Congress, but by workings of the economy.
>
> If the law required Congress to respond by increasing taxes or reducing income-support payments or other expenditures, the result would be perverse. Families and firms would find themselves even worse off, business sales would fall further, and the recession would worsen.

Dr. Lawrence R. Klein, a proessor of economics at the University of Pennsylvania and a Nobel laureate, also opposes the balanced budget amendment because of its potentially damaging effect on the economy. Professor Klein wrote in his letter to me that:

> * * * the primary economic objection to the proposed amendment is that it locks government fiscal policy into an inflexible position. * * * The experience of 1991 and 1992 provides ample evidence of the failure of monetary policy to bring the economy significantly out of recession when it is acting alone instead of being coordinated with fiscal policy in a balanced way.

Professor Klein goes on to say:

> There are times when budget deficits are needed for temporary stimulus and when surpluses are needed for restraint. If these short-run fiscal policies are properly coordinated with monetary policies we can enjoy a much better national economic performance.

These economists are very impressive.

I started off with Herbert Stein, who has been a leading voice for the Republicans, who says this is not a good idea. So it is bipartisan. These are people who really care about this country's economy. This is not a political issue to them. This is an issue of substance. They are concerned about our inability to act quickly to head off a recession, stop it from getting worse.

Now I want to bring up some of the real, what I call red herrings of this debate. They are thrown up there, but they are really not real.

The argument is made that all we are doing to the Federal Government is what the States already do. This is untrue. The balanced budget requirements of the States usually apply only to the State's general fund, which, according to the General Accounting Office, is only about 54 percent of a State's spending.

The balanced budget requirements of most States only deal with a very small part, with 54 percent of the State's budget and the rest does not have to be in balance.

As State deficits start to rise, State governments do some interesting things; 47 States can issue general obligation debt to finance operations and other State activities.

They say they have to have a balanced budget, but they go out when things arise and they issue debt; 42 percent of States have capital budgets for infrastructure and other investments that are not required to be balanced. In other words, where the United States of America's budget includes infrastructure, capital improvements, highways, bridges, roads, as part of our budget, in 19 States, those things are off budget. They are separate. And they can be, in fact, financed by debt.

I know that the leader here is getting a little concerned at the length of my speech, but I can assure him this will not be the last time I am on the floor, and I am getting to the end of my statement. This is the longest speech I have ever made on this Senate floor. I am very proud that I am able in this democracy to take to the Senate floor and give a complete speech on a subject that is so important.

This is the Constitution of the United States of America, and in a Contract With America that Republicans have written, they want to have a constitutional amendment to balance the budget. They would like to get it done in 100 days. Maybe they will. But I came here to fight for the people of my State and for what I believe in. This is going to hurt the people of my State.

For me, it is unprecedented to speak longer than 30 minutes on the Senate floor. But I am doing it because in my heart I would be failing the people of my State if I did not.

Forty-seven States can issue general obligation debt to finance operations and other State activities; 42 States have capital budgets for infrastructure and other investments that are not required to be balanced; and 37 States are allowed to borrow for capital projects. Moreover, the General Accounting Office reports when States begin to experience deficits, they often resort to financial gimmicks to achieve a balanced budget, such as putting things off budget, shifting accounts, and reducing contributions to pension plans which, by the way, can be very dangerous.

Let me tell Members what the debt is in my State of California. It is $23.5 billion. The Governor of my State says he has to balance his budget. He does not say he has $23.5 billion of debt.

Now, the argument is made, so if we say that the Federal Government should act as the States act, I say to Members, the States have debt. I am not saying it is right. I am not saying it is wrong. I am saying it is a reality. So then some people will say, why do we not have the Federal Government act more like a business? Members have heard that—act more like a business. By the way, I think we should sometimes. Does business have debt? In fact, debt for businesses was $3.8 trillion in the third quarter of 1994. The Federal debt is about $4 trillion. Business debt is $3.8 trillion. It is very close.

Now, why does business go into debt? They do it because they make investments with the money they borrow; they expand their capabilities. And I do not think there is one successful business person who would come before Members and say they could never imagine a time when they did not make a loan to expand unless they had unlimited resources. That is why businesses are so dependent on interest rates. When interest rates go down, they are happy because they can go to the bank and get cheap loans, and they can turn that into productivity and profit. Now, they must be wise about it. So should Government. Sometimes, they go into debt.

Now the argument is often made, let the Federal Government look like a family. Now we will look at family. Private debt held by households in the third quarter of 1994 was $4.5 trillion. Private debt by households is larger than the Federal debt. Federal debt is $4 trillion; household debt $4.5 trillion. Amazing. I do not know too many people who do not have home mortgages. Maybe other Members do. I do not even know too many people that own their cars outright. The upper echelon, sure, no problem. Clip the coupons, get the inheritance, no problem. But the average working American has a mortgage. Indeed, we encourage them to buy homes. We make the interest on the mortgage tax deductible.

So, yes, families have debt. Now, it should be reasonable. It should be intelligent. It should not be overdone. We know when we get in trouble we have to pull back. But if we say the Federal Government should look like a family, families have some debt. More like a business? Business has some debt. More like the States? States have a whole lot of debt. I am not saying it is right. I am not saying it is wrong. I am saying it is the way it is in a capitalistic society.

If someone in our family suffers a setback, we do not throw up our hands and say, ''Sorry, we did not expect that you would get cancer, and we have used up our rainy day funds and we cannot

do anything about it.'' We pull together; from the many, one. We reach out to friends and community to help, and that is why we have to be able to act as a Federal Government and to act quickly and to act in such a fashion that it does not take a 60-vote majority.

Now, many of those supporting this amendment rail against bureaucracy and unelected folks having too much power. I agree with them. Therefore, I cannot understand them supporting this rigid amendment where the power will go, first, to a minority in the House and Senate, and second to the courts. For example, how do we define outlays in this amendment? How do we define revenues? These basic questions will surely be the subject of litigation. But that is just the tip of the iceberg.

Constitutional scholars anticipate that the President will be sued by parties who think his revenue estimates are too high, and by parties who think his revenue estimate is too low; by parties who think his growth projections are too high, and by people who think his growth projections are too low; by people who will lose benefits or salary increases if the President impounds appropriated funds, which he can do in this amendment in the event of a shortfall, and by Congress if the President declines to impound. And, of course, the cases will be heard by judges who do not necessarily have any background in fiscal policy, who will find in their case books no useful precedent and will discover in the amendment itself no description, no remedies.

Ironically, the simplest solution for the courts in some cases may very well be to order a tax increase. So the power goes to a minority of Congress, to the courts, and maybe even to the Federal Reserve, because they will be the only institution which will be free to respond in an economic crisis through monetary policy.

If Congress' hands are tied by the will of a minority, as the pending amendment would do, the central bankers of the largest nations who already have great power will fill the vacuum. They will be able to wield greater authority over financial markets, interest rates, industrial development, and economic behavior all around the globe, and we do not even know who these people are.

So, Mr. President, I am coming to the end of my remarks. I am down to the last few brutal minutes. For all these reasons, I hope we will not add this amendment to the Constitution. It is a tough vote to vote ''no'' because it seems simple. If you favor a balanced budget, vote for the amendment to the Constitution. But that is not what this is about.

I have made tough deficit reduction votes and continue to do that. But I will not put Social Security at risk. And that is what this constitutional amendment does. I will not put our citizens at risk in case of natural disaster. And that is what it does. I will not put our people at risk in a recession, and that is what this amendment does. And I will not put our fighting crime budget at risk, and that is what this amendment does, as well as put so many people—our children, our elderly, our families—at risk.

I will not stand by while my State of California gets the shaft from colleagues who, frankly, will not even tell Members where the cuts are coming from. They are taking a budget ax, but we do not know where it will land. I cannot stand by quietly and not talk out for my State and for the people I represent.

I worry very much about this amendment. It is one of our most important votes. I think, again, out of many, one. That means we should be able to respond to a crisis. We will not be able to do this. I think if we vote for this, before we vote, we should demand that my Republican friends show us their budget.

Let us support amendments to protect our people by exempting Social Security disasters and economic downturns from this rigid amendment. Let us remove the requirement of a supermajority which will totally tie us in knots, and if we do not do these things, then let us defeat this amendment.

In closing, Mr. President, true leadership requires patience, courage, and convictions. This debate will challenge our patience, our courage, and our conviction. Let us meet the test not just as a personal challenge, but because the stakes are enormous for America for now and for decades and decades to come.

I thank my colleagues for their patience. I yield the floor.

Mr. HATCH. Mr. President, the Senator from California suggests that the balanced budget amendment is inconsistent with the Framers of the constitution and their Constitution because it requires a supermajority to pass an imbalanced budget. She asserts that this is countermajoritarian and that majority rule is the main principle in the Constitution. This is simply wrong.

Virtually every provision of the Bill of Rights is countermajoritarian—each limits what passing majorities can do. There are many instances in the Constitution: separation of powers, checks and balances, bicameralism, the qualified veto, advise and consent provisions, and treaty ratifications which do not involve the House and often involve supermajorities. The entire amendment process requires supermajorities of Congress and the States. Each of these involves supermajority requirements or gives decisionmaking power to less than the majority.

But, Mr. President, the Bill of Rights goes even further: It does not allow changes with majorities, or even supermajorities. In fact, even a unanimous vote cannot contravene the Bill of Rights without amending the Constitution itself. A majority cannot make laws abridging freedom of speech. A majority cannot establish a national church or interfere with the free exercise of religion. A majority cannot allow police to make unreasonable searches and seizures. A majority cannot infringe on the right to keep and bear arms—at least not legitimately.

A majority cannot change the bicameral Congress to a parliamentary system or divide the unitary Executive into a Roman triumvirate. A majority cannot even lower the age requirement of Senators.

Mr. President, the Constitution itself is a countermajoritarian document. If all we wanted in a government was mere majority rule, we would not need a Constitution at all. The very notion of a set of rules that a majority cannot change is countermajoritarian and empowers a minority. But, Mr. President, I believe the Constitution has proven its worth by protecting transient majorities from themselves and protecting the minority as well. And it has proven its worth as a basic charter for our Government and our Nation.

Changing majorities in Congress have been spending our children's money and they have trampled on the rights of those generations who do not have a vote yet. It is wholly appropriate to require at least a measure of consensus among those represented to spend the legacy of the young and the unborn. It is wholly consistent with Madison's ''auxiliary precautions'' which serve to control the Government to help maintain the freedom of the governed.

Mr. ABRAHAM. Mr. President, let me take a few minutes to explain to the American people what this debate over the balanced budget amendment is really all about.

It is a debate between those in this body who want to maintain the status quo versus those of us who want to implement the change that the American people voted for last November.

It is a debate between those who want to preserve the business-as-usual practices of official Washington—more taxes, more spending, and more debt—versus those of us who want to shake up Washington and promote less government and more individual freedom.

Mr. President, in March 1994, 17 Senators on the other side of the aisle voted for the balanced budget amendment. Although I was not here, I am told that many of these Senators gave impassioned speeches about the dire economic consequences of high and rising budget deficits—about the immorality of burdening future generations with massive debt.

Today, the projections of future deficits and debt are significantly higher than they were last year. The latest CBO outlook for the budget deficit shows it climbing from $207 billion in fiscal 1996 to $243 billion in fiscal 2000. By fiscal year 2005, the CBO projects that the deficit will rise to over $400 billion.

Budget deficits are rising. Interest rates are rising. The national debt will increase by over $1 trillion over the next 5 years. But somehow our colleagues on the other side of the aisle who voted for the balanced budget amendment in March 1994 now feel less compelled to support the amendment today.

They now want to attach special conditions; namely, the right-to-know and Social Security exemption amendments to the balanced budget amendment in exchange for their support on final passage.

As a new Member of the Senate, I would like to know why our colleagues voted for a balanced budget amendment that did not include a right-to-know provision last year? Why were there no requests for budget details back then?

The minority leader was quoted the other day in Congress Daily saying that he may not vote for the balanced budget amendment because he does not ''have sufficient information on it.'' Again, I was not here, but the minority leader and others apparently had sufficient information when they voted for the balanced budget amendment the last March.

Why did our colleagues vote last year for a balanced budget amendment that did not include a provision to exempt Social Security? Is Social Security somehow more at risk this year than it was last year? Judging from the cards, letters, and phone calls that I get from Michigan's senior citizens, Social Security is politically as strong as ever. I have no doubt that it will compete very well with other programs in the Federal budget.

Mr. President, in truth, the only difference between today and last year is that a new party controls the Congress—and some people do not like it. These amendments are nothing but veiled attempts to torpedo the balanced budget amendment, thereby thwarting the American public's will as demonstrated in the last election.

In my judgment, we need the balanced budget amendment now more than ever. Clearly, the budget deficit is once again spiraling out of control. And President Clinton has apparently decided to raise the white flag on the budget deficit.

His proposed budget for fiscal 1996 barely puts a dent in the out-year budget deficits. In fact, his budget calls for an increase in Federal spending from $1.5 to $1.9 trillion by the turn of the century. It will produce budget deficits of about $200 billion every single year through the year 2000.

Mr. President, according to an article in Saturday's Washington Post, one administration official who participated in drafting the President's budget said that, ''It should be a source of shame.''

With this budget submission, the President has basically decided to walk away from his campaign pledge to cut the budget deficit in half during his first term—and walk away from the public's overwhelming desire to balance the Federal budget.

In my view, President Clinton's budget should be the poster child for the balanced budget amendment.

Without the constitutional force of a balanced budget amendment, the President is simply not compelled to make some tough choices and submit a balanced budget.

Mr. President, as I mentioned earlier, I think this debate is a showdown between the business-as-usual politics of official Washington and the desire for sweeping change that the people voted for last November. It is that simple.

Those Senators who oppose the amendment want to maintain the status quo of higher deficits, higher spending, and higher taxes. Those Senators who support the amendment want to shake up the system and force Congress to do what every American family must do—live within its means.

EDUCATION INFRASTRUCTURE AND THE RIGHT-TO-KNOW AMENDMENT

Ms. MOSELEY-BRAUN. Mr. President, as a strong supporter of the right-to-know amendment, as well as a strong supporter of the balanced budget constitutional amendment, there is a lot I would like to say on behalf of the principles that underlie both ideas. However, at this time, I would like to say just a few words about the fiscal year 1996 administration budget proposals and their impact on my top legislative priority in the last Congress, the Education Infrastructure Act.

I ran for the Senate in no small part because I believe that the Federal Government has a real responsibility to make primary and secondary education a higher priority. I think it is absolutely clear that a solid primary and secondary education is the foundation on which opportunity is built, and I am convinced that one of the most cost-effective ways the Federal Government can open up opportunities for our children over the long-run is to give primary and secondary education the attention they deserve.

That is why I am so disappointed that the administration is proposing to rescind the $100 million fiscal year 1995 appropriation for the Education Infrastructure Act, which I authored last year, and it is why I am so disappointed that the President is not requesting any money for this very important program in fiscal year 1996.

Last year, Congress passed the Goals 2000: Educate America Act, which President Clinton signed into law on March 31, 1994. I strongly supported this legislation when it was before the Congress. It promises to help create a coherent, national framework for education reform, founded on the national education goals.

Helping to achieve real progress in education is what the Education Infrastructure Act is all about. Last Wednesday, the General Accounting Office released a frightening report on the physical condition of our Nation's public schools. This study concluded that it will take $112 billion to restore school facilities nationwide to a ''good'' overall condition. The GAO found that public schools need $11 billion just to meet Federal requirements, including $46 billion to make all programs accessible to all students and $5 billion to remove or correct hazardous substances.

The Education Infrastructure Act, which was included in the reauthorization of the Elementary and Secondary Education Act is specifically designed to help school districts that do not have adequate local resources to provide facilities where students can learn. It assists school districts in renovating, altering, and rehabilitating old facilities and in constructing needed new facilities.

It is inherently unfair to expect our children to meet national performance standards if they do not have a real opportunity to learn. The Education Infrastructure Act will help our children learn by helping to restore an environment conducive to learning. In her research at Georgetown University, Maureen Edwards found that students in poor school facilities are likely to fall over 5 percentage points below those in schools that are in fair condition and 11 percentage points below those in schools in excellent condition. These figures are eloquent testimony as to why the Education Infrastructure Act is so needed, and why it is such a cost-effective idea to pursue. And they provide important evidence as to why the decision to zero out the Education Infrastructure Act in the budget was so ill-advised.

But building on the work Congress did last year on the Education Infrastructure Act was not the only opportunity this budget missed. Looking at the budget more broadly, I am very disappointed that it does not continue the work that the administration and Congress began in 1993 to reduce Federal deficits. The current strength of the U.S. economy and the long-term budget trends the United States is facing make this the time to act. In too many areas, however, this budget defers taking actions that are already long overdue.

Most importantly, the budget does not contain proposals to deal with the major entitlement problems the Federal Government is facing. Mandatory spending is becoming an ever-greater portion of the Federal budget, and it is the engine driving the growth of the budget. Mandatory spending will be almost three-quarters of the entire Federal budget by the year 2003, and mandatory spending, together with interest expense, represents 95 percent of the growth of year-to-year Federal spending. The only way to get a real handle on Federal deficits is to take a hard look at mandatory spending. That is what the Bipartisan Commission on Entitlement and Tax Reform, on which I served, was all about. And that is what the Commission found, approving its report on the trends driving the

growth of Federal spending by an overwhelming 30 to 1 vote.

However, the truth contained in the Commission's report—that rapidly rising health care costs and the ''graying of America'' are what are driving Federal deficits—is not reflected in the budget.

Medicare and Medicaid continue to rise at rates above the rate of economic growth or Federal revenues. Health care reform continues to be essential in order to make any lasting progress on health care cost growth. Yet the budget does not face the need for reform in health care.

Social Security needs reform to ensure it will be there for future generations as it has for current and past beneficiaries. This does not mean cutting benefits for any current beneficiary by even a nickel, but it does mean that we need to face the reform issues honestly, and that we owe it to the American people, and particularly to younger Americans who worry that Social Security will not be there for them, to face them now. Yet, this budget does not do so.

Instead, the budget seems to concentrate on the part of the budget—discretionary domestic spending—that CBO says has not grown as a percentage of the economy since 1960, rather than taking on the real area of growth—mandatory spending. And it proposes tax cuts, when the American people know that deficit reduction is the higher priority.

The President does not support the balanced budget constitutional amendment, but the underlying budget trends do not either know or care who is for the balanced budget amendment or against it. The trends simply go on until we develop the political will to act to change them.

We all have an obligation to the American public to tell the truth about the budget, and about the future we face if we do not act. The American people know that something is wrong with the budget; the budget document should be a clear guide to what that something is.

Mr. President, I am confident that the American people will make the right decisions regarding the budget if they have the right information. This budget does not do enough to see that they do. Not facing our budget problems condemns us to a future where we don't have the money to solve either old problems or new ones. It costs us economic growth, savings, and works to undermine the standard of living of most Americans.

Dealing with our budget deficits is not an arcane accounting issue, it is perhaps the most important issue facing America today, and the most important determinant of the kind of future we will see. Balancing the budget is a people issue—an issue for our children and their children. It is disappointing that the budget does not do more to communicate those fundamental truths to the American people. I expected more.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for morning business, not to extend beyond 7 p.m., with Senators permitted to speak therein for not more than 5 minutes each.

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

RONALD REAGAN'S BIRTHDAY

Mr. DOLE. Mr. President, 14 years ago, America was flat on her back. Our economy was a disaster, with inflation, interest rates, and unemployment all in or near double digits.

Abroad, respect for American leadership was at an all-time low, as our resolve was questioned by allies and adversaries alike.

Many in this town surveyed the situation, wrung their hands, shook their heads, and pronounced that America was in decline, and that our best days were far behind us.

But Ronald Reagan knew better.

Ronald Reagan knew that power belonged to the people, not with the Federal Government.

Ronald Reagan knew that the best solutions to our problems came not from bureaucracies on the Potomac, but from men and women on the Mississippi, the Colorado, and the Columbia.

Ronald Reagan knew that economic recovery could be achieved not through rules and regulations, but by allowing the magic of the marketplace to work its wonders.

Ronald Reagan knew that America was right far more often than she was wrong.

Ronald Reagan knew that military strength was not the means to war, but the key to peace.

And Ronald Reagan knew that the price of American leadership was a price worth paying.

It was this vision that Ronald Reagan brought to this town in January 1981. And it was this vision that revitalized America, and brought hope and freedom to millions across the world.

And it is that vision that America endorsed last November when they gave Republicans control of Congress.

Today is Ronald Reagan's 84th birthday. And along with those of countless Americans, my thoughts and prayers are with President and Mrs. Reagan today and will remain with them in days to come.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

VERY BEST TO PRESIDENT AND MRS. REAGAN

Mr. HATCH. Mr. President, I would like to echo the distinguished majority leader's sentiments with regard to President Reagan and the dramatic impact he made on this town. Both the majority leader and President Reagan worked very closely together, hand in hand, and did a terrific job for this country.

I really wish the President and Mrs. Reagan my very best. We all love them, appreciate them, and wish them well.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, with the consent of the minority leader, I ask unanimous consent that at 12 noon on Wednesday, February 8, the majority leader, or his designee, be recognized to make a motion to table the Daschle1 motion to commit.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object. I just want to make sure, is this agreed to by the minority leader?

Mr. HATCH. This is agreed to by the Democratic leader, as I understand it.

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

ORDER OF PROCEDURE

Mr. HATCH. Mr. President, further, for the information of my colleagues, in light of the consent just granted, there will be no votes during Tuesday's session of the Senate this week. However, this side of the aisle expects extensive debate on the Daschle motion and the pending Dole amendments thereto throughout Tuesday's session.

EXECUTIVE CALENDAR

Mr. HATCH. Mr. President, as in executive session, I ask unanimous consent that the Senate proceed immediately to the consideration of Executive Calendar Nos. 2 through 7 and all the nominations placed on the Secretary's desk; that the nominations be confirmed, en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table, en bloc; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed, en bloc, are as follows:

IN THE ARMY

The following-named officer to be placed in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Ira C. Owens, 000–00–0000, U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Paul E. Menoher, Jr., 000–00–0000, U.S. Army.

The following-named officer for appointment to the grade of lieutenant general

while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. John N. Abrams, 000–00–0000, U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Guy A.J. LaBoa, 000–00–0000, U.S. Army.

IN THE NAVY

The following-named officer for reappointment to the grade of vice admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. William C. Bowes, 000–00–0000, U.S. Navy.

IN THE MARINE CORPS

The following-named brigadier generals of the U.S. Marine Corps for promotion to the permanent grade of major general, under the provisions of section 624 of title 10, United States Code:

To be major general

Brig. Gen. Leslie M. Palm 000–00–0000.
Brig. Gen. Michael J. Williams, 000–00–0000.
Brig. Gen. Lawrence H. Livingston, 000–00–0000.
Brig. Gen. Martin R. Steele, 000–00–0000.
Brig. Gen. Frederick McCorkle, 000–00–0000.
Brig. Gen. Michael D. Ryan, 000–00–0000.
Brig. Gen. Patrick G. Howard, 000–00–0000.
Brig. Gen. Wayne E. Rollings, 000–00–0000.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Rex E. Carpenter, and ending Steven D. Damanda, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1996.

Air Force nominations beginning William H. Bobbitt, 000–00–0000, and ending Dante M. Gamboa, 000–00–0000, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Air Force nominations beginning Maj. Travis D. Balch, 000–00–0000, and ending Maj. Deborah C. Messecar, 000–00–0000, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Air Force nominations beginning Maj. David S. Angle, 000–00–0000, and ending Maj. Marvin C. Starlin, Jr., 000–00–0000, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Air Force nominations beginning George M. Abernathy, and ending Alan L. Zohner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Air Force nominations beginning Milton C. Abbott, and ending Edward M. Zastawny, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Air Force nominations beginning Donald R. Adams, Jr., and ending Robert Zajac, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Air Force nominations beginning Lydia D. David, and ending Alan J. Sutton, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 10, 1995.

Air Force nominations beginning David W. Abba, and ending James D. Zwyer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 10, 1995.

Army nominations beginning Stephen M. Bahr, and ending William L. McMullen, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nominations beginning John E. Baker, and ending Joseph Russelburg, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nomination of Col. Kip P. Nygren, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nominations beginning David A. Gutowski, and ending Lew D. Skull, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nominations beginning Eduardo C. Cuison, and ending Judith M. Allen, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nominations beginning James E. Akers, and ending Richard G. Hines, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nominations beginning Charles M. Coleman, and ending Diana L. Culbert, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nominations beginning Frank D. Chaffee, and ending Ludvig E. Towner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nominations beginning Richard E. Cooley II, and ending Ronald F. Zink, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nominations beginning Michael P. Breithaupt, and ending Marcus G. Coker, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nomination of David E. Bell, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nomination of Leopoldo A. Rivas, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nominations beginning John C. Aupke, and ending Steven H. Zinser, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nomination of Darryl A. Wilkerson, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nominations beginning Richard Monnard, and ending Daniel L. Runyon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nominations beginning John F. Armstrong, and ending Julie K. Zadinsky, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nominations beginning Glendon L. Acre, and ending Patric M. Zwolenski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Army nominations beginning with Ajay Verma, and ending Joseph C. Pierson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 10, 1995.

Army nominations beginning Rose J. Anderson, and ending Randy L. Woolf, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 10, 1995.

Army nominations beginning Michael T. Adams, and ending Ronald N. Wool, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 10, 1995.

Marine Corps nomination of Lt. Col. Thomas E. Sheets, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Marine Corps nominations beginning Karen J. Anthony, and ending Robert J. Wilkinson, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Navy nominations beginning Michael J. Esper, and ending Bruce M. Wenig, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Navy nominations beginning Claudio Biltoc, and ending John E. Gardella, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Navy nominations beginning Joseph A. Surette, and ending Neil E. Gibbs, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

BUDGET OF THE U.S. GOVERNMENT FOR FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; pursuant to the order of January 30, 1975; referred jointly to the Committee on Appropriations and the Committee on the Budget:

To the Congress of the United States:

The 1996 Budget, which I am transmitting to you with this message, builds on the Administration's strong record of economic progress during the past two years and seeks to create a brighter future for all Americans.

When I took office two years ago, the economy was suffering from slow growth, inadequate investment, and very low levels of job creation. We moved quickly and vigorously to address these problems. Working with Congress in 1993, we enacted the largest deficit reduction package in history. We cut Federal spending by $255 billion over five years, cut taxes for 40 million low- and moderate-income Americans, and made 90 percent of small business eligible for tax relief, while increasing income tax rates only on the wealthiest 1.2 percent of Americans. And while we placed a tight ''freeze'' on overall discretionary spending at 1993 levels, we shifted spending toward investments in human and physical capital that will help secure our future.

As we fought for our budget and economic policies, we moved aggressively to open world markets for American

goods and services. We negotiated the North American Free Trade Agreement with Canada and Mexico, concluded negotiations over the Uruguay Round of the General Agreement on Tariffs and Trade, and worked with Congress to enact implementing legislation for both.

Our economic plan helped bring the deficit down from $290 billion in 1992, to $203 billion in 1994, to a projected $193 billion this year—providing three straight years of deficit reduction for the first time since Harry Truman was President. Measured as a percentage of our economy—that is, Gross Domestic Product [GDP]—our plan will cut the deficit in half.

By reassuring the financial markets that we were serious about getting our fiscal house in order, our plan also lowered interest rates while holding inflation in check. That helped to stimulate private investment and exports, and sparked the creation of 5.6 million new jobs—more than twice the number in the previous four years.

Now that we have brought the deficit down, we have no intention of turning back. My budget keeps us on the course of fiscal discipline by proposing $81 billion in additional deficit reduction through the year 2000. I am proposing to save $23 billion by reinventing three Cabinet departments and two other major agencies, to save $2 billion by ending more than 130 programs altogether, and to provide better service to Americans by consolidating more than 270 other programs. Under my plan, the deficit will continue to fall as a percentage of GDP to 2.1 percent, reaching its lowest level since 1979.

Despite our strong economic record, however, many Americans have not shared in the fruits of recovery. Though these Americans are working harder and harder, their incomes are either stagnant or falling. The problem is particularly acute among those with less education or fewer of the skills needed to compete in an increasingly global economy. To build a more prosperous America, one with rising living standards for all Americans, we must turn our attention to those who have not benefited from the current recovery.

My budget proposes to do that.

PROMOTING A RISING STANDARD OF LIVING FOR ALL AMERICANS

I am proposing a Middle Class Bill of Rights, which will provide tax relief to middle-income Americans. The Middle Class Bill of Rights includes a $500 per child tax credit for middle-income families with children under 13, expands eligibility for Individual Retirement Accounts and allows families to make penalty-free withdrawals for a range of educational, housing, and medical needs; and offers a tax deduction for the costs of college, university, or vocational education. Also as part of my Middle Class Bill of Rights, I am proposing to revamp our confusing array of job training programs by consolidating some 70 of them. In my G.I. Bill for America's Workers, I propose to offer dislocated and low-income workers ''Skill grants'' through which they can make their own choices about the training they need to find new and better jobs.

The G.I. Bill for America's Workers is the final element of my effort to improve the education and skills of Americans, enabling them to compete in the economy of today and tomorrow. In the last two years, we enacted Goals 2000 to encourage States and localities to reform their education systems; revamped the student loan program to make post-secondary education affordable to more Americans; and pushed successfully for the School-to-Work program that enables young Americans to move more easily from high school to training or more education.

And I am proposing to pay for this Middle Class Bill of Rights with specific spending cuts. In fact, I am proposing enough spending cuts to provide more than twice as much in budget savings—$144 billion—as the tax cuts will cost—$63 billion—over five years.

CREATING OPPORTUNITY AND ENCOURAGING RESPONSIBILITY

By itself, the Federal Government cannot rebuild America's communities. What it can do is give communities some of the tools and resources to address their problems in their own way. My national service program provides incentives for Americans of all ages to volunteer their services in local communities across the country, and earn money for their own education. The budget proposes to invest more in our urban centers as well as in rural areas, and to continue our efforts to build stronger government-to-government relations with American Indian and Alaska Native Tribes. And I will work with Congress to enact comprehensive welfare reform that embodies the principles of work and responsibility for abled-bodied recipients, while protecting their children.

My Administration has worked with State and local law enforcement agencies to help retake the streets from the criminals and drug dealers who, in far too many places, now control them. Congress enacted my crime bill last year, finally answering the cries of Americans after too many years of debate and gridlock. We pushed successfully for the ''three strikes and you're out'' rule for violent criminals, and we are making significant progress on my promise to put 100,000 more police on the street. Congress also passed the long-overdue Brady Bill, which provides for background checks that will keep guns out of the hands of criminals. In this budget, I am proposing new funds with which States and localities can hire more police, build more space in prisons and boot camps, invest in prevention programs for first-time offenders, and provide drug treatment for many more drug users.

My Administration inherited deep-seated problems with the immigration system, and we have gone a long way toward addressing them. This budget proposes the strongest efforts yet, including funds for over 1,000 new Border Patrol agents, inspectors, and support staff. While working to fulfill the Federal Government's responsibility to secure our borders against illegal immigration, the budget also proposes funds to assist States that are unduly burdened with the health, education, and prison-related costs associated with illegal immigrants.

We must redouble our efforts to protect the environment. My Administration has sought more innovative, effective approaches to do so, and this budget would build upon them. In particular, I am proposing to work more with State and local governments, businesses, and environmental groups on collaborative efforts, while seeking more funds for high-priority programs.

Because investments in science and technology pay off in higher productivity and living standards down the road, I am seeking significant new funding for the Advanced Technology Program at the Commerce Department's National Institute of Standards and Technology, NASA's New Technology Investments, the Defense Department's Technology Reinvestment Project, biomedical research at the National Institutes of Health, and research and development at the National Science Foundation. I am also seeking to strengthen our coordinated efforts through the Administration's National Science and Technology Council and to improve the payment system for federally-sponsored research at colleges and universities.

I remain committed to comprehensive health care reform. The problems that prompted me to send Congress the Health Security Act in November 1993 have not gone away. Health care costs have continued to soar for individuals, businesses, and all levels of government. More Americans are losing their health coverage each year, and many others are staying in jobs only out of fear of losing their own coverage. I am asking Congress to work with me on a bipartisan basis, to take the first steps toward guaranteeing health care coverage to every American while containing costs.

PROJECTING AMERICAN LEADERSHIP AROUND THE WORLD

We have begun the post-Cold War era and welcome one of its most significant fruits—the continuing efforts of Russia and the newly-independent states to move toward democracy and economic freedom. We propose to continue our support for this fundamental change that clearly serves the Nation's long-term interests.

My proposals for international affairs also promote and defend this Nation's vital interests in Central Europe, the Middle East, and Asia. The budget supports the important role we play in fostering our historic peace process in the Middle East.

With the global economy offering the prospect of new markets for American

goods, we are redoubling our efforts to promote an open trading system in Asia, as well as in Latin America and the rest of the globe. I am, for instance, proposing increased funding for our trade promotion agencies, such as the Export-Import Bank, which strengthen our trade position. I am also asking for continued support for the bilateral and multilateral assistance to less-developed nations that can prevent humanitarian crises, as well as support for a strong American response to these crises.

Our military strength works in synergy with our foreign policy. Our forces defend our interests, deterring potential adversaries and reassuring our friends. My Defense Funding Initiative, a $25 billion increase in defense spending over the next six years, marks the third time that I have raised defense spending above my initial funding plan in order to support and maintain the most capable military force in the world. I am determined to ensure a high level of readiness of U.S. military forces, to continue to improve the pay and quality of life for the men and women who serve, and to ensure that our forces are modernized with new systems that will be available near the end of the century.

MAKING GOVERNMENT WORK

None of our efforts can fully succeed unless we make Government work for all Americans. We have made great progress with the National Performance Review (NPR), which I established early in the Administration and which Vice President Gore has so ably run at my direction.

Specifically, departments and agencies across the Government have made substantial progress on each of the NPR's four themes: putting customers first, empowering employees to get results, cutting red tape, and cutting back to basics. The departments and agencies have established customer service standards and streamlined their operations. They also are working with my Office of Management and Budget to focus more on ''performance''—what Federal programs actually accomplish. And they are doing all this while we are cutting the Federal workforce by 272,900 positions, bringing it to its smallest size since John Kennedy was President.

We also greatly improved the Federal regulatory system, opening it up more to public scrutiny. We plan to build upon our efforts, to make sure that we are protecting the public while not unduly burdening any one industry or group. We also overhauled the Federal procurement system, cutting mountains of red tape and enabling the Government to buy high-quality goods and services at lower cost.

Despite such progress, however, we are only beginning our efforts. I recently announced a major restructuring of the Departments of Housing and Urban Development, Energy, and Transportation, the General Services Administration, and the Office of Personnel Management. The budget contains details of these restructurings and our related proposals that affect hundreds of other programs.

In the coming months, the Vice President will lead Phase II of our crusade to reinvent Government—an effort to identify other agencies and programs to restructure or terminate, to sort out responsibilities among the Federal, State, and local levels of government, and to choose functions better performed by the private sector.

CONCLUSION

Our agenda is working. By cutting the budget deficit, investing in our people, and opening world markets, we have begun to lay the foundation for a strong economy for years to come. And by reinventing the Federal Government, cutting red tape and layers of management, we have begun to make Government more responsive to the American people.

This budget seeks to build upon those efforts. It seeks to spread the benefits of our economic recovery to more Americans and give them the tools to build a brighter future for themselves. It also seeks to continue our reinvention efforts—to eliminate or restructure agencies and programs, and to better sort out responsibilities among the Federal, State, and local levels of government.

These proposals will help us to create a stronger economy and more effective Government. I will ask for Congress's help in these efforts.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 6, 1995*.

RESCISSION PROPOSALS OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry; the Committee on Commerce, Science, and Transportation; the Committee on Labor and Human Resources; the Committee on Banking, Housing, and Urban Affairs; the Committee on Environment and Public Works; the Committee on Small Business; the Committee on the Budget; and the Committee on Appropriations:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report 23 rescission proposals of budgetary resources, totaling $1.1 billion. These rescissions, when combined with other discretionary savings proposals contained in the FY 1996 Budget, will reduce FY 1995 budgetary resources by $2.4 billion.

The proposed rescissions affect the Departments of Agriculture, Commerce, Education, Health and Human Services, Housing and Urban Development, Labor, and Transportation; the Environmental Protection Agency; the National Aeronautics and Space Administration; the Small Business Administration; the Chemical Safety and Hazard Investigation Board; and the National Science Foundation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 6, 1995*.

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–359. A communication from the Chairman of the Board of the Panama Canal Commission, transmitting, pursuant to law, the annual report of the Commission relative to unaudited financial statements for fiscal year 1994; to the Committee on Armed Services.

EC–360. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a fiscal year 1994 report relative to National Historic Landmarks which are damaged; to the Committee on Energy and Natural Resources.

EC–361. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the 1994 report of the Safety Research Program of the Nuclear Regulatory Commission; to the Committee on Environment and Public Works.

EC–362. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the quarterly report relative to trade between the United States and China for the period July-September 1994; to the Committee on Finance.

EC–363. A communication from the Chairman of the Board for International Broadcasting, transmitting, pursuant to law, the annual report on the Board's activities for fiscal year 1994; to the Committee on Foreign Relations.

EC–364. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report relative to foreign military sales customers; to the Committee on Foreign Relations.

EC–365. A communication from the Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, the 1994 annual report on U.S. Assistance and Related Programs for the Independent States of the Former Soviet Union; to the Committee on Foreign Relations.

EC–366. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the 1994 report of the Administration's compliance with the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC–367. A communication from the Administrator and Chief Executive Officer of the Department of Energy, transmitting, pursuant to law, a 1994 annual report in compliance with the Chief Financial Officers Act with respect to the Federal Columbia River Power System; to the Committee on Governmental Affairs.

EC–368. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the Competition in Contracting Act for fiscal year 1994; to the Committee on Governmental Affairs.

EC–369. A communication from the Secretary of Labor, transmitting, pursuant to

law, notice of the award of a sole-source contract for the Cleveland Job Corps Center; to the Committee on Governmental Affairs.

EC–370. A communication from the Deputy Independent Counsel, transmitting, pursuant to law, a report relative to the Inspector General's Act; to the Committee on Governmental Affairs.

EC–371. A communication from the Director of the Administrative Office of the United States Courts transmitting a draft of proposed legislation to provide for the appointment of additional United States circuit and district judges, and for other purposes; to the Committee on the Judiciary.

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. AKAKA:

S. 357. A bill to amend the National Parks and Recreation Act of 1978 to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HEFLIN (for himself and Mr. LOTT):

S. 358. A bill to amend the Internal Revenue Code of 1986 to provide for an excise tax exemption for certain emergency medical transportation by air ambulance; to the Committee on Finance.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 359. A bill to provide for the extension of certain hydroelectric projects located in the State of West Virginia; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 357. A bill to amend the National Parks and Recreation Act of 1978 to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

REESTABLISHMENT OF THE FRIENDS OF KALOKO-HONOKOHAU

Mr. AKAKA. Mr. President, I rise today to reintroduce legislation to reestablish the Friends of Kaloko-Honokohau, an advisory Commission for the Kaloko-Honokohau National Historical Park located on the big island of Hawaii. Identical legislation passed both Houses during the 103d Congress, but failed to reach the President's desk before adjournment.

The advisory Commission was originally authorized for a 10-year period under the National Parks and Recreation Act of 1978, the bill which established the Kaloko-Honokohau National Historical Park. Unfortunately, since the National Park Service did not acquire a sufficient land base for park operations until October 1990, the 10-year period expired without the Commission being established.

My bill simply reauthorizes the Friends of Kaloko-Honokohau to complete its original mandate. The Commission will advise the Director of the National Park Service on historical, archaeological, cultural, and interpretive programs for the park. Particular emphasis will be given to the demonstration of traditional native Hawaiian culture.

Mr. President, Congress intended Kaloko-Honokohau Historical Park to be dedicated to the preservation and perpetuation of traditional native Hawaiian culture and activities. The reestablishment of Friends of Kaloko-Honokohau is a necessary step in achieving this goal.

By Mr. HEFLIN (for himself and Mr. LOTT):

S. 358. A bill to amend the Internal Revenue Code of 1986 to provide for an excise tax exemption for certain emergency medical transportation by air ambulance; to the Committee on Finance.

TAX TREATMENT OF AIR AMBULANCE FLIGHTS CLARIFICATION ACT

Mr. HEFLIN. Mr. President, today I introduce S. 358, a bill which will clarify the tax treatment of air ambulance flights.

The purpose of an air ambulance is to transport critically ill or injured patients quickly and with the appropriate level of care between hospitals or from roadside accidents to emergency rooms. Nearly 70 percent of all air medical transports originate in rural locations. Since air ambulances are reimbursed for providing their services, though, they are considered charter operators, and therefore, must pay the Federal aviation excise tax.

The need for this legislation is evident when you consider that nearly half of all air medical flights are reimbursed from Government programs such as Medicare, Medicaid, Champus, or State programs. In effect, this means that the tax revenue generated is simply one Government agency paying a tax to another with an air ambulance program acting as tax collector. Commercial airlines can pass this tax on to its paying customers, but for transportation on an air ambulance, this tax is passed on to the payor even if that payor is another Government program such as Medicare.

Furthermore, even though the total portion of tax revenue generated by air ambulances is small compared to airlines, approximately 45,000 covered air medical transports compared to 500 million commercial and charter passengers, the financial and administrative burden on air ambulance administrators is significant.

I do not believe that it was the intention of Congress, when this tax was drafted, for critically ill or injured patients, or those paying their health costs, to support the aviation trust fund. My bill will correct this obvious oversight by reducing the administrative burden on air medical programs. Its impact on Federal revenues is only slight. Its impact on access to rural health care however is significant. Therefore I urge my colleagues to support this legislation.

Mr. LOTT. Mr. President, I am pleased to join as a cosponsor of Senator HEFLIN's legislation that would clarify the tax treatment of air ambulances transporting the critically ill and injured.

The role of air medical services continues to grow as the number of rural and community hospitals continue to close. Air ambulances provide the vital service of transporting patients needing a higher level of trauma or emergency care to the appropriate medical facility. This is particularly important in rural areas where the availability of appropriate medical care is always a concern.

Air ambulances transport approximately 45,000 patients annually that must pay the Federal aviation excise tax. Nearly half of these patients are covered by Federal or State health care plans, such as Medicare. Therefore, approximately 50 percent of the time, this tax results in one Government program paying a tax to another.

Not only do I support the role of air medical services in my State, but I also question the logic of the Federal Government paying a tax to itself. Preliminary estimates indicate that the cost to the aviation trust fund would be approximately $10 million, with nearly half that amount coming from other government health care programs.

I urge my colleagues to support this bipartisan legislation. It makes no sense to charge an excise tax on those that are critically ill or injured.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 359. A bill to provide for the extension of certain hydroelectric projects located in the State of West Virginia; to the Committee on Energy and Natural Resources.

NEW MARTINSVILLE FERC LICENSE EXTENSION

Mr. BYRD. Mr. President, I introduce, on behalf of Senator ROCKEFELLER and myself, a bill to grant the city of New Martinsville, WV, a 4-year extension to its Federal Energy Regulatory Commission [FERC] licenses to begin construction of two hydroelectric power projects at New Cumberland and Willow Island on the Ohio River. These projects are to be financed by the city of New Martinsville through the sale of municipal bonds. This extension is necessary because the city has already invested over $4 million in these projects. The hydroelectric projects take advantage of existing Army Corps navigation dams on the Ohio River in order to generate power, and also will include the development of recreational facilities. Without any contribution from the Federal Government, the city of New Martinsville will finance projects that will include fishing piers, underwater reefs, walkways, picnic facilities, and parking areas.

The city anticipates that the two projects would employ 500 workers during the peak of construction, with a $1.5 million monthly payroll. The total construction payroll for both projects is expected to be $25 million. The New Martinsville hydropower projects will also pay substantial taxes and other payments to various governmental entities during construction and operation. The Federal Government will benefit from these projects, since it will receive annual payments of $800,000 from the hydroelectric projects, even though the projects will be financed by the city of New Martinsville. The license extensions made possible by this bill will bring significant economic development to the northern Panhandle region of West Virginia.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of 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.

S. 8

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of 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.

S. 12

At the request of Mr. ROTH, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from Alabama [Mr. SHELBY], the Senator from Nevada [Mr. BRYAN], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of 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.

S. 227

At the request of Mr. HATCH, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 227, a bill to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions, and for other purposes.

SENATE JOINT RESOLUTION 16

At the request of Mr. BROWN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 16, a joint resolution proposing an amendment to the Constitution of the United States to grant the President line-item veto authority.

SENATE JOINT RESOLUTION 19

At the request of Mr. BROWN, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of Senate Joint Resolution 19, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting congressional terms.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nomination of Wilma Lewis to be inspector General of the Department of the Interior.

The hearing will take place Monday, February 13, 1995, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Heninger at (202) 224–5070.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the President's 1996 proposed budget.

The committee will hear testimony from the Department of the Interior on Thursday, February 16, 1995.

The hearing will begin at 9:30 a.m., and will take place in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Betty Nevitt or Jim Beirne at (202) 224–0765.

ORDERS FOR TOMORROW

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m. on Tuesday, February 7, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day.

I further ask unanimous consent that at 10 a.m., the Senate resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment; and further, that the Senate stand in recess between the hours of 12:30 p.m. to 2:15 p.m. for the weekly party luncheons to meet.

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

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, and no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:45 p.m., recessed until Tuesday, February 7, 1995, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 6, 1955:

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370.

To be lieutenant general

IRA C. OWENS, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601.

To be lieutenant general

PAUL E. MENOHER, JR., 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A).

To be lieutenant general

JOHN N. ABRAMS, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A).

To be lieutenant general

GUY A. J. LABOA, 000–00–0000

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601.

To be vice admiral

WILLIAM C. BOWES, 000–00–0000

IN THE MARINE CORPS

THE FOLLOWING-NAMED BRIGADIER GENERALS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE.

To be major general

LESLIE M. PALM, 000–00–0000
MICHAEL J. WILLIAMS, 000–00–0000
LAWRENCE H. LIVINGSTON, 000–00–0000
MARTIN R. STEELE, 000–00–0000
FREDERICK MC CORKLE, 000–00–0000
MICHAEL D. RYAN, 000–00–0000
PATRICK G. HOWARD, 000–00–0000
WAYNE E. ROLLINGS, 000–00–0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING REX E. CARPENTER, AND ENDING STEVEN D. DAMANDA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

AIR FORCE NOMINATIONS BEGINNING WILLIAM H. BOBBITT, 000–00–0000, AND ENDING DANTE M. GAMBOA, 000–00–0000, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

AIR FORCE NOMINATIONS BEGINNING MAJ. TRAVIS D. BALCH, 000–00–0000, AND ENDING MAJ. DEBORAH C. MESSECAR, 000–00–0000, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

AIR FORCE NOMINATIONS BEGINNING MAJ. DAVID S. ANGLE, 000–00–0000, AND ENDING MAJ. MARVIN C. STARLIN, JR., 000–00–0000, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

AIR FORCE NOMINATIONS BEGINNING GEORGE M. ABERNATHY, AND ENDING ALAN L. ZOHNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

AIR FORCE NOMINATIONS BEGINNING MILTON C. ABBOTT, AND ENDING EDWARD M. ZASTAWNY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

AIR FORCE NOMINATIONS BEGINNING DONALD R. ADAMS, JR., AND ENDING ROBERT ZAJAC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

AIR FORCE NOMINATIONS BEGINNING LYDIA D. DAVID, AND ENDING ALAN J. SUTTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 10, 1995.

AIR FORCE NOMINATIONS BEGINNING DAVID W. ABBA, AND ENDING JAMES D. ZWYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 10, 1995.

IN THE ARMY

ARMY NOMINATIONS BEGINNING STEPHEN M. BAHR, AND ENDING WILLIAM L. MCMULLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATIONS BEGINNING JOHN E. BAKER, AND ENDING JOSEPH RUSSELBURG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATION OF KIP P. NYGREN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATIONS BEGINNING DAVID A. GUTOWSKI, AND ENDING LEWIS D. SKULL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATIONS BEGINNING EDUARDO C. CUISON, AND ENDING JUDITH M. ALLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATIONS BEGINNING JAMES E. AKERS, AND ENDING RICHARD G. HINES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATIONS BEGINNING CHARLES M. COLEMAN, AND ENDING DIANA L. CULBERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATIONS BEGINNING FRANK D. CHAFFEE, AND ENDING LUDVIG E. TOWNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATIONS BEGINNING RICHARD E. COOLEY II, AND ENDING RONALD F. ZINK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATIONS BEGINNING MICHAEL P. BREITHAUPT, AND ENDING MARCUS G. COKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATION OF DAVID E. BELL, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATION OF LEOPOLDO A. RIVAS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATIONS BEGINNING JOHN C. AUPKE, AND ENDING STEVEN H. ZINSER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATION OF DARRYL A. WILKERSON, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATIONS BEGINNING RICHARD MONNARD, AND ENDING DANIEL L. RUNYON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATIONS BEGINNING JOHN F. ARMSTRONG, AND ENDING JULIE K. ZADINSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATIONS BEGINNING GLENDON L. ACRE, AND ENDING PATRIC M. ZWOLENSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

ARMY NOMINATIONS BEGINNING AJAY VERMA, AND ENDING JOSEPH C. PIERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 10, 1995.

ARMY NOMINATIONS BEGINNING ROSE J. ANDERSON, AND ENDING RANDY L. * WOOLF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 10, 1995.

ARMY NOMINATIONS BEGINNING MICHAEL T. ADAMS, AND ENDING RONALD N. WOOL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 10, 1995.

IN THE NAVY

NAVY NOMINATIONS BEGINNING MICHAEL J. ESPER, AND ENDING BRUCE M. WENIG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

NAVY NOMINATIONS BEGINNING CLAUDIO BILTOC, AND ENDING JOHN E. GARDELLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 1995.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF LT. COL. THOMAS E. SHEETS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

MARINE CORPS NOMINATIONS BEGINNING KAREN J. ANTHONY, AND ENDING ROBERT J. WILKINSON, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

NAVY NOMINATIONS BEGINNING BEGINNING JOSEPH A. SURETTE, AND ENDING NEIL E. GIBBS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

EXTENSIONS OF REMARKS

GOOD BUMPER STICKER SLOGANS DO NOT MEAN GOOD GOVERNMENT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. FILNER. Mr. Speaker and colleagues, I rise in strong opposition to H.R. 2, the Line Item Veto Act. I urge us to think very clearly about the important mechanism of checks and balances that I believe will be irreparably damaged if we accept the line item veto.

Article I of the U.S. Constitution—the only contract we really have with America—addresses the duties of Congress. The Founding Fathers gave the power of the purse to Congress, and not to the President. Why, in their wisdom, did they do so? Constitutionalists will tell us the answer lies in the old saying, ''the President proposes, the Congress disposes.''

It is the legislative branch that is charged with dealing with the details that are so important to every piece of legislation that we see in this, the ''people's Chamber.'' It is tedious and often thankless, but it is part of our agreement with each and every American who cast their votes for us every 2 years.

We hear so much talk these days about term limits and how much better they would make our legislative process. The President already has term limits. Combine that with this line item veto, and what the American people will get is a chief executive with unlimited, unchecked power to unilaterally pick and choose projects to reject.

This should not be construed as an attack against the judgment of the current President. On this issue, I am strictly nonpartisan. Nothing should interfere with the balance of power between the executive and legislative branches of Government. I caution us to resist the temptation of bumper sticker politics.

CONGRATULATIONS TO ALAN NELMS, COLORADO'S VOCATIONAL TEACHER OF THE YEAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Alan Nelms for being named Vocational Teacher of the Year by the Colorado Vocational Association. Alan is a marketing teacher at South High School in Pueblo, CO.

Alan has been recognized for his innovative approach to teaching. Bringing more academics into his marketing classes, the development of business partnerships and job placement programs for his students, Mr. Nelms has exhibited the type of individual we need teaching our children. His approach to teaching is innovative, refreshing, and continually changing with the demands of the workplace.

Alan's future curriculum includes such ideas as, establishing business internships for teachers so they can learn more about the workplace and improve the School-to-Work Program.

Mr. Speaker, I ask our colleagues to join me in congratulating Alan Nelms on his award. I know all of us thank Alan for his dedication, professionalism, and selfless service to his students.

A TRIBUTE TO F.F. ''PANCHO'' MEDRANO, JR.

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. BRYANT of Texas. Mr. Speaker, Texas lost a leading citizen and active advocate for the working people of Texas with the sudden death on January 18, 1995, of F.F. ''Pancho'' Medrano, Jr.

A member of a politically active family committed to advancing the cause of organized labor and the election of progressive Democratic candidates, Pancho Medrano, Jr., has left an important legacy of community participation.

Pancho Medrano, Jr., was devoted to his family, his community, the well-being of the working men and women he so ably represented, and improvement of society through the electoral process.

His unexpected death at the age of 53 deprived Dallas, TX, and the Nation of an important and influential voice.

For 28 years—more than half his all too brief life—Pancho Medrano, Jr., was an aerospace employee of Vought Aircraft Corp. in Grand Prairie.

He was an effective leader of the organized labor movement in Texas, serving as vice president of the United Auto Workers Local 848 and chairman of its political action committee.

Following in the footsteps of his father and namesake, Pancho Medrano, Jr., made politics and the labor movement part of his extended family.

As Dallas County Democratic Party chairman Ken Molberg noted, ''For years, Pancho promoted the policies, platform, and candidates of this great party with a passionate activism that is unique in our times * * *. He gave his all.''

That commitment and involvement ran deep in the Medrano family—his father, Pancho Medrano, Sr.; his brothers, Robert, Ricardo, and Rolando Medrano; his sister Pauline; his wife, Socorro Medrano; his sons, Adam and Frank Medrano III; his daughters, Virginia Coronado and Mia Medrano; and his four grandchildren.

Mike Hall, president of Pancho Medrano, Jr.'s UAW Local accurately described him: ''Pancho was the kind of person who never met a stranger. He was always on the campaign trail for someone. He was a friend of the Kennedys in the 1960's and a personal friend of Bill Clinton today.''

Whether they were Presidents or union members or a neighbor down the street, Pancho Medrano was a good and loyal friend, who will be missed from the White House to the houses of those of us who lived and worked with him.

PERSONAL EXPLANATION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. FIELDS of Texas. Mr. Speaker, I was unavoidably detained during one vote on H.R. 2 on February 3, 1995. had I been here, I would have voted against the Wise substitute amendment (Roll No. 90).

WALTER B. JONES FEDERAL BUILDING

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. TRAFICANT. Mr. Speaker, this week I reintroduced legislation to designate the Federal building and U.S. courthouse located at 215 South Evans Street in Greenville, NC, as the ''Walter B. Jones Federal Building and U.S. Courthouse.'' The late Walter B. Jones was a dear friend, and one of the most respected and accomplished members ever to have served in this august body.

Walter Beaman Jones was born in Fayetteville, NC on August 19, 1913. He attended Fayetteville public schools and the Elise Academy in Hemp, NC. In 1934, he graduated from North Carolina State University and entered the office supply business.

In 1949, Walter Jones began what would prove to be an illustrious and historic career as a public servant when he was elected the mayor of Farmville, NC. He served for 4 years as mayor of Farmville. In 1955 he was elected to the North Carolina State Assembly. After being elected to three terms as a State assemblyman, Walter Jones was elected to the State senate in 1965. In 1966 he won a special election to fill the vacancy caused by the death of former Member Herbert Bonner. From his first days in Congress, Walter worked hard and long for his constituents. He also became a tireless advocate for the American worker and the American farmer. He was reelected to 11 successive Congresses, serving in the U.S. House of Representatives from February 5, 1966 to January 3, 1989. He was a member of the House Agriculture Committee and served as chairman of the Merchant Marine and Fisheries Committee and served as

chairman of the Merchant Marine and Fisheries Committee from the 97th through the 100th Congresses.

As chairman of the Merchant Marine and Fisheries Committee, Walter Jones committed himself to ensuring that the United States maintained a viable merchant marine fleet and maritime industry.

After leaving Congress in 1989, Walter Jones retired to Farmville, NC where he resided until his untimely death on September 15, 1992. Walter Jones was not only a dedicated, hard working and accomplished public servant, he was a good friend and mentor. I will always remember Walter Jones and I miss him to this day. It is fitting and appropriate to designate a Federal building and U.S. courthouse in his honor. I urge all my colleagues to support his long overdue legislation.

TRIBUTE TO FORMER PRESIDENT RONALD REAGAN

HON. ANDREA H. SEASTRAND

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mrs. SEASTRAND. Mr. Speaker, today is former President Ronald Reagan's 84th birthday and thus a fitting time to remember his striking record of accomplishment and his uniquely American life.

Late last year, President Reagan once again tugged at the heart strings of our Nation by revealing he was in the early stages of Alzheimer's disease—an act of great courage. His intent was typically Reagan. It was not to gather sympathy, but to be an example and a beacon of hope for the millions of people who suffer from this disease.

Today, as the Republican-controlled Congress tries to move the Contract With America through the House of Representatives, we are reminded of the first revolution—the Reagan revolution—that swept through Washington during the 1980's. Many of the things President Reagan championed throughout his Presidency have found a home and a new life in the Republican Contract. Welfare reform, real spending cuts, the balanced budget amendment, giving more flexibility to the States, and the line-item veto were all regular features of the Reagan program stifled by the Democrat Congress.

President Reagan's list of accomplishments seems unending. On the economic front, Reaganomics—as it was derided by his opponents—produced the longest peacetime economic expansion since World War II and blew holes right through the traditional and current Democrat appeals to class warfare. The Reagan tax cuts reduced the top marginal income tax rate from 70 percent to 28 percent and took many low-income people off the tax rolls altogether. The double-digit inflation and soaring interest rates of the Carter years crumbled to record lows. As Mr. Reagan himself has pointed out on many occasions, his only regret was an inability to get Congress to cut spending.

In foreign policy, Mr. Reagan's steadfast commitment to peace through strength sent an important signal to the world that the United States would no longer stand back and watch an expansionist Soviet Union roll up more territory. From Afghanistan to Angola to Nicaragua, the Reagan doctrine put the United States firmly behind the freedom fighters who sought to throw off the oppressive Soviet yolk.

Notwithstanding Time magazine's opinion, President Reagan was truly the man of the decade during the 1980's. There was no single figure more responsible for ending the cold war than Ronald Reagan. One sterling example was the 1986 Reykjavik summit. For 2 days the United States and the Soviets negotiated the most comprehensive arms-reduction treaty in history only to have Mikhail Gorbachev throw a big curve at the end—the United States would have to give up the strategic defense initiative. Ronald Reagan stood before Gorbachev and the world, held his ground, and said no deal. More than any single moment of his Presidency that was the nail right through the heart of the Soviet empire. As Gorbachev himself later admitted, when the Soviets realized that Reagan could not be bowled over, the game had changed and they did not have the resources to keep up.

President Reagan's policy of peace through strength was a hands-down winner. It was a winner in spite of his critics. All during his Presidency Ronald Reagan withstood a vigorous assault from the left. But, through it all, he remained committed to restoring our Nation's defenses. There would be no further examples of American helicopters breaking down over foreign lands, no more fears of a hollow Army, and no lack of morale on the part of American serviceman. Having lived through four major wars in his lifetime, President Reagan was determined to make sure that our Armed Forces—those who would be asked to defend American interests at home and abroad at a moment's notice—had the resources, the respect, and the commitment from their Government to do the job. As he so passionately and eloquently stated in perhaps his finest speech, the 40th anniversary of the allied invasion at Normandy: ''We will always remember. We will always be proud. We will always be prepared, so we may always be free.''

Ronald Reagan was one of the finest President's in our Nation's distinguished history. Despite the arguments put forth by revisionist thinkers, President Reagan's place in history is secure. He stands next to the giants, Presidents like Roosevelt and Lincoln, who arrived at a time when the Nation desperately needed the passion and the leadership of a true believer. As he fights with courage, conviction, and that famous Reagan optimism against Alzheimer's, let us remember and pay tribute to a man who embodies the American Dream.

IN RECOGNITION OF THE LATE BROOKS STEVENS

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. BARRETT of Wisconsin. Mr. Speaker, I am saddened, but honored, to pay tribute to the late Brooks Stevens, a pioneer in industrial design who recently died in his and my home town of Milwaukee at the age of 83.

Our Nation has lost one of its most esteemed and accomplished citizens. But, he has left behind a legacy that will continue to touch our lives.

Mr. Stevens' distinguished career extends several decades. He was a founder of the industrial design business in the 1930's and, along with 13 others, met in New York to create the Society of Industrial Designers. Unlike the other designers, he resisted the temptation to move to New York, keeping his business, Brooks Stevens Design Associates, in the Milwaukee area.

Without us realizing it, Mr. Stevens' accomplishments in the world of design affect our lives daily. His ideas have helped make our lives easier, simpler, and grander. And, no doubt you have used one of his products.

One of Mr. Stevens' earliest successes was the prototype clothes dryer to which he added a window to draw attention to the function of the new product.

He was also responsible for the front fender design for the 1949 Harley-Davidson Hydraglide motorcycle, still used by the company in its heritage classic series of motorcycles.

Other inventions include the Lawnboy, the world's first rotary mower; the Excalibur, an ornate antique-style car with a regular powerful engine; the Miller Beer logo; the outboard motor; civilian Jeepsters after World War II; the Hiawatha train, which he designed from nose to tail; and of course, the Oscar Mayer Wienermobile, the famed advertising car.

Mr. Stevens worked for a total of 585 clients throughout the world, producing 3,000 designs.

In his later years he devoted much of his time and talent to the Milwaukee Institute of Art and Design, where he spent three afternoons a week critiquing the work of design students. There is no doubt, Brooks Stevens was a national treasure. He personified the American spirit and the principles that have made our country great. Milwaukee will sorely miss his presence. But, he will continue to be an inspiration to all of us.

TRIBUTE TO CINDY BOWEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. McINNIS. Mr. Speaker, today I rise to recognize an outstanding Coloradan, Mrs. Cindy Bowen, on the occasion of her being awarded 1994 Commissioner of the Year.

Each year the Colorado Counties Board of Directors select a Colorado county commissioner in recognition of their achievements and contributions they have made the previous year. Cindy Bowen is no exception. Her innovative approach to problem solving made her a valuable player, not only in local politics, but in national politics as well. Through her hard work, Commissioner Bowen was instrumental in convincing Members of Congress of the need to increase funding to counties in order to compensate taxpayers for the impact of tax-exempt supporters.

Furthermore, Cindy Bowen is very active in several public land issues and participated in reviewing the Department of Interior's rangeland reform proposals. In my opinion, Cindy is a very intelligent choice to be named this years Commissioner of the Year.

Mr. Speaker, I ask my colleagues to join me in marking this occasion, and saluting Cindy Bowen.

STAY IN SCHOOL YEAR—CHANDLER, TX

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. BRYANT of Texas. Mr. Speaker, I call the attention of my colleagues and fellow Americans to the leadership role individuals and governmental groups have assumed in my district, the Fifth Congressional District of Texas, in stressing the importance of education to our young people—particularly in the city of Chandler.

The counties, cities, and towns of this congressional district have for decades mirrored the economic and educational makeup of our Nation, with farming being the economic foundation of the rural counties, while finance, manufacturing, and the service industries stoked the furnace of urban areas.

These traditional roles are now less defined throughout our Nation, and nowhere more so than in the district that I am privileged to serve. New technologies, boosted by the information explosion, have resulted in greater production from fewer individuals on lesser acreage, in dairy, beef, and farming operations.

The result is that, more than ever before, fewer and fewer people are able to work the land in exchange for a comfortable, rewarding living.

The answer to this challenge facing our youth is found in one word—education. It is an accidental illustration of the times that the boundaries of the Fifth Congressional District of Texas are defined by two of the Nation's leading institutions of higher learning.

Just to the north of the district is Southern Methodist University, a long-time Dallas fixture as a liberal arts college and graduate school that supplies the area with leaders in business, legal, and other professions. Just beyond the southern border is Texas A&M University, the Nation's premier land-grant educational system. Scientific breakthroughs within the A&M system have changed the face of agriculture for the better, while A&M graduates exert influence on virtually all phases of industry.

And throughout the fifth district community, private and State universities, and junior college systems enhance educational opportunities for students.

In the Fifth Congressional District of Texas the hardware is in place, the dedication is in place, and the commitment is in place to make sure our leaders in the next century will be at the very least the equals of their competitors in the world market.

An outstanding example of this dedication to excellence in education was recently exhibited in the city of Chandler, Anderson County, TX, thanks to the cooperative efforts of city leaders and the U.S. Army.

Mayor Winston Reagan introduced to the Chandler City Council a proclamation stating that 1995 be Stay In School Year in Chandler. It states:

Whereas, each and every young person in this country needs at least a high school education for both financial and personal reasons, and,

Whereas, the United States Army, through its recruiters, is stressing for all U.S. youngsters to ''stay in school and stay off drugs'' because an education provides the best opportunities, whether in enlisting in the Army or working at a civilian job; and,

Whereas, Army recruiters will serve as role models for youth and will provide programs encouraging youngsters to stay in school, I, Winston Reagan, Mayor of Chandler, Texas, hereby proclaim 1995 as ''Stay in School Year.''

I commend Mayor Reagan, the City Council of the City of Chandler, the citizens of Chandler, the U.S. Army and its recruiters for their concerted and cooperative efforts to stress the importance of education, and recommend that their example be followed throughout our Nation.

TRIBUTE TO GEORGE HERMAN ''BABE'' RUTH

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. CARDIN. Mr. Speaker, I rise today in recognition of George Herman ''Babe'' Ruth's 100th birthday. In Baltimore, MD, they are celebrating this historic occasion in the house where he was born.

They are celebrating a man who was larger than life, one of America's true heroes. A man who, many claim, ''saved'' baseball. They are celebrating a man who earned his nickname ''The Sultan of Swat'' by creating new standards for baseball players and setting extraordinary batting records, many of which still stand today and none of which were broken in his lifetime.

They are celebrating not just the baseball accomplishments and records of a legend. They are celebrating Babe Ruth the Baltimorean; Babe Ruth the devout Catholic, Babe Ruth the devoted son, Babe Ruth the friend to every kid he ever met. Above all, they are celebrating Babe Ruth the man.

I am proud to be from Baltimore and proud to say that George Herman ''Babe'' Ruth, born at 216 Emory Street in Baltimore, MD on February 6, 1895, is a native son, long to be remembered not only for his athletic ability, but also for the goodness of his heart.

TRIBUTE TO LORRAINE PACE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. ACKERMAN. Mr. Speaker, I ask you and my colleagues in the House of Representatives to join me in congratulating Lorraine Pace on the occasion of her induction into the Suffolk County Women's Hall of Fame.

Mrs. Pace's induction is the culmination of her public and private dedication to the survivors of breast cancer. Her tireless activism has made her a role model and an inspiration for all women.

A Long Islander who is all too aware of the high incidence of breast cancer on Long Island, Lorraine continues to be at the forefront of the fight against breast cancer in Suffolk County. As the breast cancer education specialist at the Stony Brook University Medical Center, Mrs. Pace is uniquely qualified to lead this fight that all too many women on Long Island and throughout this Nation must face in their lifetime. The American Cancer Society estimates that 182,000 women were diagnosed with breast cancer last year alone. Approximately 46,500 women died from the disease in 1994.

As the fight to prevent, and find a cure for breast cancer goes forward, Lorraine Pace takes an honored place in the Suffolk County Women's Hall of Fame.

I ask all my colleagues in the House of Representatives to join me in congratulating Lorraine Pace on her induction and lauding her for many years of work on behalf of the women of Suffolk County.

HONORING THE MID-HUDSON UNIT OF IRISH NORTHERN AID

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. HINCHEY. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the accomplishments of the Mid-Hudson, NY, unit of Irish Northern Aid, commemorating 25 years of support for Irish-American causes. On February 11, the Mid-Hudson unit will come together not only to celebrate the success of the current peace process, but also to pay tribute to several outstanding local citizens who are dedicated to furthering the Irish-American political agenda, principally among them, my friend Tom Hoffay.

Tom Hoffay has been an outspoken advocate for issues of significance to Northern Ireland and has been responsible for the success of many celebrations and events here in the Hudson Valley. He is committed to seeing that our country plays the vital and pivotal role that it is capable of in order to effect lasting peace in Northern Ireland. His dedication to peace through justice is to be commended and should be echoed by all.

I am honored to ask my colleagues to unite with me in expressing support for the Irish-American community on the occasion of the 25th anniversary of Irish Northern Aid.

AMTRAK ROUTE CLOSURE AND REALIGNMENT ACT OF 1995

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. WOLF. Mr. Speaker, I am today, along with Mr. BARTON, Mr. ARMEY, Mr. DELAY, Mr. PACKARD, Mr. FOX, and Mr. ENGLISH, introducing the Amtrak Route Closure and Realignment Act of 1995. Before I elaborate on this legislation, I want to say that this is not an attempt to eliminate passenger rail service in the United States.

This is an attempt to save it. This bill is about an economic rebirth of a system headed for financial disaster—a disaster that would

loom large even if the American taxpayers were willing to continue present subsidies. And they are not.

When the private railroads turned over their passenger business to the Government in 1971, Congress made what was referred to as a one-time grant of $140 million for startup help. More than two decades later, a total of about $15 billion in taxpayer assistance has been granted to Amtrak.

This legislation seeks to achieve the evolution of a passenger rail network in this Nation which can be viable on greatly reduced taxpayer subsidies. Current Federal subsidies for Amtrak, including operating, capital, and mandatory retirement payments, total more than $1 billion annually. Of that total, nearly $400 million is for operating subsidies. The goal of this legislation would be to reduce and possibly phase out the operating subsidies over a 5-year period.

In December, the Amtrak Board of Directors took very positive action in announcing some route closings, truncations, and frequency reductions. But these realignments were targeted only at dealing with the current revenue shortfall of about $200 million. These decisions, painful as they were, represent just the first step. Much more remains to be done.

Since some of Amtrak's unprofitable routes have been mandated by Congress, it is imperative that Congress provide Amtrak with the assistance needed to reinvent this system into one that is operated under strict business principles.

My legislation would remove the painful decisions that must be made from the political realm and place them in the hands of an independent Commission modeled after BRAC, the Base Realignment and Closure Commission. The Total Realignment of Amtrak Commission [TRAC] would conduct an economic analysis of the entire Amtrak system and hold public hearings around the country to ensure that the public and other stakeholders were given the opportunity to be heard. This would be as fair a process as humanly possible with the end goal to make recommendations on route closings and other realignments urgently needed to ensure the survival of a passenger rail system in America.

In addition to economic data, TRAC would also review nonmonetary data such as the contributions made by certain routes toward alleviation of airport congestion, pollution abatement, and energy conservation. This Commission would also examine alternative modes of transportation in rural areas, as well as look at uses communities could make of abandoned rail lines.

Under my legislation, no segment of the Amtrak system would be exempt from review, including the Northeast corridor. TRAC would also examine the ridership forecasts and other assumptions underlying the Northeast corridor, particularly with respect to the continuation of the electrification of this corridor from New Haven to Boston, a project that will demand large subsidies in future years. This is about a $2 billion project, with nearly $500 million already expended.

The recommendations of this Commission would not be limited to a system which offers national, interconnected service. After the completion of systemwide economic analysis, the Commission could find, for example, that the only system which can be justified to the taxpayers is one that provides regional services. However, connectivity could be an option examined by States along currently unprofitable long haul routes. If States would decide to continue service along such routes slated for closure, State officials could contract with Amtrak to continue service, possibly using flexibility under block grants.

I would point out that, under current law, this Commission would face a difficult dilemma. Because the Rail Labor Protection Act mandates payment of 6 years of full benefits to any rail worker who loses a job due to a route closing, many of the most unprofitable routes would cost more to close than to keep them limping along at a loss. In fact, under the 30-mile rule also in current law, an Amtrak employee is entitled to demand the full severance package if he is merely relocated 30 miles or more. No union workers in the private sector are afforded such generous severance compensation, and these astronomical costs are one of the reasons that every trip on this system costs American taxpayers $25.

My colleague, Mr. BARTON of Texas, has reintroduced his legislation to remedy this dilemma by limiting such severance benefits to 6 months and by eliminating the so-called 30-mile rule. I am supporting my colleague's bill and its speedy enactment would be very helpful to the decisions which would have to be made by the route closing Commission.

After conducting a complete, systemwide, economic review, TRAC would present its recommendations to Congress. The Commission's recommendations would then be considered by Congress under an expedited timeframe with no amendments permitted and an up-or-down vote.

The members of TRAC would be appointed by the President and by the majority leadership in the House and Senate, in consultation with minority leadership in both bodies. My legislation calls for the membership of the Commission to be comprised of individuals with expertise in rail finance, economic analysis, legal issues, and other relevant areas. Also serving on the Commission would be the Secretary of the U.S. Department of Transportation, one representative of a rail labor union, and one member of rail management.

In conclusion, Mr. Speaker, I would reiterate that saving passenger rail service in this country requires objective analysis and urgent remedies. And, I believe it has to be a system that we can justify to the taxpayers.

TRIBUTE TO COL. WILLIAM F. GABELLA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Col. William F. Gabella, who recently received his Master of Law (LLM) in Air and Space Law from McGill University in Montreal, Canada.

Mr. Speaker, as Colonel Gabella receives his degree, I would like to join his colleagues, family, and friends throughout the community of Canon City in congratulating him. Colonel Gabella is an individual whom I greatly admire and respect, and I am pleased to salute him on this important occasion.

This amazing accomplishment was arrived at by hard work and great intelligence. Colonel Gabella is a credit to Colorado and I'm proud to say he resides in my congressional district.

My best wishes to Colonel Gabella and his family. He has made all who know him proud.

A TRIBUTE TO PHILLIP L. WILLIS, AN AMERICAN HERO

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. BRYANT of Texas. Mr. Speaker, one can tell a lot about a man by what he chooses to do with his life. And Phillip LaFrance Willis was an American hero who chose to live his to the fullest.

This much decorated veteran of World War II died of leukemia on Friday, January 27, 1994, at his home in Dallas.

Phil Willis, major, U.S. Air Force, retired. That is how he will be best remembered. And that is the way he would want to be remembered.

At daybreak on December 8, 1941—the morning after the day of infamy—23-year-old Second Lieutenant Willis, wearing his cowboy boots as he patroled a beach near Pearl Harbor, captured America's first enemy prisoner of World War II.

Until his retirement as a 28-year-old major as a result of combat injuries in 1946, Phil Willis served with distinction as a B–17 bomber pilot through the Battles of Midway, Guadalcanal, the Coral Sea, New Guinea, and New Britain.

In 52 missions, he was credited with sinking four ships, including one of Japan's largest troop transports, and a submarine and shooting down eight enemy aircraft. He walked away from two downed bombers in the Pacific without losing a crewmember

His service earned him more than 20 decorations, making him among the most decorated Texas pilots of the war and winning him a place in the Army Air Corps Hall of Fame at Brooks Field in San Antonio.

Born in Kaufman County, TX, on August 2, 1918, Phil Willis did not confine his patriotism to military service.

Throughout his 76 years, Phil Willis was devoted to his country, his community, and his fellow citizens. Whether in uniform, in appointed or elective public office, in community and veterans organizations, or in private life, he was devoted to public service. Loyalty always guided him.

While working to earn his 1948 undergraduate degree from North Texas State University, now the University of North Texas, the young veteran was elected to the Texas House of Representatives from Kaufman County, where he served two terms.

Simultaneously elected to the Texas Legislature, Phil and his brother, Doyle Willis, who continues to serve with distinction, are the only two brothers to have served together in the Texas House of Representatives.

Phil Willis also served as a member of the San Antonio Zoning and Planning Commission and was a Texas Centennial Statehood Commissioner. As a real estate broker, builder, and developer, he was always active in professional and business affairs.

He was named Man of the Year by the San Antonio Jaycees in 1951 and was tirelessly devoted to veterans affairs, particularly through the Veterans of Foreign Wars of which he was a life member and which honored him for distinguished service in 1958 and elevated him to National Aide-de-Camp that year.

Phil Willis served as president, chaplain, and trustee of his chapter of the Pearl Harbor Survivors Association and served as its representative to the Greater Dallas Veterans Council.

A 32d Decree Scottish Rite Mason, he was active in raising funds for the Shrine Crippled Children's Hospital.

He was proud to be a member of the Sons of the Republic of Texas and the Sons of Confederate Veterans, and he earned accolades as an award winning chili cook.

Phil Willis was devoted to his family—his wife of 51 years, Marilyn Stubblefield Willis, his daughters, Linda Pipes and Rosemary Roach, and his four grandchildren—his church, and his friends.

He was a good yellow dog Democrat who served as a precinct election judge. In fact, his memorial service program proclaims that he was a ''proud, conservative Sam Rayburn Democrat.''

Phillip L. Willis, major, USAF, retired, a man who served his country and community exceeding well, a man of humor and good will who enjoyed life and those he lived it with, a man described appropriately, and with humor in that memorial program as ''A myth of a man—he didn't myth much.''

Phil Willis, patriot and friend, we will miss you.

50 YEAR ANNIVERSARY OF VFW POST 4012, NORTHVILLE, MI

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Ms. RIVERS. Mr. Speaker, I rise today to recognize a very important organization in my district. The Veterans of Foreign Wars Post 4012 in Northville, MI, achieved the milestone of 50 years on January 30, 1995. On February 4, 1995, the Post is celebrating this milestone with their families and friends.

VFW Post 4012 has been supportive of service men and women at any time of need. Every month members from the post travel to nearby VA hospitals to enjoy fellowship with fellow veterans. During the Persian Gulf conflict the post provided support to our soldiers by sending over 1,200 CARE packages to our troops. The post also operates, in conjunction with the local American Legion, their own cemetery for local veterans.

VFW Post 4012 has been a leader within the VFW organization. They were the first post worldwide to achieve 100, 200, 300, 400, and 500 lifetime members. Including the ladies' auxiliary, the post currently has over 600 members, a feat that speaks to the commitment of veterans to continued service to our community.

Post 4012 is having an impact on everyone in the Northville community. Their efforts include coordination of parades with the American Legion, opening the doors of their hall for several community organizations to meet at no cost, and finally, in an effort to help with the costs of college, a local scholarship for Northville students.

Mr. Speaker, the members of VFW Post 4012 all served this country once. Now they are serving their country again. And I for one would like to thank them for all they have done, and will continue to do. So to Commander Gordon Mason, Senior Vice Commander Henry Tiilikka, and all members of Post 4012: Congratulations on your 50th anniversary.

AFFORDABLE HOUSING IN WINDWOOD

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. ORTIZ. Mr. Speaker, a cherished part of the American dream is home ownership. It gives people a sense of permanence and a stake in their communities and in their country.

Today, a first of its kind public-private partnership with Fannie Mae and the city of Brownsville, Texas Commerce Bank, the Department of Housing and Urban Development HOME Program, Federal Home Loan Bank of Dallas, and Mercantile Bank NA, was announced for the development and construction of a subdivision to provide affordable housing to hundreds of Brownsville residents. The single-family homes to be constructed at Windwood will be available for purchase by families earning as little as $11,500 per year through a unique lease-purchase financing plan that will transfer fee-simple ownership to qualifying families in 2 years.

Today in Texas, 59.3 percent of the families own their own homes. This rate compares with a national home ownership rate of roughly 64 percent, according to the latest U.S. Census figures. As the Representative of families living in the 27th Congressional District of Texas, I am pleased to see the Brownsville Community Development Corp., Fannie Mae, Federal Home Loan Bank of Dallas, and the Texas Commerce Bank spearheading such public-private partnerships which will help young, hardworking families in south Texas move into the home they have always wanted.

The Windwood Development will be the largest lease-purchase housing program on a single site ever financed by Fannie Mae's Southwestern Regional Office. Fannie Mae will buy over $11.2 million in first lien loans originated by Texas Commerce Mortgage Co., a division of Chemical Bank. Families wishing to purchase their home under the lease-purchase program must make a $750 down payment, exhibit a credit history acceptable to Texas Commerce Mortgage Co., complete a first-time home buyer education program, and contribute monthly payments for 2 years to an escrow account set up to assist the family in saving the remainder of the down payment and closing costs.

This public-private partnership is one of the State's most innovative combinations of public and private sector financing. Anytime a city can completely recover a public sector investment through the immediate creation of a property tax base, while at the same time providing safe, high-quality housing and the opportunity for home ownership for our citizens—we all win.

The subdivision at Windwood is specifically targeted to provide the opportunity for young, working families to own a high quality home of their own. This reduces the need for them to live in cramped quarters with their parents, or to pay for building their own home later.

The total project is expected to be completed within 2 years and will cost approximately $13 million. Financing partners will include Texas Commerce Mortgage Co.—supplying $11.2 million in one-time assumable loans, the Department of Housing and Urban Development HOME Program—through the city of Brownsville, the Federal Home Loan Bank of Dallas—providing $1.6 million in second lien deferred loans, and Mercantile Bank NA—lending $10 million for interim construction and development financing, and Fannie Mae. The Community Development Corp. of Brownsville will be the project owner through the lease purchase period, and will serve the project developer.

I commend the financing partners for recognizing the needs of the local community, while at the same time exhibiting the willingness to invest in new solutions to help working Brownsville families realize a part of the American dream. It is only through public-private partnerships such as these that the dream of home ownership will become a reality for many of our working families in south Texas.

AMENDING THE METROPOLITAN WASHINGTON AIRPORTS ACT OF 1986

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mrs. MORELLA. Mr. Speaker, today I am pleased to introduce legislation to amend the Metropolitan Washington Airports Act of 1986, which has been overturned by a Supreme Court ruling. Under the 1986 Airports Act, Congress transferred control of National and Dulles Airports from the Federal Aviation Administration [FAA] to a local authority, the Metropolitan Washington Airports Authority [MWAA]. When the Supreme Court last month upheld a decision by the Appeals Court regarding the constitutionality of the Congressional Board of Review, it also dissolved the authority of MWAA. On March 31, MWAA's ability to pass a budget, issue bonds, and implement plans for the $2 billion renovations at National Airport will end. Consequently, we, in Congress, must act quickly and pass legislation to allow National and Dulles Airports to continue to operate.

My legislation would create a new Airport Authority governed by a board of directors made up of 11 members who would meet certain criteria: they must live in the area affected by the airports; and they cannot be paid for their services on the board.

The members of the board of directors would be appointed: 1 by the Governor of Virginia, 1 by the mayor of the District of Columbia, 1 by the Governor of Maryland, 2 each by the representatives from the local governments of Virginia, Maryland, and the District of Columbia who sit on the Metropolitan Washington Council of Governments [COG] board

of directors, and 2 by the Virginia State legislature.

Under my bill, the Congressional Review Board would be dissolved, in keeping with two separate rulings by the Supreme Court.

An airport authority appointed by local elected officials, under the watchful eye of Congress, would work hard to foster regulations that are fair and in the best interest of both the airlines and the public. An authority that is responsible to local concerns will help the aviation industry remain a good neighbor to the communities that it serves. I hope all of my colleagues will join me in support of this necessary legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Metropolitan Washington Airports Act Amendments of 1995''.

SEC. 2. FINDINGS.

Section 6002(7) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2451(7)) is amended—

(1) by inserting ''declining'' after ''perceived''; and

(2) by striking ''the growing local interest,'' and inserting ''the increasing need for local planning and management on a metropolitan statistical area basis,''.

SEC. 3. AIRPORTS AUTHORITY.

(a) BOARD OF DIRECTORS.—Section 6007 of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456) is amended by striking subsections (e), (f), (g), and (h) and inserting the following:

''(e) BOARD OF DIRECTORS.—

''(1) APPOINTMENT.—The Airports Authority shall be governed by a board of directors of 11 members as follows:

''(A) 1 member shall be appointed by the Governor of Virginia.

''(B) 1 member shall be appointed by the Mayor of the District of Columbia.

''(C) 1 member shall be appointed by the Governor of Maryland.

''(D) 2 members shall be appointed by the Virginia State legislature.

''(E) 2 members shall be appointed by those representatives from Virginia local governments who are on the Board of Directors of the Metropolitan Washington Council of Governments.

''(F) 2 members shall be appointed by those representatives from the District of Columbia government who are on the Board of Directors of the Metropolitan Washington Council of Governments.

''(G) 2 members shall be appointed by those representatives from Maryland local governments who are on the Board of Directors of the Metropolitan Washington Council of Governments.

The Chairman shall be appointed from among the members by a majority vote of the members and shall serve until replaced by a majority vote of the members.

''(2) RESTRICTIONS.—Members (A) shall serve without compensation other than reasonable expenses incident to board functions, and (B) must reside within the Washington Standard Metropolitan Statistical Area.

''(3) TERMS.—Members shall be appointed for terms of 4 years.

''(4) REQUIRED NUMBER OF VOTES.—7 votes shall be required to approve bond issues and the annual budget.

''(f) AIRPORT NOISE.—

''(1) BALANCED ENVIRONMENTAL PROTECTION.—In order to protect the public from the impact of aircraft noise and at the same time provide for suitable air transportation service to the Washington Standard Metropolitan Statistical Area, a proposed action of the board of directors which could result in a change in the impact of aircraft noise in the vicinity of a Metropolitan Washington Airport may not take unless, at least 60 days before the action is to take effect, the board of directors—

''(A) notifies, in writing, the Committee on Noise Abatement at National and Dulles Airports of the Washington Council of Governments of the action for the purpose of allowing such committee the opportunity to review, and submit comments on, the action; and

''(B) submits, in writing, to such committee a response to any comment of such committee with respect to the action within 30 days after the date of receipt of such comment.''.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by sections 2 and 3 shall take effect on the date of the enactment of this Act.

(b) LIMITATION ON APPLICABILITY.—Persons appointed as members of the board of directors of the Metropolitan Washington Airports Authority on the date of the enactment of this Act shall continue to serve on such board until their respective terms expire under former section 6007(e).

(c) INITIAL APPOINTMENTS.—

(1) VIRGINIA APPOINTMENTS.—The Governor of Virginia shall appoint under new section 6007(e)(1)(A) a person to fill the vacancy of the first member appointed by the Governor of Virginia under former section 6007(e)(1)(A) whose term expires after the date of the enactment of this Act. The Virginia State legislature shall appoint under new section 6007(e)(1)(D) persons to fill the vacancies of the second and third members appointed by the Governor under former section 6007(e)(1)(A) whose terms expire after such date of enactment. Representatives from Virginia local governments shall appoint under new section 6007(e)(1)(E) persons to fill the vacancies of the fourth and fifth members appointed by the Governor under former section 6007(e)(1)(A) whose terms expire after such date of enactment.

(2) DISTRICT OF COLUMBIA APPOINTMENTS.—The Mayor of the District of Columbia shall appoint under new section 6007(e)(1)(B) a person to fill the vacancy of the first member appointed by the Mayor of the District of Columbia under former section 6007(e)(1)(B) whose term expires after the date of the enactment of this Act. Representatives from the District of Columbia government shall appoint under new section 6007(e)(1)(F) persons to fill the vacancies of the second and third such members appointed by the Mayor under former section 6007(e)(1)(B) whose terms expire after such date of enactment.

(3) MARYLAND APPOINTMENTS.—The Governor of Maryland shall appoint under new section 6007(e)(1)(C) a person to fill the vacancy of the first member appointed by the Governor of Maryland under former section 6007(e)(1)(C) whose term expires after the date of the enactment of this Act. Representatives from Maryland local governments shall appoint under new section 6007(e)(1)(G)—

(A) a person to fill the vacancy of the second member appointed by the Governor under former section 6007(e)(1)(C) whose term expires after such date of enactment; and

(B) a person to fill the vacancy of the member appointed by the President under former section 6007(e)(1)(D) when the term of such member expires after such date of enactment.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) FORMER SECTION 6007(e).—The term ''former section 6007(e)'' means section 6007(e) of the Metropolitan Washington Airports Act of 1986 as in effect on the day before the date of the enactment of this Act.

(2) NEW SECTION 6007(e).—The term ''new section 6007(e)'' means section 6007(e) of the Metropolitan Washington Airports Act of 1986, as amended by section 3 of this Act.

TRIBUTE TO JOSEPHINE ''JO'' GORE ON HER RETIREMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1995

Mr. McINNIS. Mr. Speaker, today, I want to congratulate Josephine ''Jo'' Gore on the occasion of her retirement from the Delta County clerk's office on January 9, 1995.

During her 14-year career, Jo has served in the Motor Vehicle Department and the county clerk's office. Her professionalism and devotion to the people of Delta County has not gone unnoticed. Jo has successfully moved Delta County into the 20th century with the coming of the high-technology age. With the ever-growing population of Delta County and the advent of Amendment One, we have seen Jo's role in the community grow in importance. She will surely be missed.

Mr. Speaker, I ask our colleagues to join me in congratulating Jo Gore on her transition to civilian life. I wish her the best of luck in whatever she decides to do. I know all of us in Colorado thank her for her dedicated, professional, and selfless service to Delta County CO.

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 Tuesday, February 7, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 8

9:30 a.m.
Budget
To hold hearings on the President's fiscal year 1996 budget for the Federal Government.
SD–608

Finance
Organizational meeting to consider subcommittee membership; to be followed by hearings to examine proposed tax cuts contained in the President's fiscal year 1996 budget for the Federal Government.
SD–215

Governmental Affairs
To continue hearings to examine regulatory reform issues.
SD–342

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

FEBRUARY 9

9:30 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program.
SH–216

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1996 for the Department of Energy and the Federal Energy Regulatory Commisssion.
SD–366

Finance
To hold hearings on S. 287, to expand individual retirement accounts (IRA's) for spouses, and on proposals to expand IRA's, 401(k) plans, and other savings arrangements.
SD–215

Labor and Human Resources
To hold hearings to examine employee involvement and worker management cooperation.
SD–430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, Jewish War Veterans, Retired Officers Association, Non-Commissioned Officers Association, and the Association of the United States Army.
345 Cannon Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance programs, focusing on U.S. policy toward Russia and the New Independent States.
SD–192

Indian Affairs
To hold oversight hearings to review challenges facing Indian youth.
SR–485

FEBRUARY 10

9:00 a.m.
Judiciary
To hold hearings on the national drug control strategy.
SD–226

9:30 a.m.
Budget
To hold hearings on the President's proposed budget request for fiscal year 1996 for the Department of Defense.
SD–608

10:00 a.m.
Small Business
To hold hearings on the future of the Small Business Administration.
SR–428A

FEBRUARY 14

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine how to reduce excessive government regulation of agriculture and agribusiness.
SR–332

Indian Affairs
To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for Indian programs.
SR–485

FEBRUARY 15

9:30 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1996 for the Forest Service.
SD–366

Labor and Human Resources
To hold hearings on S. 141, to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on federal construction contracts, promote small business participation in Federal contracting, and reduce unnecessary paperwork and reporting requirements.
SD–430

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine the court imposed major league baseball antitrust exemption.
SD–226

FEBRUARY 16

9:30 a.m.
Indian Affairs
To continue hearings on proposed legislation authorizing funds for fiscal year 1996 for Indian programs.
SR–485

10:00 a.m.
Labor and Human Resources
Children and Families Subcommittee
To hold hearings to examine the effectiveness of the Federal child care and development block grant program.
SD–430

FEBRUARY 23

2:00 p.m.
Indian Affairs
To hold oversight hearings to examine the structure and funding of the Bureau of Indian Affairs.
SR–485

MARCH 1

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

MARCH 2

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Transportation.
SD–192

MARCH 7

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 9

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Transportation Safety Board.
SD–192

MARCH 16

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Highway Administration, Department of Transportation.
SD–192

MARCH 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak).
SD–192

MARCH 30

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart.
345 Cannon Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD–192

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.
SD–192

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SD–192

Monday, February 6, 1995

Daily Digest

HIGHLIGHTS

House passed line-item veto bill.

Senate

Chamber Action

Routine Proceedings, pages S2147–S2215

Measures Introduced: Three bills were introduced, as follows: S. 357–359. **Page S2213**

Balanced Budget Constitutional Amendment: Senate continued consideration of H.J. Res. 1, proposing a balanced budget amendment to the Constitution of the United States. **Pages S2156–S2209**

Pending:

Daschle motion to commit the resolution, with instructions to report back forthwith, with Daschle Amendment No. 231, to require a budget plan before the amendment takes effect. **Page S2156**

Dole Amendment No. 232 (to instructions to commit), to establish that if Congress has not passed a balanced budget amendment to the Constitution by May 1, 1995, within 60 days thereafter, the President shall transmit to Congress a detailed plan to balance the budget by the year 2002. **Page S2156**

Dole Amendment No. 233 (to Amendment No. 232), in the nature of a substitute. **Page S2156**

A unanimous-consent agreement was reached providing that at 12 noon on Wednesday, February 8, 1995, the Majority Leader, or his designee, be recognized to make a motion to table the Daschle motion to commit. **Page S2209**

Senate will resume consideration of the resolution on Tuesday, February 7.

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the Budget of the United States Government for Fiscal Year 1996; pursuant to the order of January 30, 1975; which was referred jointly to the Committee on Appropriations and the Committee on the Budget. (PM–10). **Pages S2210–12**

Transmitting 23 rescissions of budgetary resources; referred to the Committee on Agriculture, Nutrition and Forestry; the Committee on Commerce, Science and Transportation; the Committee on Labor and Human Resources; the Committee on Banking, Housing and Urban Affairs; the Committee on Environment and Public Works; the Committee on Small Business; the Committee on the Budget; the Committee on Appropriations. (PM–11). **Page S2212**

Nominations Confirmed: Senate confirmed the following nominations:

4 Army nominations in the rank of general.

8 Marine Corps nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S2209–10, S2214–15**

Messages From the President: **Pages S2210–12**

Communications: **Pages S2212–13**

Statements on Introduced Bills: **Pages S2213–14**

Additional Cosponsors: **Page S2214**

Notices of Hearings: **Page S2214**

Recess: Senate convened at 10 a.m., and recessed at 6:45 p.m., until 10 a.m., on Tuesday, February 7, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S2214.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: Twelve public bills, H.R. 830–841, were introduced. **Page H1281**

Reports Filed: The following reports were filed as follows:

H.R. 7, to revitalize the national security of the United States (Rept. No. 104–18, Parts I, II, and III);

H.R. 667, to control crime by incarcerating violent criminals (H. Rept. 104–21); and

H.R. 668, to control crime by further streamlining deportation of criminal aliens (H. Rept. 104–22);

H. Res. 60, providing for the consideration of H.R. 665, to control crime by mandatory victim restitution (H. Rept. 104–19);

H. Res. 61, providing for the consideration of H.R. 666, to control crime by exclusionary rule reform (H. Rept. 104–20). **Page H1281**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Nussle as Speaker pro tempore for today. **Page H1213**

Recess: House recessed at 1:09 p.m. and reconvened at 2:00 p.m. **Page H1217**

Committees To Sit: Committees on Education and Economic Opportunities and the Judiciary received permission to sit today during procedures of the House under the five-minute rule. **Page H1265**

Presidential Messages: Read the following messages from the President:

GSP Benefits for Armenia: Message wherein he advises of his intent to add Armenia to the list of beneficiary developing countries under the Generalized System of Preferences (GSP) program—referred to the Committee on Ways and Means and ordered printed (H. Doc. 104–26); and **Page H1223**

1996 Budget: Message wherein he transmits his proposed Budget for the United States for fiscal year 1996—referred to the Committee on Appropriations and ordered printed (H. Doc. 104–3). **Page H1223**

Line-Item Veto: By a recorded vote of 294 ayes to 134 noes, Roll No. 95, the House passed H.R. 2, to give the President line-item authority over appropriation Acts and targeted tax benefits in revenue Acts. **Pages H1225–64**

Agreed to the amendment in the nature of a substitute made in order by the rule. **Page H1261**

Rejected the Collins of Illinois motion to recommit the bill to the Committee on Government Reform and Oversight with instructions to report it back forthwith containing an amendment defining ''targeted tax benefit'' as any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or class of taxpayers, but which does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status (rejected by a recorded vote of 185 ayes to 241 noes, Roll No. 94). **Pages H1263–64**

Rejected:

The Orton amendment that sought to define ''discretionary budget authority'' to include the authority to enter into future contractual obligations for which funds are not appropriated in advance (rejected by a recorded vote of 65 ayes to 360 noes, Roll No. 91); **Pages H1225–34, H1254–55**

The Waters amendment that sought to allow the President to rescind any provision which he determines would yield at least 20 percent of its benefit to the top one percent of income earners (rejected by a record vote of 144 ayes to 280 noes, Roll No. 92); **Pages H1235–37, H1255–56**

The Tauzin amendment that sought to allow the President to use the line-item veto only when the Federal budget exceeds the target deficit level toward achieving a balanced budget; and **Pages H1238–41**

The Stenholm amendment in the nature of a substitute that sought to add supplemental language, consisting of the text of H.R. 4600, amending the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority which passed the House in 1994; the addition of this language will enable the President to choose between the use of a line-item veto procedure or expedited rescission procedures when proposing rescissions of appropriations or vetoes of targeted tax benefits (rejected by a recorded vote of 156 ayes to 266 noes, Roll No. 93). **Pages H1242–56**

Presidential Message—Budget Rescissions: Read a message from the President wherein he reports 23 rescission proposals of budgetary resources—referred to the Committee on Appropriations and ordered printed (H. Doc. 104–28). **Pages H1264–65**

Senate Messages: Messages received from the Senate today appears on page H1218.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H1282.

Quorum Calls—Votes: Five recorded votes developed during the proceedings of the House today and appear on pages H1254–55, H1255–56, H1256, H1263–64, and H1264.

Adjournment: Met at 12:30 p.m. and adjourned at 9:20 p.m.

Committee Meetings

TRAINING ISSUES

Committee on Economic and Educational Opportunities: Subcommittee on Postsecondary Education, Training and Life-Long Learning held a hearing on Training Issues. Testimony was heard from Clarence Crawford, Associate Director, Education and Employment Issues, GAO; and public witnesses.

Hearings continue tomorrow.

JOB CREATION AND WAGE ENHANCEMENT ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law concluded hearings on H.R. 9, Job Creation and Wage Enhancement Act of 1995, issues in the Contract With America dealing with Title VI, Strengthening Regulatory Flexibility; Title VII, Regulatory Impact Analysis; and Title VIII, Protection Against Federal Regulatory Abuse. Testimony was heard from Representatives Franks of New Jersey and McIntosh; Sally Katzen, Administrator, Office of Information and Regulatory Affairs, OMB; Thomasina Rogers, Chair, Administrative Conference of the United States; C. Boyden Gray, former White House Counsel; James C. Miller, former Director, OMB; and public witnesses.

CONTRACT WITH AMERICA—LEGAL REFORM ISSUES

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held a hearing on issues related to the Legal Reform issues in the Contract With America. Testimony was heard from Representatives Ramstad and Cox of California; and public witnesses.

Hearings continue February 10.

UNFUNDED MANDATE REFORM ACT

Committee on Rules: By unanimous consent, the Committee vacated its proceedings by which the Committee ordered reported a rule to request a conference with the Senate on S. 1, Unfunded Mandate Reform Act, on Wednesday, February 1, 1995.

VICTIM RESTITUTION ACT

Committee on Rules: By a nonrecord vote, granted an open rule providing 1 hour of debate on H.R. 665, Victim Restitution Act of 1995. The rule makes in order the Judiciary Committee amendment in the nature of a substitute as the original bill for the purpose of amendment which shall be considered as read. Priority in recognition will be given to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD prior to their consideration. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Hyde and Representative Conyers.

EXCLUSIONARY RULE REFORM ACT

Committee on Rules: By a nonrecord vote, granted an open rule providing 1 hour of debate on H.R. 666, Exclusionary Rule Reform Act. Priority in recognition will be given to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD prior to their consideration. Finally, the rule provides one motion to recommit. Testimony was heard from Chairman Hyde and Representative Conyers.

MEDICARE RELATED ISSUES

Committee on Ways and Means: Subcommittee on Health held a hearing on Medicare related issues. Testimony was heard from John M. Eisenberg, M.D., Chairman, Physician Payment Review Commission; Stuart Altman, Chairman, Prospective Payment Assessment Commission; Michael Mangano, Principal Deputy Inspector General, Department of Health and Human Services; William Scanlon, Associate Director, GAO; and public witnesses.

Hearings continue tomorrow.

PERSONAL RESPONSIBILITY ACT

Committee on Ways and Means: Subcommittee on Human Resources concluded hearings on H.R. 4, Personal Responsibility Act, with emphasis on child support enforcement provisions to be included in the welfare measure. Testimony was heard from Representatives Roukema, Hyde, Johnson of Connecticut, Morella and Kennelly; David Ellwood, Assistant Secretary, Planning and Evaluation, Department of Health and Human Services; Mitchell Adams, Commissioner of Revenue, State of Massachusetts; Wallace Dutkowski, Director, Office of Child Support, Department of Social Services, State of Michigan; and public witnesses.

COMMITTEE MEETINGS FOR TUESDAY, FEBRUARY 7, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to hold hearings to examine what tax policy reforms will help strengthen agriculture and agribusiness, 9:30 a.m., SR–332.

Committee on Armed Services, to hold hearings on United States national security strategy, 9:30 a.m., SR–222.

Committee on the Budget, to hold hearings on the President's economic plan, 9 a.m., SD–608.

Committee on Governmental Affairs, to hold hearings to examine regulatory reform issues, 10 a.m., SD–342.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see pages E281–82 in today's RECORD.

House

Committee on Agriculture, to consider pending Committee business, 2 p.m., 1300 Longworth.

Subcommittee on Department Operations, Nutrition and Foreign Agriculture, hearing on reforming the present welfare system, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Transportation, on the Secretary of Transportation, 10 a.m., 2358 Rayburn.

Committee on the Budget, hearing on the Administration's Budget Submission for fiscal year 1996, 10 a.m., 210 Cannon.

Committee on Commerce, to begin consideration of Title III, Risk Assessment and Cost/Benefit Analysis for New Regulations, of H.R. 9, Job Creation and Wage Enhancement Act, and to consider Committee business, 10 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, to consider the following: Oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight; and the Committee on Budget, 9 a.m., 2175 Rayburn.

Subcommittee on Postsecondary Education, Training and Life-Long Learning, to continue hearings on Training Issues, 10:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Civil Service, hearing on restructuring the Office of Personnel Management, 9:30 a.m., 2203 Rayburn.

Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, hearing on the following: Reauthorization of the Paperwork Reduction Act; and Title III, Risk and Assessment and Cost/Benefit Analysis for New Regulations, of H.R. 9, Job Creation and Wage Enhancement Act of 1995, 9:30 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Africa, executive, to receive a closed briefing on U.S. Military Operations in Somalia, 9 a.m., 2172 Rayburn.

Subcommittee on International Operations and Human Rights, hearing on 1996–97 Foreign Relations Authorization: Department of State Management Initiatives, 2 p.m.. 2172 Rayburn.

Committee on the Judiciary, to consider oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight, 9:30 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on National Parks, Forests and Lands, to mark up the following bills: H.R. 694, Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1995; and H.R. 606, to amend the Dayton Aviation Heritage Preservation Act of 1992, 10 a.m., 1324 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Railroads, hearing on Amtrak's Fiscal Crisis, 10 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on the Water Resources Development Act of 1995, 2 p.m., 2167 Rayburn.

Committee on Ways and Means, hearing on the Administration's fiscal year 1996 budget proposals, 10:30 a.m., 1100 Longworth.

Subcommittee on Health, to continue hearings on Medicare related issues, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive hearing on the Aldrich Ames Espionage Case, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

10 a.m., Tuesday, February 7

Senate Chamber

Program for Tuesday: Senate will continue consideration of H.J. Res. 1, Balanced Budget Constitutional Amendment.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9:30 a.m., Tuesday, February 7

House Chamber

Program for Tuesday: Consideration of H.R. 665, the Victim Restitution Act (open rule, 1 hour of general debate); and

H.R. 666, the Exclusionary Rule Reform Act (open rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

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